

ESTTA Tracking number: **ESTTA556689**

Filing date: **08/28/2013**

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

**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

**Opposer Information**

Name	Bach Flower Remedies Limited
Granted to Date of previous extension	09/01/2013
Address	Nelsons House, 83 ParksideWimbledon London, SW19 5LP UNITED KINGDOM

Attorney information	Donna J. Bunton Nixon & Vanderhye P.C. 901 North Glebe Road, 11th Floor Arlington, VA 22203 UNITED STATES nixonptomail@nixonvan.com, djb@nixonvan.com Phone:703-816-4003
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**Applicant Information**

Application No	85711601	Publication date	03/05/2013
Opposition Filing Date	08/28/2013	Opposition Period Ends	09/01/2013
Applicant	Mitchell Group USA LLC 1 S.E. 3rd Avenue, Suite 1860 Miami, FL 33131 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 003. All goods and services in the class are opposed, namely: Moisturizing preparations for the skin; Skin and body topical lotions, creams and oils for cosmetic use; Skin conditioning creams for cosmetic purposes; Skin cream; Skin lotion; Skin moisturizer
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**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act section 2(d)
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**Marks Cited by Opposer as Basis for Opposition**

U.S. Registration No.	1237564	Application Date	11/17/1980
Registration Date	05/10/1983	Foreign Priority Date	NONE
Word Mark	RESCUE REMEDY		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 032. First use: First Use: 1979/09/01 First Use In Commerce: 1979/09/01 an Herbal Beverage Made from Essences (Not Being in the Nature of Essential Oils) Extracted from Flowers

U.S. Registration No.	1822260	Application Date	03/12/1993
Registration Date	02/22/1994	Foreign Priority Date	NONE

Word Mark	RESCUE REMEDY
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 005. First use: First Use: 1951/00/00 First Use In Commerce: 1961/00/00 homeopathic pharmaceutical preparations made from flower extracts for use in alleviating emotional and mental stress
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U.S. Registration No.	2517685	Application Date	07/07/1997
Registration Date	12/11/2001	Foreign Priority Date	NONE

Word Mark	RESCUE
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 005. First use: First Use: 2001/01/15 First Use In Commerce: 2001/01/15 homeopathic pharmaceutical preparation made from flower extracts for alleviating emotional and mental stress Class 030. First use: First Use: 2001/01/15 First Use In Commerce: 2001/01/15 herbal food beverage concentrate made from essences (not being in the nature of essential oils) extracted from plants and flowers
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U.S. Registration No.	4304735	Application Date	07/11/2012
Registration Date	03/19/2013	Foreign Priority Date	NONE

Word Mark	RESCUE CREAM
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 003. First use: First Use: 1995/08/31 First Use In Commerce: 1995/08/31 SKIN CREAM, SKIN MOISTURIZER FOR HANDS, BODY AND FACE; COSMETIC PREPARATIONS FOR SKIN CARE Class 005. First use: First Use: 1995/08/31 First Use In Commerce: 1995/08/31 TOPICAL CREAM FOR THERAPEUTIC TREATMENT AND RELIEF OF ROUGH, DRY, IRRITATED OR DAMAGED SKIN
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U.S. Registration No.	4304736	Application Date	07/11/2012
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Registration Date	03/19/2013	Foreign Priority Date	NONE
Word Mark	RESCUE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2001/01/31 First Use In Commerce: 2001/01/31 SKIN CREAM, SKIN MOISTURIZER FOR HANDS, BODY AND FACE; COSMETIC PREPARATIONS FOR SKIN CARE and LIP BALM		

U.S. Application No.	77983503	Application Date	05/28/2008
Registration Date	NONE	Foreign Priority Date	11/29/2007
Word Mark	RESCUE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 003. First use: Skin creams and skin moisturizers, skin cleansers and skin toners; lip balms; cosmetic preparations containing flower remedies and prepared from plants and flowers</p> <p>Class 030. First use: Tisanes and herbal infusions; herbal beverages and teas for food use; flavorings syrup and flavouring additives for non-nutritional purposes for use as a flavouring for beverages; confectionery, namely, sweets, gum sweets, candy gels, gel candy filled with liquid centers; candy and chewing gum; herbal food beverage concentrate made from essences, not being in the nature of essential oils extracted from plants and flowers</p> <p>Class 032. First use: Mineral and spring water; energy drinks; herbal soft drinks, herbal fruit drinks, herbal drinking water, herbal fruit and beverage juices; non-alcoholic beverages, namely, herbal beverages, carbonated beverages, beverages containing fruit or vegetable juices, beverages with tea or coffee flavour, energy drinks, soda water prepared from and infused with plants, flowers and herbs, preparations for making non-alcoholic beverages, namely, fruit or vegetable drinks, energy drinks, tea, coffee, lemonade, ginger beers, fruit or vegetable juices, fruit or vegetable nectars, soda water; preparations from plants and flowers and other natural ingredients for use in making beverages, namely, fruit and vegetable drinks, energy drinks, lemonades, ginger beers, fruit and vegetable juices, fruit and vegetable nectars, soda waters, mineral and spring waters; preparations from plants and flowers and other natural ingredients for use in making beverages, namely, tea and coffee</p> <p>Class 033. First use: Alcoholic beverages, except beers, containing flower remedies and prepared from extracts of plants and flowers; tonic liquors</p>		

