

ESTTA Tracking number: **ESTTA669498**

Filing date: **04/29/2015**

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	eos Products, LLC
Granted to Date of previous extension	04/29/2015
Address	19 West 44th Street, Suite 811 New York, NY 10036 UNITED STATES
Party who filed Extension of time to oppose	The Kind Group, LLC
Relationship to party who filed Extension of time to oppose	The Kind Group, LLC is Opposer's parent company. The Kind Group, LLC assigned its rights in the marks on which this opposition is based to eos Products, LLC on April 1, 2015, following the date that the previous extension was requested. The assignment was recorded with the USPTO on April 16, 2015.
Attorney information	Anna Raimer Jones Day 717 Texas Ave., Suite 3300 Houston, TX 77002 UNITED STATES aeraimer@jonesday.com Phone:832.239.3786

Applicant Information

Application No	79148505	Publication date	12/30/2014
Opposition Filing Date	04/29/2015	Opposition Period Ends	04/29/2015
International Registration No.	1166930	International Registration Date	08/23/2012
Applicant	H&M Hennes & Mauritz AB SWEDEN		

Goods/Services Affected by Opposition

Class 003. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Bleaching preparations for laundry use;cleaning, polishing, scouring and abrasive preparations; soap for personal use;perfumes; ethereal oils; cosmetics; hair care preparations; tooth powder; toothpaste; dentifrices

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.	3908212	Application Date	03/14/2002
Registration Date	01/18/2011	Foreign Priority Date	NONE
Word Mark	EOS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2002/03/00 First Use In Commerce: 2002/03/00 Massage oils Class 005. First use: First Use: 2002/03/00 First Use In Commerce: 2002/03/00 Medical lubricants, namely, vaginal lubricants		

U.S. Application No.	85934823	Application Date	05/17/2013
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	EOS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2009/03/01 First Use In Commerce: 2009/03/01 Lip balm; Non-medicated lip care preparations; Non-medicated lip protectors Class 005. First use: First Use: 2010/08/17 First Use In Commerce: 2010/08/17 Medicated lip balm		

U.S. Application No.	85934814	Application Date	05/17/2013
Registration Date	NONE	Foreign Priority	NONE

		Date	
Word Mark	EOS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2009/03/01 First Use In Commerce: 2009/03/01 Lip balm; Non-medicated lip care preparations; Non-medicated lip protectors Class 005. First use: First Use: 2010/08/17 First Use In Commerce: 2010/08/17 Medicated lip balm		

Attachments	76382124#TMSN.png(bytes) 85934823#TMSN.png(bytes) 85934814#TMSN.png(bytes) Notice of Opposition w exh - cos.pdf(564003 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	/Anna Raimer/
Name	Anna Raimer
Date	04/29/2015

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

EOS PRODUCTS, LLC,

Opposer,

v.

H&M HENNES & MAURITZ AB,

Applicant.

Application Serial No.: 79/148,505

Opposition No. _____

Filing Date: December 27, 2013

Publication Date: December 30, 2014

Trademark: COS (stylized)

International Class: 3

NOTICE OF OPPOSITION

Opposer eos Products, LLC (“Opposer” or “eos”), a company organized and existing under the laws of New York, United States, and having an address at 19 West 44th Street, Suite 811, New York, NY 10036, believes that it will be damaged by registration of the proposed mark COS (stylized) as set forth in Application Serial No. 79/148,505, and therefore opposes registration of the same for the goods set forth in International Class 3.

The grounds for opposition are as follows:

1. eos designs, manufactures, promotes, markets, advertises, distributes, and sells popular personal care products, including lip balms, lotions, and shave creams. In connection therewith, and since at least as early as March 2009, eos has used its mark “eos” and the stylized mark “” (collectively, the “EOS Marks”) in commerce in the United States.

2. eos has expended substantial resources in designing, manufacturing, promoting, marketing, advertising, distributing and selling its products and has built a valuable business based on demand for its distinctively-styled, quality personal care products sold under the EOS Marks. Such demand is illustrated by the fact that “eos” and “eos lip balm” are the first and

second most searched terms on the Google search engine for lip balm, and “eos hand lotion” is the top brand search term and second ranked overall rising search for hand lotion.

3. eos has prominently and extensively used, promoted and advertised the EOS Marks for various personal care products in International Class 3 for many years through varied promotional and advertising media.

