

ESTTA Tracking number: **ESTTA616995**

Filing date: **07/22/2014**

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	The Procter & Gamble Company
Granted to Date of previous extension	07/23/2014
Address	One Procter & Gamble Plaza Cincinnati, OH 45202 UNITED STATES

Attorney information	J. Michael Hurst Keating Muething & Klekamp PLL One East Fourth Street, Suite 1400 Cincinnati, OH 45202 UNITED STATES mhurst@kmklaw.com Phone:5135621401
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**Applicant Information**

Application No	86109392	Publication date	03/25/2014
Opposition Filing Date	07/22/2014	Opposition Period Ends	07/23/2014
Applicant	Productos Finos, S.A. Via 3 5-42 Zona 4 Guatemala City, GUATEMALA		

**Goods/Services Affected by Opposition**

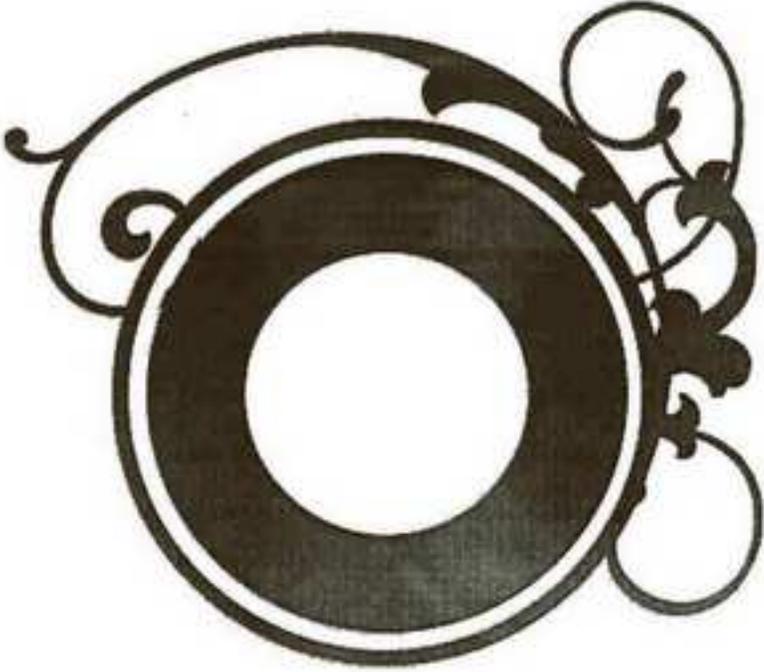
Class 003. First Use: 1998/01/01 First Use In Commerce: 2007/07/15 All goods and services in the class are opposed, namely: Body cream; Body creams; Body lotion; Shampoos
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**Grounds for Opposition**

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.	3337074	Application Date	04/12/2006
Registration Date	11/13/2007	Foreign Priority Date	NONE
Word Mark	NONE		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 003. First use: First Use: 2006/06/30 First Use In Commerce: 2006/06/30 Hair care preparations

U.S. Registration No.	3337075	Application Date	04/12/2006
Registration Date	11/13/2007	Foreign Priority Date	NONE

Word Mark	HERBAL ESSENCES
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Design Mark	
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Description of	NONE
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Mark	
Goods/Services	Class 003. First use: First Use: 2006/06/30 First Use In Commerce: 2006/06/30 Hair care preparations

U.S. Registration No.	3392452	Application Date	10/30/2006
Registration Date	03/04/2008	Foreign Priority Date	NONE

Word Mark	HERBAL ESSENCES
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Description of Mark	The mark consists of the stylized words "HERBAL ESSENCES" under a thin circle outside of a thick circle with vines flowing from upper right position.
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Goods/Services	Class 003. First use: First Use: 2007/02/19 First Use In Commerce: 2007/02/19 Hair colorants
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U.S. Registration No.	4514407	Application Date	09/09/2013
Registration Date	04/15/2014	Foreign Priority Date	NONE

Word Mark	HERBAL ESSENCES
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Design Mark	
Description of Mark	The mark consists of a roundelle with circles and vines on the top exterior half of the circle and the words, HERBAL ESSENCES beneath the circular device.
Goods/Services	Class 003. First use: First Use: 2013/06/17 First Use In Commerce: 2013/06/17 Soaps, namely body wash