Attachments	BachvMitchellGroupNoticeOpposition.pdf(1369911 bytes )
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Donna J. Bunton/
Name	Donna J. Bunton
Date	08/28/2013

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

In re Trademark Application of

Atty. Ref.: DJB/5027-155

Mitchell Group USA LLC

Serial No.: 85/711,601

Filed: August 23, 2012

Mark: OMIC MOISTURE RESCUE

For: *Moisturizing preparations for the skin; skin and body topical lotions, creams and oils for cosmetic use; skin conditioning creams for cosmetic purposes; skin cream; skin lotion; skin moisturizer, in Int. Class 3*

Published in the *Official Gazette* of March 5, 2013

Bach Flower Remedies Limited, )

Opposer, )

v. )

Mitchell Group USA LLC )

Applicant. )

Opposition No. \_\_\_\_\_

**NOTICE OF OPPOSITION**

Bach Flower Remedies Limited, a private limited company of the United Kingdom, having its principal place of business at Nelsons House, 83 Parkside, Wimbledon, London SW19 5LP, United Kingdom (hereinafter "Opposer"), believes that it will be damaged by registration of the mark shown in Application Serial No. 85/711,601, filed August 23, 2012, and hereby opposes registration of the same.

The grounds are as follows:

(1) Application Serial No. 85/711,601 seeks registration of the mark OMIC MOISTURE RESCUE for *moisturizing preparations for the skin; skin and body topical lotions, creams and oils for cosmetic use; skin conditioning creams for cosmetic purposes; skin cream; skin lotion; skin moisturizer*, in Class 3 (hereafter “Applicant’s goods”). The application was filed August 23, 2012 and is based on Applicant’s intention to use the mark in commerce pursuant to § 1(b) of the Trademark Act.

(2) Long prior to the filing date of Application Serial No. 85/711,601 on August 23, 2012, Opposer adopted and began using in commerce the marks RESCUE, RESCUE REMEDY and RESCUE CREAM for *homeopathic pharmaceutical preparations made from flower extracts as well as skin care preparations (hereafter “flower essence preparations”)*. Further, on May 28, 2008, Opposer filed Application Serial No. 77/983,503 to register the mark RESCUE for a range of herbal preparations and related goods, including *skin creams and moisturizers, and skin cleansers and skin toners in Class 3 (hereafter “skin care preparations”)*.

(3) Opposer is the owner of the trademarks RESCUE, RESCUE REMEDY and RESCUE CREAM, among others, for *flower essence preparations and skin care preparations*, having continuously used the mark RESCUE REMEDY in commerce since 1961, the mark RESCUE in commerce since January 15, 2001, and the mark RESCUE CREAM in commerce since 1995, and having filed Application Serial No. 77/983,503 to register the mark RESCUE on May 28, 2008, all long prior to the filing of Application Serial No. 85/711,601 for the mark OMIC MOISTURE RESCUE.

(4) Opposer duly registered the marks RESCUE, RESCUE REMEDY and RESCUE CREAM as trademarks in the United States Patent and Trademark Office,

Registration Nos. 1,237,564 (issued May 10, 1983), 1,822,260 (issued February 22, 1994), 2,517,685 (issued December 11, 2001), 4,304,735 (issued March 19, 2013) and 4,304,736 (issued March 19, 2013). Opposer filed Application Serial No. 77/983,503 to register the mark RESCUE on May 28, 2008. Printouts from TARR, evidencing the current status and ownership of Registration Nos. 1,237,564, 1,822,260, 2,517,685, 4,304,735 and 4,304,736 and Application Serial No. 77/983,503 are annexed hereto as collective Exhibit A.

(5) On information and belief, Applicant made no use of the mark OMIC MOISTURE RESCUE in commerce with or in the United States prior to the filing of Application Serial No. 85/711,601 to register that mark.

(6) Registration Nos. 1,237,564, 1,822,260, 2,517,685, 4,304,735 and 4,304,736 are *prima facie* evidence of the validity thereof, Opposer's ownership and exclusive right to use the marks RESCUE, RESCUE REMEDY and RESCUE CREAM in commerce and are constructive notice of Opposer's ownership thereof, all as provided by §§ 7(b) and 22 of the Trademark Act of 1946. As Opposer's right to use the marks RESCUE and RESCUE REMEDY in commerce has become incontestable, Registration Nos. 1,237,564, 1,822,260 and 2,517,685 are conclusive evidence of Opposer's right to use said mark in commerce on the goods specified in the registrations, as provided by §§ 15 and 33(b) of the Trademark Act of 1946.