4. As a result of Opposer’s continuous and extensive use, advertising and promotion of the EOS Marks, the EOS Marks have become well-known, and consumers have come to recognize the EOS Marks as uniquely associated with eos and an indication of origin of eos. As demonstrated by a 2014 Goldman Sachs research report, there is a high brand affinity associated with the EOS Marks, which were ranked #4 among 350 fashion, beauty, and retail brands for Millennial consumers. Opposer has therefore established valuable goodwill and exclusive rights in the EOS Marks.

5. eos is the owner of a number of common law and registered trademarks for the EOS Marks, including but not limited to the following:¹

¹ The Kind Group, LLC, Opposer’s parent company, assigned its rights in the EOS Marks to eos Products, LLC on April 1, 2015. The assignment was recorded with the USPTO on April 16, 2015. Copies of the TSDR reports for the listed registration and applications are attached hereto as Exhibit A, and a copy of the assignment details is attached hereto as Exhibit B.

REG. NO./ APP. NO.	MARK	APP. DATE	GOODS
3,908,212	EOS	03/14/2002	Cl. 3: Massage oils Cl. 5: Medical lubricants
85/934,823	EOS	05/17/2013	Cl. 3: Lip balm; Non-medicated lip care preparations; Non-medicated lip protectors Cl. 5: Medicated lip balm
85/934,814		05/17/2013	Cl. 3: Lip balm; Non-medicated lip care preparations; Non-medicated lip protectors Cl. 5: Medicated lip balm

6. Application Serial No. 79/148,505 (the “Application”) filed by H&M Hennes & Mauritz AB (“Applicant”), a Swedish corporation located at SE-106 38 Stockholm, Sweden, seeks registration of the proposed mark COS (stylized):



7. The Application was filed on December 27, 2013, based on Lanham Act section 66A, and Applicant’s alleged bona fide intent to use the mark COS (stylized) in U.S. commerce for, among other goods, “Bleaching preparations for laundry use; cleaning, polishing, scouring and abrasive preparations; soap for personal use; perfumes; ethereal oils; cosmetics; hair care preparations; tooth powder; toothpaste; dentifrices” in International Class 3.

8. The Application was published for opposition in the *Trademark Official Gazette* on December 30, 2014.

9. The Kind Group, LLC, Opposer's parent company, timely filed extensions of the opposition period for the Application before assigning its rights in the EOS Marks to Opposer on April 1, 2015.

10. Opposer has used its EOS Marks on personal care products well before the December 27, 2013 filing date of the Application.

11. Applicant is not affiliated with or sponsored by Opposer, and Applicant has never been authorized by Opposer to use the EOS Marks.

12. Applicant's alleged mark COS (stylized) is very similar in appearance, sound, and commercial impression to Opposer's EOS Marks. As such, consumers are likely to be confused, mistaken or deceived into the belief, contrary to fact, that the International Class 3 goods offered under the proposed mark COS (stylized) emanate from and/or are in some way sponsored or approved by Opposer, and/or that Applicant is somehow affiliated with Opposer, thereby damaging Opposer.

13. In addition, the International Class 3 goods in the Application are closely related to and/or overlap with goods offered by Opposer under its EOS Marks, including but not limited to lip balms, lotions, and shave creams.

14. Applicant's proposed International Class 3 goods are also likely to be sold to the same or overlapping classes of purchasers and trade channels as goods bearing the EOS Marks.

15. Because of the high degree of similarity between the parties' respective marks, goods, and trade channels, Applicant's use of the proposed mark COS (stylized) is likely to cause consumer confusion, mistake or deception, violating Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d).

In view of the above, Applicant is not entitled to federal registration of its alleged mark COS (stylized) for goods in International Class 3 because Applicant's proposed use is likely to cause confusion, or to cause mistake, or to deceive.

WHEREFORE, for the foregoing reasons, Opposer respectfully requests that the present Opposition be sustained in favor of Opposer, and that Application Serial No. 79/148,505 be refused registration.

The appropriate fee is also submitted herewith. Please direct all future correspondence to the undersigned.

Dated: April 29, 2015

Respectfully submitted,

By: 

Anna E. Raimer
JONES DAY
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Houston, Texas 77002
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John G. Froemming
Jessica D. Bradley
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51 Louisiana Avenue, NW
Washington DC 20001-2113
Telephone: 202.879.3939

Attorney for Opposer
EOS PRODUCTS, LLC

CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing document entitled Notice of Opposition has been served upon Applicant by mailing said copy on April 29, 2015, via First Class Mail, postage prepaid at the correspondence address of record in the Patent and Trademark Office:

MARK I. PEROFF
MANATT PHELPS & PHILLIPS LLP
SEVEN TIMES SQUARE - 21ST FLOOR
NEW YORK, NEW YORK 10036
UNITED STATES



Anna E. Raimer

EXHIBIT A

STATUS

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Mark: EOS

EOS

US Serial Number: 76382124

Application Filing Date: Mar. 14, 2002

US Registration Number: 3908212

Registration Date: Jan. 18, 2002

Register: Principal

Mark Type: Trademark

Status: The Trademark Trial and Appeal Board has terminated a cancellation proceeding. For further information, please visit the Trademark Trial and Appeal Board web page.