U.S. Registration No.	3871444	Application Date	10/28/2009
Registration Date	11/02/2010	Foreign Priority Date	NONE

Word Mark	HERBAL ESSENCES LOVES
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Design Mark	
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Description of	The mark consists of a thick circle inside a thin circle with vines flowing outward
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Mark	from upper right position, centered over the words "HERBAL ESSENCES LOVES". The letter "O" is formed by a heart shape surrounded by ink splatters.
Goods/Services	Class 003. First use: First Use: 2010/08/21 First Use In Commerce: 2010/08/21 Hair care preparations

Attachments	78860333#TMSN.png( bytes ) 78860340#TMSN.png( bytes ) 77031853#TMSN.png( bytes ) 86059482#TMSN.png( bytes ) 77859249#TMSN.png( bytes ) Notice of Opposition - CALYPSO NATURAL ESSENCES & design.pdf(527811 bytes )
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### Certificate of Service

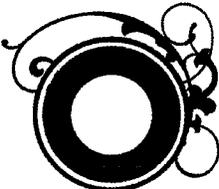
The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/j. michael hurst/
Name	J. Michael Hurst
Date	07/22/2014



3. Since at least as early as 1972, Opposer, itself and through its predecessor, has manufactured and sold hair care products under the HERBAL ESSENCES brand.

4. Opposer owns, among others, the following valid and subsisting federal trademark registrations for its HERBAL ESSENCES brand in both design and composite format (the "Registered Marks" or "Opposer's Registered Marks") for the products listed below ("Opposer's Goods"). Copies of the TSDR printouts for each of the following registrations are attached as Exhibit A.

Mark	Goods	Status
	(Class: 3) Hair care preparations	<i>Registered</i> Reg.No. 3337074 Reg.: 11.13.2007 First Use: 06.30.2006
	(Class: 3) Hair care preparations	<i>Registered</i> Reg.No.: 3337075 Reg.: 11.13.2007 First Use: 06.30.2006
	(Class: 3) Hair colorants	<i>Registered</i> Reg.No.: 3392452 Reg.: 03.04.2008 First Use: 02.19.2007

Mark	Goods	Status
	(Class: 3) Soaps, namely body wash	<i>Registered</i> Reg.No.: 4514407 Reg.: 04.14.2014 First Use: 06.17.2013
	(Class: 3) Hair care preparations	<i>Registered</i> Reg.No.: 3871444 Reg.: 11.2.2010 First Use.: 08.21.2010

5. The existence of these valid and subsisting federal trademark registrations constitutes *prima facie* evidence of the ownership and validity of the marks. Moreover, Registration Nos. 3337074 and 3337075 are incontestable pursuant to 15 U.S.C. § 1065, which constitutes conclusive evidence of Opposer's exclusive right to use both its HERBAL ESSENCES composite mark and its stand-alone design mark for the goods specified in those registrations pursuant to 15 U.S.C. §§ 1065 and 1115(b).

6. Opposer has continuously and extensively used its Registered Marks in commerce in connection with the advertising, promotion and sale of Opposer's Goods well prior to November 4, 2013, the filing date of Applicant's Serial No. 86/109392.

7. Opposer has enjoyed substantial sales and has spent vast sums in advertising, promoting, and selling Opposer's Goods in connection with its Registered Marks throughout the United States, and elsewhere.

8. Applicant, Productos Finos, S.A., is a Guatemalan corporation with its principal place of business at Via 3 5-42, Zona 4, Guatemala City, Guatemala.

9. Applicant applied to register the mark depicted below (hereinafter "Applicant's Proposed Mark") for "*Body cream; Body creams; Body lotion; Shampoos*" in International Class 3 ("Applicant's Goods").



The application was assigned Serial No. 86/109392.

**Likelihood of Confusion - 15 U.S.C. § 1052(d)**

10. Opposer repeats and realleges each and every allegation set forth in Paragraphs 1 through 9.

11. The goods identified in Application Serial No. 86/109392 are similar, identical, complementary, or closely related to Opposer's Goods that are advertised, promoted, and sold in connection with Opposer's Registered Marks.

12. Applicant's Proposed Mark so resembles Opposer's previously used and Registered Marks as to be likely to cause confusion, or to cause mistake, or to deceive under Section 2(d) of the Lanham Act, as amended, 15 U.S.C. § 1052(d).