(7) By virtue of Opposer's long, continuous and substantial promotion and sale of goods covered by Registration Nos. 1,237,564, 1,822,260, 2,517,685, 4,304,735 and 4,304,736 under the marks RESCUE, RESCUE REMEDY and RESCUE CREAM, its use and bona fide intention to use the mark RESCUE for the goods covered by

Application Serial No. 77/983,503, and its maintenance of high quality standards relating thereto, purchasers, consumers and users of such products, and others, have come to recognize the marks RESCUE, RESCUE REMEDY and RESCUE CREAM as indications of origin in Opposer, as a consequence of which Opposer has established valuable goodwill and exclusive rights in the marks RESCUE, RESCUE REMEDY and RESCUE CREAM.

(8) Opposer's marks RESCUE, RESCUE REMEDY and RESCUE CREAM and Applicant's mark OMIC MOISTURE RESCUE are identical or identical in part, each including the same word "RESCUE." Further, Applicant's mark essentially incorporates Opposer's mark RESCUE in its entirety.

(9) Opposer's *flower essence preparations and skin care preparations* sold and intended to be sold under the marks RESCUE, RESCUE REMEDY and RESCUE CREAM and Applicant's goods sold or intended to be sold or offered under the mark OMIC MOISTURE RESCUE are similar and closely related products which are or are likely to be offered through the same or overlapping channels of trade to the same or overlapping classes of purchasers so that purchasers, prospective purchasers, users and others are likely to be confused, mistaken or deceived into the belief, contrary to fact, that Applicants' goods offered under the mark OMIC MOISTURE RESCUE emanate from and/or are in some way sponsored or approved by Opposer or are otherwise related to Opposer's RESCUE, RESCUE REMEDY and RESCUE CREAM *flower essence preparations and skin care preparations*, thereby damaging Opposer.

(10) Applicant is not lawfully entitled to the registration which it seeks for the reason, *inter alia*, that the mark OMIC MOISTURE RESCUE as used or intended for

use for Applicant's goods so resembles Opposer's previously used and registered marks RESCUE, RESCUE REMEDY and RESCUE CREAM and its earlier-filed application to register the mark RESCUE as to be likely to cause confusion, to cause mistake or to deceive within the meaning of Section 2(d) of the Federal Trademark Act, thereby damaging Opposer.

WHEREFORE, Opposer prays that the present opposition be sustained and the registration of OMIC MOISTURE RESCUE sought by Applicant be refused.

The requisite filing fee of \$300 is submitted herewith.

Bach Flower Remedies Limited

By its Attorneys

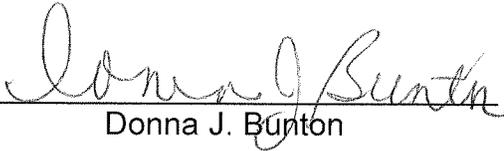
Date: August 28, 2013

By:   
Donna J. Bunton  
**NIXON & VANDERHYE P.C.**  
901 North Glebe Road, 11<sup>th</sup> Floor  
Arlington, Virginia 22203  
(703) 816-4003

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Notice of Opposition was served on Applicant at the following address of record by depositing same in the United States mail, postage prepaid, this 28th day of August, 2013:

David M. Rogero, Esq.  
David M. Rogero, P.A.  
2625 Ponce de Leon Blvd, Suite 280  
Coral Gables, FL 33134-6018

  
\_\_\_\_\_  
Donna J. Burton

**EXHIBIT A**

<b>STATUS</b>	<b>DOCUMENTS</b>	<a href="#">Back to Search</a>	<a href="#">Print</a>
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Mark: RESCUE REMEDY

No Image exists for this case.

US Serial Number: 73286900

Application Filing Date: Nov. 17, 1980

US Registration Number: 1237564

Registration Date: May 10, 1983

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Mar. 20, 2013

Publication Date: Feb. 15, 1983

▼ **Mark Information**

Mark Literal Elements: RESCUE REMEDY

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

▼ **Goods and Services**

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks "\*" identify additional (new) wording in the goods/services.

For: an Herbal Beverage Made from Essences (Not Being in the Nature of Essential Oils) Extracted from Flowers

International Class(es): 032 - Primary Class

U.S Class(es): 045

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 01, 1979

Use in Commerce: Sep. 01, 1979

▼ **Basis Information (Case Level)**

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

▼ **Current Owner(s) Information**

Owner Name: BACH FLOWER REMEDIES LIMITED

Owner Address: 5 ENDEAVOUR WAY  
WIMBLEDON LONDON SW 19 9UH

ENGLAND

Legal Entity Type: PRIVATE LIMITED COMPANY

State or Country Where Organized: UNITED KINGDOM

▼ Attorney/Correspondence Information

Attorney of Record

Attorney Name: DONNA J. BUNTON

Docket Number: DJB/5027-56

Attorney Primary Email [nixonptomail@nixonvan.com](mailto:nixonptomail@nixonvan.com)  
Address:

Attorney Email Authorized: Yes

Correspondent

Correspondent DONNA J. BUNTON  
Name/Address: NIXON & VANDERHYE P.C.  
901 North Glebe Road  
11th Floor  
ARLINGTON, VIRGINIA 22203  
UNITED STATES

Phone: 703-816-4003

Fax: 703-816-4100

Correspondent e-mail: [nixonptomail@nixonvan.com](mailto:nixonptomail@nixonvan.com)

Correspondent e-mail Authorized: Yes

Domestic Representative

Domestic Representative DONNA J. BUNTON  
Name:

Phone: 703-816-4003

Fax: 703-816-4100

Domestic Representative e-mail: [nixonptomail@nixonvan.com](mailto:nixonptomail@nixonvan.com)

Domestic Representative e-mail Authorized: Yes

▼ Prosecution History

Date	Description	Proceeding Number
Mar. 20, 2013	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Mar. 20, 2013	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	67603
Mar. 20, 2013	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	67603
Mar. 18, 2013	TEAS SECTION 8 & 9 RECEIVED	
Aug. 25, 2010	COUNTERCLAIM OPP. NO. 999999	195315
Apr. 22, 2008	CASE FILE IN TICRS	
Jun. 12, 2003	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Jun. 12, 2003	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Apr. 09, 2003	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Apr. 09, 2003	PAPER RECEIVED	
Jul. 18, 1989	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Mar. 27, 1989	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
May 10, 1983	REGISTERED-PRINCIPAL REGISTER	
Feb. 15, 1983	PUBLISHED FOR OPPOSITION	

May 10, 1983	REGISTERED-PRINCIPAL REGISTER
Jan. 11, 1983	NOTICE OF PUBLICATION
Jan. 03, 1983	APPROVED FOR PUB - PRINCIPAL REGISTER
Jan. 18, 1982	NON-FINAL ACTION MAILED
Nov. 18, 1981	ASSIGNED TO EXAMINER
Mar. 28, 1981	ASSIGNED TO EXAMINER

▼ **Maintenance Filings or Post Registration Information**

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: May 10, 2013

▼ **TM Staff and Location Information**

**TM Staff Information - None**

**File Location**

Current Location: Not Found

Date in Location: Mar. 20, 2013

▼ **Assignment Abstract Of Title Information - Click to Load**

▼ **Proceedings - Click to Load**

STATUS DOCUMENTS [Back to Search](#) Print

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Mark: RESCUE REMEDY

No Image exists for this case.

US Serial Number: 74367508

Application Filing Date: Mar. 12, 1993

US Registration Number: 1822260

Registration Date: Feb. 22, 1994

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Apr. 06, 2004

Publication Date: Nov. 30, 1993

▼ Mark Information

Mark Literal Elements: RESCUE REMEDY

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

▼ Related Properties Information

Claimed Ownership of US [1237564](#)

Registrations:

▼ Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks "\*" identify additional (new) wording in the goods/services.

For: homeopathic pharmaceutical preparations made from flower extracts for use in alleviating emotional and mental stress

International Class(es): 005 - Primary Class

U.S Class(es): 018

Class Status: ACTIVE

Basis: 1(a)

First Use: 1951

Use in Commerce: 1961

▼ Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

▼ **Current Owner(s) Information**

**Owner Name:** BACH FLOWER REMEDIES  
**Owner Address:** BROADHEATH HOUSE  
 83 PARKSIDE  
 WIMBLEDON, LONDON SW19 5LP  
 ENGLAND  
**Legal Entity Type:** PRIVATE LIMITED COMPANY  
**State or Country Where Organized:** UNITED KINGDOM

▼ **Attorney/Correspondence Information**

**Attorney of Record**

**Attorney Name:** Donna J. Bunton  
**Docket Number:** 141-95

**Correspondent**

**Correspondent Name/Address:** DONNA J BUNTON  
 NIXON & VANDERHYE PC  
 1100 N GLEBE RD 8TH FL  
 ARLINGTON, VIRGINIA 22201-4714  
 UNITED STATES

**Domestic Representative**

**Domestic Representative Name:** Nixon & Vanderhye P.C.

▼ **Prosecution History**

Date	Description	Proceeding Number
Aug. 25, 2010	COUNTERCLAIM OPP. NO. 999999	195315
Aug. 30, 2007	CASE FILE IN TICRS	
Apr. 06, 2004	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Apr. 06, 2004	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Feb. 20, 2004	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
May 15, 2000	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Feb. 16, 2000	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Feb. 22, 1994	REGISTERED-PRINCIPAL REGISTER	
Nov. 30, 1993	PUBLISHED FOR OPPOSITION	
Oct. 29, 1993	NOTICE OF PUBLICATION	
Sep. 21, 1993	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 18, 1993	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Jun. 24, 1993	NON-FINAL ACTION MAILED	
May 27, 1993	ASSIGNED TO EXAMINER	65999

▼ **Maintenance Filings or Post Registration Information**

**Affidavit of Continued Use:** Section 8 - Accepted  
**Affidavit of Incontestability:** Section 15 - Accepted  
**Renewal Date:** Feb. 22, 2004

▼ **TM Staff and Location Information**

TM Staff Information - None

**File Location**

Current Location: SCANNING ON DEMAND

Date in Location: Aug. 30, 2007

▼ **Assignment Abstract Of Title Information - Click to Load**

▼ **Proceedings - Click to Load**

STATUS

DOCUMENTS

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Mark: RESCUE

No Image exists for this case.