Status Date: Feb. 14, 2015

Publication Date: Nov. 19, 2002

Notice of Allowance Date: Oct. 27, 2002

Mark Information

Mark Literal Elements: EOS

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

For: Massage oils

International Class(es): 003 - Primary Class

U.S Class(es): 001, 004, 005

Class Status: ACTIVE

Basis: 1(a)

First Use: Mar. 2002

Use in Commerce: Mar. 2002

For: Medical lubricants, namely, vaginal lubricants

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 019

Class Status: ACTIVE

Basis: 1(a)

First Use: Mar. 2002

Use in Commerce: Mar. 2002

Basis Information (Case Level)

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

Current Owner(s) Information

Owner Name: EOS PRODUCTS LLC

Owner Address: 19 W. 44TH STREET
SUITE 811
NEW YORK, NEW YORK 10036
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: NEW YOF

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Anna E. Raimer

Attorney Primary Email: nytef@jonesday.com

Address:

Docket Number: 013398-00

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Anna E. Raimer
Jones Day
222 East 41st Street
New York, NEW YORK 10017
UNITED STATES

Phone: 832.239.3786

Fax: 212-755-7

Correspondent e-mail: nytef@jonesday.com
aaaugustine@jonesday.com
jbradley@jonesday.com
aeraimer@jonesday.com

Correspondent e-mail Authorized: Yes

Domestic Representative

Domestic Representative Name: David A. Lowe

Phone: 20638133

Fax: 2063813301

Domestic Representative e-mail: Lowe@LoweGrahamJones.com

Domestic Representative e-mail Authorized: Yes

Prosecution History

Date	Description	Proceeding Number
Apr. 22, 2015	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Feb. 19, 2015	ATTORNEY REVOKED AND/OR APPOINTED	
Feb. 19, 2015	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Feb. 14, 2015	TTAB RELEASE CASE TO TRADEMARKS	60007
Feb. 14, 2015	CANCELLATION TERMINATED NO. 999999	60007
Feb. 14, 2015	CANCELLATION DISMISSED NO. 999999	60007
Jan. 14, 2015	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Sep. 23, 2014	CANCELLATION INSTITUTED NO. 999999	60007
Sep. 14, 2011	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Aug. 12, 2011	ATTORNEY REVOKED AND/OR APPOINTED	
Aug. 12, 2011	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jan. 18, 2011	REGISTERED-PRINCIPAL REGISTER	
Dec. 16, 2010	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Dec. 15, 2010	LAW OFFICE REGISTRATION REVIEW COMPLETED	69712
Dec. 15, 2010	ASSIGNED TO LIE	69712
Nov. 23, 2010	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Nov. 02, 2010	STATEMENT OF USE PROCESSING COMPLETE	65362
Oct. 18, 2010	USE AMENDMENT FILED	65362
Nov. 02, 2010	CASE ASSIGNED TO INTENT TO USE PARALEGAL	65362
Oct. 18, 2010	TEAS STATEMENT OF USE RECEIVED	
Apr. 24, 2010	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	

Apr. 22, 2010	EXTENSION 1 GRANTED	98765
Apr. 22, 2010	EXTENSION 1 FILED	98765
Apr. 22, 2010	TEAS EXTENSION RECEIVED	
Apr. 22, 2010	ATTORNEY REVOKED AND/OR APPOINTED	
Apr. 22, 2010	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Oct. 27, 2009	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Sep. 15, 2009	TTAB RELEASE CASE TO TRADEMARKS	155984
Sep. 15, 2009	OPPOSITION TERMINATED NO. 999999	155984
Sep. 15, 2009	OPPOSITION DISMISSED NO. 999999	155984
Sep. 18, 2008	ATTORNEY REVOKED AND/OR APPOINTED	
Sep. 18, 2008	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jul. 06, 2006	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
May 08, 2006	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Sep. 09, 2004	CASE FILE IN TICRS	
Apr. 16, 2003	OPPOSITION INSTITUTED NO. 999999	155984
Dec. 27, 2002	EXTENSION OF TIME TO OPPOSE RECEIVED	
Nov. 19, 2002	PUBLISHED FOR OPPOSITION	
Oct. 30, 2002	NOTICE OF PUBLICATION	
Sep. 15, 2002	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 27, 2002	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Aug. 27, 2002	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Aug. 27, 2002	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jul. 31, 2002	NON-FINAL ACTION MAILED	
Jul. 10, 2002	ASSIGNED TO EXAMINER	67443
May 08, 2002	APPLICANT AMENDMENT PRIOR TO EXAMINATION - ENTERED	
May 08, 2002	CORRESPONDENCE RECEIVED IN LAW OFFICE	