13. In particular, the design element found in Applicant's proposed mark (i.e., a concentric circle device with curly vine-like designs on the top half exterior of the circle) is strikingly similar to the design element prominently featured in Opposer's Registered Marks (i.e., a concentric circle device with curly vine-like designs on the top half exterior of the circle). Further, the stylized font used in Applicant's proposed mark for the wording "Natural essences"

is strikingly similar to the stylized font used in the wording "Herbal essences" in the Registered Marks. Indeed, the Applicant goes so far as to elevate the second letter "s" in the term "essences" from the rest of the letters in the word in the same fanciful way that the Registrant elevates the second letter "s" in the term "essence" from the rest of the letters in the Registered Marks. Upon information and belief, Applicant has made a conscious attempt to imitate the distinctive elements of Registrant's Registered Marks for the purposes of confusing consumers and trading upon Registrant's goodwill.

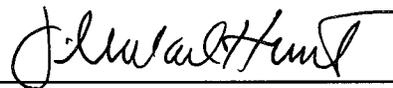
14. For the foregoing reasons, Opposer is being and will be further damaged by the registration of the proposed mark CALYPSO NATURAL ESSENCES and Design in Application Serial No. 86/109392.

WHEREFORE, Opposer respectfully requests that registration of the mark CALYPSO NATURAL ESSENCES and Design, Application Serial No. 86/109392, be refused in its entirety and that this opposition be sustained.

Opposer authorizes the Board to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 500735.

Dated: July 22, 2014

Respectfully submitted,



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J. Michael Hurst  
KEATING MUETHING & KLEKAMP PLL  
One East Fourth Street, Suite 1400  
Cincinnati, Ohio 45202  
ph: (513) 562-1401  
fx: (513) 579-6457  
[mhurst@kmklaw.com](mailto:mhurst@kmklaw.com)

Attorney for Opposer  
The Procter & Gamble Company

**CERTIFICATE OF SERVICE**

I certify that a true and accurate copy of the foregoing NOTICE OF OPPOSITION was served by first class mail, postage prepaid, on July 22, 2014 upon counsel for Applicant:

Albert Bordas  
Albert Bordas, P.A.  
5975 Sunset Dr., Ste. 607  
Miami, Florida 33143-5174

  
\_\_\_\_\_  
Kathleen Bender

STATUS DOCUMENTS

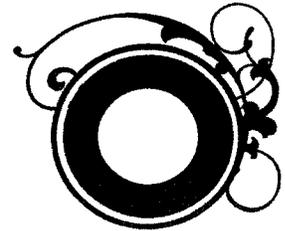
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Mark:



US Serial Number: 78860333

Application Filing Date: Apr. 12, 2006

US Registration Number: 3337074

Registration Date: Nov. 13, 2007

Register: Principal

Mark Type: Trademark

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: Nov. 21, 2013

Publication Date: Nov. 14, 2006

Notice of Allowance Date: Feb. 06, 2007

▼ Mark Information

[▲ Collapse All](#)

Mark Literal Elements: None

Standard Character Claim: No

Mark Drawing Type: 2 - AN ILLUSTRATION DRAWING WITHOUT ANY WORDS(S)/ LETTER(S)/NUMBER(S)

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

Design Search Code(s): 25.01.25 - Borders, ornamental; Other framework and ornamental borders  
 26.01.07 - Circles with a decorative border, including scalloped, ruffled and zig-zag edges  
 26.01.18 - Circles, three or more concentric; Concentric circles, three or more; Three or more concentric circles  
 26.01.21 - Circles that are totally or partially shaded.

▼ 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 incontestability; and
- Asterisks \*...\* identify additional (new) wording in the goods/services.

For: Hair care preparations

International Class(es): 003 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 30, 2006

Use in Commerce: Jun. 30, 2006

▼ Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	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: The Procter & Gamble Company

Owner Address: C-2 Box 11  
 One Procter & Gamble Plaza  
 Cincinnati, OHIO 45202

UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: OHIO

### ▼ Attorney/Correspondence Information

#### Attorney of Record

Attorney Name: Rene L. Guess

Docket Number: 302698

Attorney Primary Email [pgtrademarks.im@pg.com](mailto:pgtrademarks.im@pg.com)

Attorney Email Authorized: Yes

Address:

#### Correspondent

Correspondent Rene L. Guess

Name/Address: The Procter & Gamble Company  
299 East Sixth Street  
SY8-105  
Cincinnati, OHIO 45202  
UNITED STATES