US Serial Number: 75320219

Application Filing Date: Jul. 07, 1997

US Registration Number: 2517685

Registration Date: Dec. 11, 2001

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Feb. 10, 2012

Publication Date: May 12, 1998

Notice of Allowance Date: Aug. 04, 1998

▼ Mark Information

Mark Literal Elements: RESCUE

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

▼ Related Properties Information

Claimed Ownership of US [1237564](#), [1822260](#)  
Registrations:

▼ Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks "\*" identify additional (new) wording in the goods/services.

For: homeopathic pharmaceutical preparation made from flower extracts for alleviating emotional and mental stress

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 15, 2001

Use in Commerce: Jan. 15, 2001

For: herbal food beverage concentrate made from essences (not being in the nature of essential oils) extracted from plants and flowers

International Class(es): 030 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 15, 2001

Use in Commerce: Jan. 15, 2001

▼ Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Amended Use: No

Filed ITU: Yes

Currently ITU: No

Amended ITU: No



Jan. 26, 2007	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jan. 08, 2007	CASE FILE IN TIGRS	
Dec. 11, 2001	REGISTERED-PRINCIPAL REGISTER	
Jul. 25, 2001	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jun. 25, 2001	STATEMENT OF USE PROCESSING COMPLETE	
Jun. 12, 2001	USE AMENDMENT FILED	
Mar. 08, 2001	EXTENSION 5 GRANTED	
Jan. 29, 2001	EXTENSION 5 FILED	
Sep. 29, 2000	EXTENSION 4 GRANTED	
Aug. 04, 2000	EXTENSION 4 FILED	
Jan. 21, 2000	EXTENSION 3 GRANTED	
Jan. 21, 2000	EXTENSION 3 FILED	
Aug. 30, 1999	EXTENSION 2 GRANTED	
Aug. 02, 1999	EXTENSION 2 FILED	
Mar. 12, 1999	EXTENSION 1 GRANTED	
Feb. 04, 1999	EXTENSION 1 FILED	
Aug. 04, 1998	NOA MAILED - SOU REQUIRED FROM APPLICANT	
May 12, 1998	PUBLISHED FOR OPPOSITION	
Apr. 10, 1998	NOTICE OF PUBLICATION	
Feb. 10, 1998	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 05, 1998	ASSIGNED TO EXAMINER	74309

▼ Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Dec. 11, 2011

▼ TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: Not Found

Date in Location: Feb. 10, 2012

▼ Assignment Abstract Of Title Information - Click to Load

▼ Proceedings - Click to Load

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Mark: RESCUE CREAM

# RESCUE CREAM

US Serial Number: 85673749

Application Filing Date: Jul. 11, 2012

US Registration Number: 4304735

Registration Date: Mar. 19, 2013

Register: Principal

Mark Type: Trademark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Mar. 19, 2013

Publication Date: Jan. 01, 2013

## ▼ Mark Information

Mark Literal Elements: RESCUE CREAM

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Disclaimer: "CREAM"

## ▼ Related Properties Information

Claimed Ownership of US [1822260](#), [2517685](#), [3147761](#) and others Registrations:

## ▼ Goods and Services

### Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [.] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks "\*" identify additional (new) wording in the goods/services.

For: SKIN CREAM, SKIN MOISTURIZER FOR HANDS, BODY AND FACE; COSMETIC PREPARATIONS FOR SKIN CARE

International Class(es): 003 - Primary Class

U.S Class(es): 001, 004, 006, 050, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 31, 1995

Use in Commerce: Aug. 31, 1995

For: TOPICAL CREAM FOR THERAPEUTIC TREATMENT AND RELIEF OF ROUGH, DRY, IRRITATED OR DAMAGED SKIN

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 31, 1995

Use in Commerce: Aug. 31, 1995

## ▼ Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

▼ Current Owner(s) Information

Owner Name: Bach Flower Remedies Limited

Owner Address: Nelsons House  
83 Parkside  
Wimbledon, London SW195LP  
UNITED KINGDOM

Legal Entity Type: private limited company

State or Country Where Organized: UNITED KINGDOM

▼ Attorney/Correspondence Information

Attorney of Record

Attorney Name: Donna J. Bunton

Docket Number: DJB/5027-137

Attorney Primary Email [nixonptomail@nixonvan.com](mailto:nixonptomail@nixonvan.com)