Apr. 17, 2002

PAPER RECEIVED

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Dec. 15, 2

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Mark: EOS

EOS

US Serial Number: 85934823

Application Filing Date: May 17, 2015

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Trademark

Status: Application has been published for opposition. The opposition period begins on the date of publication.

Status Date: Mar. 24, 2015

Publication Date: Mar. 24, 2015

Mark Information

Mark Literal Elements: EOS

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

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: Lip balm; Non-medicated lip care preparations; Non-medicated lip protectors

International Class(es): 003 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Mar. 01, 2009

Use in Commerce: Mar. 01, 2010

For: Medicated lip balm

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 020

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 17, 2010

Use in Commerce: Aug. 17, 2010

Basis Information (Case Level)

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

Current Owner(s) Information

Owner Name: The Kind Group, LLC

Owner Address: 19 West 44th Street, Suite 811
New York, NEW YORK 10036
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY **State or Country Where Organized:** NEW YOF

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jessica D. Bradley

Attorney Primary Email Address: nytef@jonesday.com **Attorney Email Authorized:** Yes

Correspondent

Correspondent Name/Address: JESSICA D. BRADLEY
JONES DAY
222 East 41st Street
New York, NEW YORK 10017
UNITED STATES

Phone: 212.326.3939 **Fax:** 212.755.7

Correspondent e-mail: nytef@jonesday.com jbradley@jonesday.com aeraimer@jonesday.com aashley@jonesday.com **Correspondent e-mail Authorized:** Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Apr. 22, 2015	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	

Mar. 24, 2015	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Mar. 24, 2015	PUBLISHED FOR OPPOSITION	
Mar. 04, 2015	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Feb. 17, 2015	LAW OFFICE PUBLICATION REVIEW COMPLETED	68171
Feb. 16, 2015	ASSIGNED TO LIE	68171
Jan. 28, 2015	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 14, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Sep. 29, 2014	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Sep. 29, 2014	LETTER OF SUSPENSION E-MAILED	6332
Sep. 29, 2014	SUSPENSION LETTER WRITTEN	82414
Sep. 23, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Sep. 23, 2014	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Sep. 23, 2014	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Sep. 23, 2014	TEAS REQUEST FOR RECONSIDERATION RECEIVED	
Mar. 24, 2014	NOTIFICATION OF FINAL REFUSAL EMAILED	
Mar. 24, 2014	FINAL REFUSAL E-MAILED	
Mar. 24, 2014	FINAL REFUSAL WRITTEN	82414
Mar. 05, 2014	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Mar. 04, 2014	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Mar. 04, 2014	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Sep. 06, 2013	NOTIFICATION OF NON-FINAL ACTION E- MAILED	6325
Sep. 06, 2013	NON-FINAL ACTION E-MAILED	6325
Sep. 06, 2013	NON-FINAL ACTION WRITTEN	82414
Sep. 05, 2013	ASSIGNED TO EXAMINER	82414
May 30, 2013	NOTICE OF PSEUDO MARK E-MAILED	

May 29, 2013 NEW APPLICATION OFFICE SUPPLIED
DATA ENTERED IN TRAM

May 21, 2013 NEW APPLICATION ENTERED IN TRAM

TM Staff and Location Information

TM Staff Information

TM Attorney: CHANG, KATHERINE S

Law Office Assigned: LAW OFF

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Feb. 17, 2

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Mark: EOS



US Serial Number: 85934814

Application Filing Date: May 17, 2015

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Trademark

Status: Application has been published for opposition. The opposition period begins on the date of publication.