Phone: 513-983-2059

Fax: 513-945-6798

Correspondent e-mail: [pgtrademarks.im@pg.com](mailto:pgtrademarks.im@pg.com)

Correspondent e-mail Authorized: Yes

#### Domestic Representative - Not Found

### ▼ Prosecution History

Date	Description	Proceeding Number
Nov. 21, 2013	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Nov. 21, 2013	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	64591
Nov. 07, 2013	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	64591
Nov. 21, 2013	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	64591
Nov. 07, 2013	TEAS SECTION 8 & 15 RECEIVED	
Apr. 30, 2012	NOTICE OF SUIT	
Sep. 03, 2008	NOTICE OF SUIT	
Nov. 13, 2007	REGISTERED-PRINCIPAL REGISTER	
Oct. 05, 2007	LAW OFFICE REGISTRATION REVIEW COMPLETED	76539
Oct. 05, 2007	ASSIGNED TO LIE	76539
Sep. 06, 2007	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Aug. 29, 2007	STATEMENT OF USE PROCESSING COMPLETE	66525
Aug. 02, 2007	USE AMENDMENT FILED	66525
Aug. 02, 2007	TEAS STATEMENT OF USE RECEIVED	
Mar. 21, 2007	ATTORNEY REVOKED AND/OR APPOINTED	
Mar. 21, 2007	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Feb. 06, 2007	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Nov. 14, 2006	PUBLISHED FOR OPPOSITION	
Oct. 25, 2006	NOTICE OF PUBLICATION	
Sep. 27, 2006	LAW OFFICE PUBLICATION REVIEW COMPLETED	73797
Sep. 22, 2006	ASSIGNED TO LIE	73797
Sep. 21, 2006	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 20, 2006	ASSIGNED TO EXAMINER	76838
Apr. 20, 2006	NOTICE OF DESIGN SEARCH CODE MAILED	
Apr. 19, 2006	NEW APPLICATION ENTERED IN TRAM	

### ▼ Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

### ▼ TM Staff and Location Information

**TM Staff Information - None**

**File Location**

Current Location: TMEG LAW OFFICE 108

Date in Location: Nov. 21, 2013

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

▼ **Proceedings - Click to Load**

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[Back to Search](#)

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Mark: HERBAL ESSENCES



US Serial Number: 78860340

Application Filing Date: Apr. 12, 2006

US Registration Number: 3337075

Registration Date: Nov. 13, 2007

Register: Principal

Mark Type: Trademark

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: Nov. 21, 2013

Publication Date: Dec. 05, 2006

Notice of Allowance Date: Feb. 27, 2007

▼ Mark Information

[▲ Collapse All](#)

Mark Literal Elements: HERBAL ESSENCES

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

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

Design Search Code(s): 25.01.25 - Borders, ornamental; Other framework and ornamental borders  
 26.01.07 - Circles with a decorative border, including scalloped, ruffled and zig-zag edges  
 26.01.18 - Circles, three or more concentric; Concentric circles, three or more; Three or more concentric circles  
 26.01.21 - Circles that are totally or partially shaded.

▼ Related Properties Information

Claimed Ownership of US [2498741](#), [2499112](#), [2678556](#) 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 incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

For: Hair care preparations

International Class(es): 003 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 30, 2006

Use in Commerce: Jun. 30, 2006

▼ Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	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:** The Procter & Gamble Company**Owner Address:** C-2 Box 11  
One Procter & Gamble Company  
Cincinnati, OHIO 45202  
UNITED STATES**Legal Entity Type:** CORPORATION**State or Country Where  
Organized:** OHIO**▼ Attorney/Correspondence Information****Attorney of Record****Attorney Name:** Rene L. Guess**Docket Number:** 302701**Attorney Primary Email  
Address:** [pgtrademarks.im@pg.com](mailto:pgtrademarks.im@pg.com)**Attorney Email Authorized:** Yes**Correspondent****Correspondent  
Name/Address:** Rene L. Guess  
The Procter & Gamble Company  
299 East Sixth Street  
SY8-105  
Cincinnati, OHIO 45202  
UNITED STATES**Phone:** 513-983-2059**Fax:** 513-945-6798**Correspondent e-mail:** [pgtrademarks.im@pg.com](mailto:pgtrademarks.im@pg.com)**Correspondent e-mail  
Authorized:** Yes**Domestic Representative - Not Found****▼ Prosecution History**