Attorney Email Authorized: No

Address:

Correspondent

Correspondent Name/Address: DONNA J. BUNTON  
NIXON & VANDERHYE P.C.  
901 N GLEBE RD FL 11  
ARLINGTON, VIRGINIA 22203-1853  
UNITED STATES

Phone: 703-816-4003

Fax: 703-816-4100

Correspondent e-mail: [nixonptomail@nixonvan.com](mailto:nixonptomail@nixonvan.com)

Correspondent e-mail Authorized: No

Domestic Representative

Domestic Representative Name: Donna J. Bunton

Phone: 703-816-4003

Fax: 703-816-4100

Domestic Representative e-mail: [nixonptomail@nixonvan.com](mailto:nixonptomail@nixonvan.com)

Domestic Representative e-mail Authorized: Yes

▼ Prosecution History

Date	Description	Proceeding Number
Mar. 19, 2013	REGISTERED-PRINCIPAL REGISTER	
Jan. 01, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jan. 01, 2013	PUBLISHED FOR OPPOSITION	
Dec. 12, 2012	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Nov. 27, 2012	LAW OFFICE PUBLICATION REVIEW COMPLETED	70633
Nov. 27, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 06, 2012	EXAMINER'S AMENDMENT ENTERED	70633
Nov. 06, 2012	ASSIGNED TO LIE	70633

Nov. 06, 2012	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Nov. 06, 2012	EXAMINERS AMENDMENT E-MAILED	6328
Nov. 06, 2012	EXAMINERS AMENDMENT -WRITTEN	85329
Nov. 02, 2012	ASSIGNED TO EXAMINER	85329
Jul. 19, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jul. 14, 2012	NEW APPLICATION ENTERED IN TRAM	

▼ **TM Staff and Location Information**

**TM Staff Information - None**

**File Location**

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Mar. 19, 2013

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▼ **Proceedings - Click to Load**

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Mark: RESCUE

# RESCUE

US Serial Number: 85673778

Application Filing Date: Jul. 11, 2012

US Registration Number: 4304736

Registration Date: Mar. 19, 2013

Register: Principal

Mark Type: Trademark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Mar. 19, 2013

Publication Date: Jan. 01, 2013

## ▼ Mark Information

Mark Literal Elements: RESCUE

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

## ▼ Related Properties Information

Claimed Ownership of US [1822260](#), [2517685](#), [3147761](#) and others Registrations:

## ▼ Goods and Services

### Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks \*..\* identify additional (new) wording in the goods/services.

For: SKIN CREAM, SKIN MOISTURIZER FOR HANDS, BODY AND FACE; COSMETIC PREPARATIONS FOR SKIN CARE and LIP BALM

International Class(es): 003 - Primary Class

U.S Class(es): 001, 004, 006, 050, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 31, 2001

Use in Commerce: Jan. 31, 2001

## ▼ Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

▼ **Current Owner(s) Information**

**Owner Name:** Bach Flower Remedies Limited  
**Owner Address:** Nelsons House  
 83 Parkside  
 Wimbledon, London SW195LP  
 UNITED KINGDOM  
**Legal Entity Type:** private limited company  
**State or Country Where Organized:** UNITED KINGDOM

▼ **Attorney/Correspondence Information**

**Attorney of Record**

**Attorney Name:** Donna J. Bunton  
**Docket Number:** DJB/5027-138  
**Attorney Primary Email Address:** [nixonptomail@nixonvan.com](mailto:nixonptomail@nixonvan.com)  
**Attorney Email Authorized:** No

**Correspondent**

**Correspondent Name/Address:** DONNA J. BUNTON  
 NIXON & VANDERHYE P.C.  
 901 N GLEBE RD FL 11  
 ARLINGTON, VIRGINIA 22203-1853  
 UNITED STATES  
**Phone:** 703-816-4003  
**Fax:** 703-816-4100  
**Correspondent e-mail:** [nixonptomail@nixonvan.com](mailto:nixonptomail@nixonvan.com)  
**Correspondent e-mail Authorized:** No

**Domestic Representative**

**Domestic Representative Name:** Donna J. Bunton  
**Phone:** 703-816-4100  
**Fax:** 703-816-4100  
**Domestic Representative e-mail:** [nixonptomail@nixonvan.com](mailto:nixonptomail@nixonvan.com)  
**Domestic Representative e-mail Authorized:** Yes

▼ **Prosecution History**

Date	Description	Proceeding Number
Mar. 19, 2013	REGISTERED-PRINCIPAL REGISTER	
Jan. 01, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jan. 01, 2013	PUBLISHED FOR OPPOSITION	
Dec. 12, 2012	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Nov. 27, 2012	LAW OFFICE PUBLICATION REVIEW COMPLETED	70633
Nov. 27, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 06, 2012	EXAMINER'S AMENDMENT ENTERED	70633
Nov. 06, 2012	ASSIGNED TO LIE	70633
Nov. 06, 2012	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Nov. 06, 2012	EXAMINERS AMENDMENT E-MAILED	6328
Nov. 06, 2012	EXAMINERS AMENDMENT -WRITTEN	85329
Nov. 02, 2012	ASSIGNED TO EXAMINER	85329