Status Date: Mar. 31, 2015

Publication Date: Mar. 31, 2015

Mark Information

Mark Literal Elements: EOS

Standard Character Claim: No

Mark Drawing Type: 5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FOR DESIGN

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

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
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For: Lip balm; Non-medicated lip care preparations; Non-medicated lip protectors

International Class(es): 003 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Mar. 01, 2009

Use in Commerce: Mar. 01, 2009

For: Medicated lip balm

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 020

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 17, 2010

Use in Commerce: Aug. 17, 2010

Basis Information (Case Level)

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

Current Owner(s) Information

Owner Name: The Kind Group, LLC

Owner Address: 19 West 44th Street, Suite 811
New York, NEW YORK 10036
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: NEW YORK

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jessica D. Bradley

Attorney Primary Email: nytef@jonesday.com

Attorney Email Authorized: Yes

Address:

Correspondent

Correspondent Name/Address: JESSICA D. BRADLEY
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222 E 41ST ST
NEW YORK, NEW YORK 10017
UNITED STATES

Phone: 212.326.3939

Fax: 212.755.7

Correspondent e-mail: nytef@jonesday.com jbradley@jonesday.com aeraimer@jonesday.com aashley@jonesday.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

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Mar. 31, 2015	PUBLISHED FOR OPPOSITION	
Mar. 11, 2015	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Feb. 21, 2015	LAW OFFICE PUBLICATION REVIEW COMPLETED	76568
Feb. 16, 2015	ASSIGNED TO LIE	76568
Jan. 28, 2015	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 14, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Sep. 29, 2014	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Sep. 29, 2014	LETTER OF SUSPENSION E-MAILED	6332
Sep. 29, 2014	SUSPENSION LETTER WRITTEN	82414
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Sep. 23, 2014	TEAS REQUEST FOR RECONSIDERATION RECEIVED	
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Mar. 24, 2014	FINAL REFUSAL WRITTEN	82414
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Mar. 04, 2014	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Mar. 04, 2014	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
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Sep. 06, 2013	NON-FINAL ACTION E-MAILED	6325
Sep. 06, 2013	NON-FINAL ACTION WRITTEN	82414
Sep. 05, 2013	ASSIGNED TO EXAMINER	82414

May 30, 2013	NOTICE OF PSEUDO MARK E-MAILED
May 29, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM
May 21, 2013	NEW APPLICATION ENTERED IN TRAM

TM Staff and Location Information

TM Staff Information

TM Attorney: CHANG, KATHERINE S

Law Office Assigned: LAW OFF

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Feb. 21, 2

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EXHIBIT B



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Trademark Assignment Details

Reel/Frame: [5498/0614](#)

Pages: 7

Recorded: 04/16/2015

Attorney Dkt #: 989293-600109

Conveyance: ASSIGNS THE ENTIRE INTEREST

Total properties: 12

1	Serial #: 76382124 Mark: EOS	Filing Dt: 03/14/2002	Reg #: 3908212	Reg. Dt: 01/18/2011
2	Serial #: 77489352 Mark:	Filing Dt: 06/03/2008	Reg #: 3690263	Reg. Dt: 09/29/2009
3	Serial #: 77489363 Mark:	Filing Dt: 06/03/2008	Reg #: 3702709	Reg. Dt: 10/27/2009
4	Serial #: 77489372 Mark:	Filing Dt: 06/03/2008	Reg #: 3687070	Reg. Dt: 09/22/2009
5	Serial #: 77683522 Mark:	Filing Dt: 03/04/2009	Reg #: 4190964	Reg. Dt: 08/14/2012
6	Serial #: 77978882 Mark:	Filing Dt: 03/04/2009	Reg #: 3788972	Reg. Dt: 05/11/2010
7	Serial #: 85532959 Mark: EVOLUTION OF SMOOTH	Filing Dt: 02/03/2012	Reg #: 4205519	Reg. Dt: 09/11/2012
8	Serial #: 85532967 Mark: EVOLUTION OF SMOOTH	Filing Dt: 02/03/2012	Reg #: 4205520	Reg. Dt: 09/11/2012
9	Serial #: 85934814 Mark: EOS	Filing Dt: 05/17/2013	Reg #: NONE	Reg. Dt:
10	Serial #: 85934818 Mark: EOS EVOLUTION OF SMOOTH	Filing Dt: 05/17/2013	Reg #: NONE	Reg. Dt:
11	Serial #: 85934823 Mark: EOS	Filing Dt: 05/17/2013	Reg #: NONE	Reg. Dt:
12	Serial #: 86211530 Mark: VISIBLY SOFT	Filing Dt: 03/05/2014	Reg #: 4661052	Reg. Dt: 12/23/2014

Assignor

1 [THE KIND GROUP LLC](#)

Exec Dt: 04/01/2015

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: NEW YORK

Assignee

1 [EOS PRODUCTS LLC](#)
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Citizenship: NEW YORK

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