<b>Date</b>	<b>Description</b>	<b>Proceeding Number</b>
Nov. 21, 2013	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Nov. 21, 2013	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	64591
Nov. 07, 2013	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	64591
Nov. 21, 2013	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	64591
Nov. 07, 2013	TEAS SECTION 8 & 15 RECEIVED	
Nov. 13, 2007	REGISTERED-PRINCIPAL REGISTER	
Oct. 06, 2007	LAW OFFICE REGISTRATION REVIEW COMPLETED	67215
Oct. 05, 2007	ASSIGNED TO LIE	67215
Sep. 07, 2007	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Sep. 02, 2007	STATEMENT OF USE PROCESSING COMPLETE	66525
Aug. 07, 2007	USE AMENDMENT FILED	66525
Aug. 07, 2007	TEAS STATEMENT OF USE RECEIVED	
Mar. 21, 2007	ATTORNEY REVOKED AND/OR APPOINTED	
Mar. 21, 2007	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Feb. 27, 2007	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Dec. 05, 2006	PUBLISHED FOR OPPOSITION	
Nov. 15, 2006	NOTICE OF PUBLICATION	
Oct. 12, 2006	LAW OFFICE PUBLICATION REVIEW COMPLETED	70824
Oct. 06, 2006	ASSIGNED TO LIE	70824
Oct. 03, 2006	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 28, 2006	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Sep. 27, 2006	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Sep. 27, 2006	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Sep. 21, 2006	NON-FINAL ACTION E-MAILED	6325
Sep. 21, 2006	NON-FINAL ACTION WRITTEN	76838
Sep. 20, 2006	ASSIGNED TO EXAMINER	76838
Apr. 20, 2006	NOTICE OF DESIGN SEARCH CODE MAILED	
Apr. 19, 2006	NEW APPLICATION ENTERED IN TRAM	

▼ **Maintenance Filings or Post Registration Information**

**Affidavit of Continued Use:** Section 8 - Accepted

**Affidavit of Incontestability:** Section 15 - Accepted

▼ **TM Staff and Location Information**

**TM Staff Information - None**

**File Location**

**Current Location:** TMEG LAW OFFICE 108

**Date in Location:** Nov. 21, 2013

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Mark: HERBAL ESSENCES



US Serial Number: 77031853

Application Filing Date: Oct. 30, 2006

US Registration Number: 3392452

Registration Date: Mar. 04, 2008

Register: Principal

Mark Type: Trademark

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: Jun. 14, 2014

Publication Date: Feb. 13, 2007

Notice of Allowance Date: May 08, 2007

▼ Mark Information

▲ Collapse All

Mark Literal Elements: HERBAL ESSENCES

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of the stylized words "HERBAL ESSENCES" under a thin circle outside of a thick circle with vines flowing from upper right position.

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

Design Search Code(s): 05.01.04 - Vines

25.01.25 - Borders, ornamental; Other framework and ornamental borders

26.01.07 - Circles with a decorative border, including scalloped, ruffled and zig-zag edges

26.01.17 - Circles, two concentric; Concentric circles, two; Two concentric circles

26.01.21 - Circles that are totally or partially shaded.

▼ Related Properties Information

Claimed Ownership of US [2498741](#), [2499112](#), [2678556](#) and others Registrations:

▼ Goods and Services

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

For: Hair colorants

International Class(es): 003 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Feb. 19, 2007

Use in Commerce: Feb. 19, 2007

▼ Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Amended Use: No

Filed ITU: Yes

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:** The Procter & Gamble Company  
**Owner Address:** One Procter & Gamble Plaza  
 Cincinnati, OHIO 45202  
 UNITED STATES  
**Legal Entity Type:** CORPORATION  
**State or Country Where Organized:** OHIO

▼ **Attorney/Correspondence Information**

**Attorney of Record**

**Attorney Name:** Lynne M. Miller  
**Docket Number:** TM-307546  
**Attorney Primary Email:** [pgtrademarks.im@pg.com](mailto:pgtrademarks.im@pg.com)  
**Attorney Email Authorized:** Yes  
**Address:**