Jul. 18, 2012 NEW APPLICATION OFFICE SUPPLIED DATA  
ENTERED IN TRAM

Jul. 14, 2012 NEW APPLICATION ENTERED IN TRAM

▼ **TM Staff and Location Information**

**TM Staff Information - None**

**File Location**

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Mar. 19, 2013

▼ **Assignment Abstract Of Title Information - Click to Load**

▼ **Proceedings - Click to Load**

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Mark: RESCUE

# RESCUE

US Serial Number: 77983503

Application Filing Date: May 28, 2008

Register: Principal

Mark Type: Trademark

Status: Review prior to publication completed.

Status Date: Jul. 30, 2013

Publication Date: Sep. 03, 2013

▼ **Mark Information**

Mark Literal Elements: RESCUE

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Color(s) Claimed: Color is not claimed as a feature of the mark.

▼ **Related Properties Information**

Claimed Ownership of US [1822260](#), [2517685](#), [3147761](#), [77485289](#), [77981555](#) and others

Registrations:

Child Of: [77485289](#)

▼ **Foreign Information**

Priority Claimed: Yes

Foreign Application Number: 2473704

Foreign Application Filing Date: Nov. 29, 2007

Foreign Registration Number: 6473755

Foreign Registration Date: Apr. 12, 2008

Foreign Country: UNITED KINGDOM

Foreign Expiration Date: Nov. 29, 2017

Application/Registration

Country:

▼ **Goods and Services**

**Note:**

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [..] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks "\*" identify additional (new) wording in the goods/services.

For: Skin creams and skin moisturizers, skin cleansers and skin toners; lip balms; cosmetic preparations containing flower remedies and prepared from plants and flowers

International Class(es): 003 - Primary Class

U.S Class(es): 001, 004, 006, 050, 051, 052

Class Status: ACTIVE

Basis: 44(e)

For: Tisanes and herbal infusions; herbal beverages and teas for food use; flavorings syrup and flavouring additives for non-nutritional purposes for use as a flavouring for beverages; confectionery, namely, sweets, gum sweets, candy gels, gel candy filled with liquid centers; candy and chewing gum; herbal food beverage concentrate made from essences, not being in the nature of essential oils extracted from plants and flowers

International Class(es): 030 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 44(e)

For: Mineral and spring water; energy drinks; herbal soft drinks, herbal fruit drinks, herbal drinking water, herbal fruit and beverage juices; non-alcoholic beverages, namely, herbal beverages, carbonated beverages, beverages containing fruit or vegetable juices, beverages with tea or coffee flavour, energy drinks, soda water prepared from and infused with plants, flowers and herbs, preparations for making non-alcoholic beverages, namely, fruit or vegetable drinks, energy drinks, tea, coffee, lemonade, ginger beers, fruit or vegetable juices, fruit or vegetable nectars, soda water; preparations from plants and flowers and other natural ingredients for use in making beverages, namely, fruit and vegetable drinks, energy drinks, lemonades, ginger beers, fruit and vegetable juices, fruit and vegetable nectars, soda waters, mineral and spring waters; preparations from plants and flowers and other natural ingredients for use in making beverages, namely, tea and coffee

International Class(es): 032 - Primary Class

U.S Class(es): 045, 046, 048

Class Status: ACTIVE

Basis: 44(e)

For: Alcoholic beverages, except beers, containing flower remedies and prepared from extracts of plants and flowers; tonic liquors

International Class(es): 033 - Primary Class

U.S Class(es): 047, 049

Class Status: ACTIVE

Basis: 44(e)

▼ Basis Information (Case Level)

Filed Use: No	Currently Use: No	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: Yes	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: Yes	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

▼ Current Owner(s) Information

Owner Name: Bach Flower Remedies Limited

Owner Address: Nelsons House  
83 Parkside  
Wimbledon, London  
UNITED KINGDOM

Legal Entity Type: PRIVATE LIMITED COMPANY

State or Country Where Organized: UNITED KINGDOM

▼ Attorney/Correspondence Information

Attorney of Record

Attorney Name: Donna J. Bunton

Attorney Primary Email Address: [nixonptomail@nixonvan.com](mailto:nixonptomail@nixonvan.com)

Docket Number: 141-548

Attorney Email Authorized: Yes

Correspondent

**Correspondent** DONNA J BUNTON  
**Name/Address:** NIXON & VANDERHYE PC  
 901 NORTH GLEBE ROAD 11TH FLOOR  
 ARLINGTON, VIRGINIA 22203-1853  
 UNITED STATES