**Correspondent**

**Correspondent Name/Address:** Lynne M. Miller  
 THE PROCTER & GAMBLE COMPANY  
 299 East Sixth Street  
 SY8-114  
 CINCINNATI, OHIO 45202  
 UNITED STATES  
**Phone:** 513-983-8325  
**Fax:** 513-983-4274  
**Correspondent e-mail:** [pgtrademarks.im@pg.com](mailto:pgtrademarks.im@pg.com) [miller.l@pg.com](mailto:miller.l@pg.com)  
**Correspondent e-mail Authorized:** Yes

**Domestic Representative - Not Found**

▼ **Prosecution History**

Date	Description	Proceeding Number
Jun. 14, 2014	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Jun. 14, 2014	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	71378
Jun. 14, 2014	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	71378
May 29, 2014	TEAS SECTION 8 & 15 RECEIVED	
Mar. 04, 2008	REGISTERED-PRINCIPAL REGISTER	
Jan. 28, 2008	LAW OFFICE REGISTRATION REVIEW COMPLETED	68658
Jan. 28, 2008	ASSIGNED TO LIE	68658
Dec. 17, 2007	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Nov. 26, 2007	STATEMENT OF USE PROCESSING COMPLETE	64657
Nov. 08, 2007	USE AMENDMENT FILED	64657
Nov. 08, 2007	TEAS STATEMENT OF USE RECEIVED	
May 08, 2007	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Feb. 13, 2007	PUBLISHED FOR OPPOSITION	
Jan. 24, 2007	NOTICE OF PUBLICATION	
Dec. 21, 2006	LAW OFFICE PUBLICATION REVIEW COMPLETED	66230
Dec. 21, 2006	ASSIGNED TO LIE	66230
Dec. 07, 2006	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 06, 2006	ASSIGNED TO EXAMINER	74288
Nov. 03, 2006	NOTICE OF DESIGN SEARCH CODE MAILED	
Nov. 02, 2006	NEW APPLICATION ENTERED IN TRAM	

▼ **Maintenance Filings or Post Registration Information**

**Affidavit of Continued Use:** Section 8 - Accepted  
**Affidavit of Incontestability:** Section 15 - Accepted

▼ **TM Staff and Location Information**

**TM Staff Information - None**

**File Location**

**Current Location:** TMEG LAW OFFICE 106

**Date in Location:** Jun. 14, 2014

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Mark: HERBAL ESSENCES



US Serial Number: 86059482

Application Filing Date: Sep. 09, 2013

US Registration Number: 4514407

Registration Date: Apr. 15, 2014

Register: Principal

Mark Type: Trademark

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

Status Date: Apr. 15, 2014

Publication Date: Jan. 28, 2014

▼ Mark Information

▲ Collapse All

Mark Literal Elements: HERBAL ESSENCES

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of a roundelle with circles and vines on the top exterior half of the circle and the words, HERBAL ESSENCES beneath the circular device.

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

Design Search Code(s): 05.01.04 - Vines

26.01.17 - Circles, two concentric; Concentric circles, two; Two concentric circles

26.01.21 - Circles that are totally or partially shaded.

▼ Related Properties Information

Claimed Ownership of US [3337075](#)

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 incontestability; and
- Asterisks \*...\* identify additional (new) wording in the goods/services.

For: Soaps, namely body wash

International Class(es): 003 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 17, 2013

Use in Commerce: Jun. 17, 2013

▼ 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:** The Procter & Gamble Company  
**Owner Address:** One Procter & Gamble Plaza  
 Cincinnati, OHIO 45202  
 UNITED STATES  
**Legal Entity Type:** CORPORATION  
**State or Country Where Organized:** OHIO

▼ **Attorney/Correspondence Information**

**Attorney of Record**

**Attorney Name:** Mark A. Charles  
**Attorney Primary Email:** [pgtrademarks.im@pg.com](mailto:pgtrademarks.im@pg.com)  
**Address:**  
**Docket Number:** 109563/US  
**Attorney Email Authorized:** Yes

**Correspondent**

**Correspondent Name/Address:** MARK A. CHARLES  
 THE PROCTER & GAMBLE COMPANY  
 299 E 6TH ST  
 CINCINNATI, OHIO 45202-3216  
 UNITED STATES  
**Phone:** 202-393-3405  
**Fax:** 513-945-6798  
**Correspondent e-mail:** [pgtrademarks.im@pg.com](mailto:pgtrademarks.im@pg.com)  
**Correspondent e-mail Authorized:** Yes

**Domestic Representative - Not Found**

▼ **Prosecution History**

Date	Description	Proceeding Number
Apr. 15, 2014	REGISTERED-PRINCIPAL REGISTER	
Jan. 28, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jan. 28, 2014	PUBLISHED FOR OPPOSITION	
Jan. 08, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Dec. 19, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 18, 2013	ASSIGNED TO EXAMINER	76737
Sep. 18, 2013	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Sep. 17, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Sep. 12, 2013	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:** Apr. 15, 2014

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▼ **Proceedings - Click to Load**

STATUS DOCUMENTS

[Back to Search](#)



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Mark: HERBAL ESSENCES LOVES



US Serial Number: 77859249

Application Filing Date: Oct. 28, 2009

US Registration Number: 3871444

Registration Date: Nov. 02, 2010

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Trademark

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

Status Date: Nov. 02, 2010

Publication Date: Mar. 09, 2010

Notice of Allowance Date: Jun. 01, 2010

▼ Mark Information

[▲ Collapse All](#)

Mark Literal Elements: HERBAL ESSENCES LOVES

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of a thick circle inside a thin circle with vines flowing outward from upper right position, centered over the words "HERBAL ESSENCES LOVES". The letter "O" is formed by a heart shape surrounded by ink splatters.

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

Design Search Code(s): 01.15.25 - Pouring liquids; Spilling liquids; Sand; Liquids, spilling; Light rays; Dust; Coal  
 02.11.01 - Hearts excluding hearts as carriers or depicted on playing cards  
 05.01.04 - Vines  
 05.15.25 - Other decorations made of plants  
 26.01.18 - Concentric circles, three or more; Circles, three or more concentric; Three or more concentric circles  
 26.01.21 - Circles that are totally or partially shaded.

▼ Related Properties Information

Claimed Ownership of US [3337074](#), [3337075](#), [3392451](#), [3392452](#) 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 incontestability; and
- Asterisks "\*" identify additional (new) wording in the goods/services.

For: Hair care preparations

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. 21, 2010

Use in Commerce: Aug. 21, 2010

▼ Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Amended Use: No

Filed ITU: Yes

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:** The Procter & Gamble Company

**Owner Address:** One Procter & Gamble Plaza  
Cincinnati, OHIO 45202  
UNITED STATES

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** OHIO

▼ **Attorney/Correspondence Information**

**Attorney of Record**

**Attorney Name:** Katherine A. Ruwe

**Docket Number:** TM-524060; T

**Attorney Primary Email:** [pgtrademarks.im@pg.com](mailto:pgtrademarks.im@pg.com)

**Attorney Email Authorized:** No

**Address:**

**Correspondent**

**Correspondent Name/Address:** KATHERINE A. RUWE

THE PROCTER & GAMBLE COMPANY  
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**Correspondent e-mail Authorized:** No

**Domestic Representative - Not Found**

▼ **Prosecution History**

<b>Date</b>	<b>Description</b>	<b>Proceeding Number</b>
Nov. 02, 2010	REGISTERED-PRINCIPAL REGISTER	
Sep. 25, 2010	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Sep. 24, 2010	LAW OFFICE REGISTRATION REVIEW COMPLETED	70633
Sep. 23, 2010	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Sep. 22, 2010	STATEMENT OF USE PROCESSING COMPLETE	61813
Aug. 23, 2010	USE AMENDMENT FILED	61813
Sep. 22, 2010	CASE ASSIGNED TO INTENT TO USE PARALEGAL	61813
Aug. 23, 2010	TEAS STATEMENT OF USE RECEIVED	
Jun. 01, 2010	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Mar. 09, 2010	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Mar. 09, 2010	PUBLISHED FOR OPPOSITION	
Jan. 30, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	70633
Jan. 30, 2010	ASSIGNED TO LIE	70633
Jan. 07, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 06, 2010	EXAMINER'S AMENDMENT ENTERED	88888
Jan. 06, 2010	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Jan. 06, 2010	EXAMINERS AMENDMENT E-MAILED	6328
Jan. 06, 2010	EXAMINERS AMENDMENT - WRITTEN	63030
Jan. 06, 2010	ASSIGNED TO EXAMINER	63030
Nov. 03, 2009	NOTICE OF DESIGN SEARCH CODE MAILED	
Nov. 02, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Oct. 31, 2009	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:** Sep. 24, 2010

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