**Phone:** 703-816-4003

**Fax:** 703-816-4100

**Correspondent e-mail:** [nixonptomail@nixonvan.com](mailto:nixonptomail@nixonvan.com)

**Correspondent e-mail** Yes  
**Authorized:**

**Domestic Representative**

**Domestic Representative** Donna J. Bunton  
**Name:**

**Phone:** 703-816-4003

**Fax:** 703-816-4100

**Domestic Representative e-mail:** [nixonptomail@nixonvan.com](mailto:nixonptomail@nixonvan.com)

**Domestic Representative e-mail** Yes  
**Authorized:**

**▼ Prosecution History**

Date	Description	Proceeding Number
Aug. 14, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jul. 30, 2013	LAW OFFICE PUBLICATION REVIEW COMPLETED	68552
Jul. 26, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 24, 2013	EXAMINER'S AMENDMENT ENTERED	68552
Jul. 24, 2013	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Jul. 24, 2013	EXAMINERS AMENDMENT E-MAILED	6328
Jul. 24, 2013	EXAMINERS AMENDMENT -WRITTEN	76734
Dec. 28, 2012	DIVISIONAL PROCESSING COMPLETE	
Sep. 14, 2012	DIVISIONAL REQUEST RECEIVED	
Sep. 14, 2012	PAPER RECEIVED	
May 01, 2012	OPPOSITION TERMINATED NO. 999999	203544
May 01, 2012	OPPOSITION DISMISSED NO. 999999	203544
Mar. 26, 2012	OPPOSITION INSTITUTED NO. 999999	204449
Jan. 26, 2012	OPPOSITION INSTITUTED NO. 999999	203544
Oct. 20, 2011	EXTENSION OF TIME TO OPPOSE RECEIVED	
Sep. 27, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Sep. 27, 2011	PUBLISHED FOR OPPOSITION	
Aug. 23, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	68552
Aug. 18, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 18, 2011	EXAMINER'S AMENDMENT ENTERED	88888
Aug. 18, 2011	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Aug. 18, 2011	EXAMINERS AMENDMENT E-MAILED	6328
Aug. 18, 2011	EXAMINERS AMENDMENT -WRITTEN	76734
Aug. 16, 2011	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Jul. 29, 2011	WITHDRAWN FROM PUB - OG REVIEW QUERY	76621
Jul. 21, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	68552
Jul. 19, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 18, 2011	EXAMINER'S AMENDMENT ENTERED	66179
Jul. 18, 2011	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328

Jul. 18, 2011	EXAMINERS AMENDMENT E-MAILED	6328
Jul. 18, 2011	EXAMINERS AMENDMENT -WRITTEN	76734
Jun. 24, 2011	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Jun. 24, 2011	LETTER OF SUSPENSION E-MAILED	6332
Jun. 24, 2011	SUSPENSION LETTER WRITTEN	76734
Jun. 03, 2011	TEAS/EMAIL CORRESPONDENCE ENTERED	68552
Jun. 03, 2011	CORRESPONDENCE RECEIVED IN LAW OFFICE	68552
May 23, 2011	TEAS RESPONSE TO SUSPENSION INQUIRY RECEIVED	
Mar. 15, 2011	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Mar. 15, 2011	LETTER OF SUSPENSION E-MAILED	6332
Mar. 15, 2011	SUSPENSION LETTER WRITTEN	76734
Mar. 14, 2011	DIVISIONAL PROCESSING COMPLETE	
Feb. 17, 2011	DIVISIONAL REQUEST RECEIVED	
Mar. 09, 2011	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76538
Feb. 17, 2011	TEAS REQUEST TO DIVIDE RECEIVED	
Sep. 22, 2010	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	68552
Sep. 22, 2010	ASSIGNED TO LIE	68552
Mar. 17, 2010	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	76539
Sep. 16, 2009	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	76539
Mar. 13, 2009	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Mar. 13, 2009	LETTER OF SUSPENSION E-MAILED	6332
Mar. 13, 2009	SUSPENSION LETTER WRITTEN	76734
Mar. 13, 2009	AMENDMENT FROM APPLICANT ENTERED	76539
Mar. 13, 2009	CORRESPONDENCE RECEIVED IN LAW OFFICE	76539
Mar. 10, 2009	PAPER RECEIVED	
Mar. 11, 2009	ASSIGNED TO LIE	76539
Sep. 10, 2008	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Sep. 10, 2008	NON-FINAL ACTION E-MAILED	6325
Sep. 10, 2008	NON-FINAL ACTION WRITTEN	76734
Sep. 10, 2008	ASSIGNED TO EXAMINER	76734
Jun. 02, 2008	NEW APPLICATION ENTERED IN TRAM	

▼ **TM Staff and Location Information**

**TM Staff Information**

TM Attorney: HAYES, GINA CLARK

Law Office Assigned: LAW OFFICE 103

**File Location**

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jul. 30, 2013

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