

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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lg/gcp

Mailed: June 13, 2016

Opposition No. 91224316

Brands Worldwide Holdings I.P. Pty Limited

v.

Natralus Australia Pty Ltd

George C. Pologeorgis,
Administrative Trademark Judge:

On May 20, 2016, Applicant filed a proposed amendment to its application Serial No. 86336621, with Opposer's written consent.

By the proposed amendment, Applicant seeks to amend the identification of goods in International Classes 3 and 5 as follows:

International Class 3

From Non-medicated skin care preparations; non-medicated skin care preparations for the protection and prevention of skin damage from harmful substances, irritants, acids, oils and abrasives; non-medicated protective skin barrier creams and skin moisturizers; non-medicated skin care preparations, namely, barrier preparations for the skin; hand lotions; night creams; non-medicated foot creams; non-medicated foot creams, namely, cracked or rough heel creams; skin conditioners; massage oils; anti-aging creams; anti-wrinkle creams; nail care preparations; nail care preparations, namely, non-medicated nail and cuticle creams; cosmetics; cosmetic preparations; cosmetic creams, lotions and moisturizers; cosmetics in the form of creams; cosmetics in the form of gels; skin and body topical lotions, creams and oils for cosmetic use; preparations for removing cosmetics, namely, make-up removing preparations; tissues impregnated with cosmetic lotions; pre-moistened cosmetic tissues; cosmetic tanning preparations; bleaching

preparations for cosmetic purposes; sun-tanning preparations; sunscreen preparations; sun block preparations; non-medicated lip protectors; after sun lotions and moisturizers; non-medicated ointments for the prevention and treatment of sunburn; perfumery; aromatic oils; essential oils; perfumes; scented room sprays; air fragrancing preparations; non-medicated toiletries; deodorants and antiperspirants; deodorizers for personal use; body sprays; anti-smear agents for cleaning purposes in the nature of non-streaking cleaners for vinyl, plastics, acrylics, mirrors and glass; cleansing preparations in the nature of facial and skin cleansers for use with depilatory preparations; cleansing products for removing make-up, namely, facial cleansers, skin cleansers, foam cleansers for personal use, and wipes impregnated with a skin cleanser; non-medicated cleansing creams; non-medicated skin cleansing preparations; exfoliant creams; exfoliants for skin; cleaning agents and preparations; carpet cleaning preparations; cleaning preparations for furniture; anti-static preparations for household purposes; washing preparations and laundry bleach; shoe sprays in the nature of foot deodorant sprays that may be applied to shoes; bathroom cleaning preparations; household cleaning preparations; laundry preparations, namely, laundry bleach, laundry detergent and laundry fabric softener; cleaning preparations containing bactericides; natural oils for cleaning purposes; degreasers containing citrus oil, for household purposes; stain removers; spot removers; solvent cleaners for household use; body scrubs; detergents for household use; wipes impregnated with cleaning or polishing preparations; soaps for household use, personal use, and body care; disinfectant soaps; shampoos; hair conditioners; hair care preparations; non-medicated preparations for the care of hair and scalp; baby oil; non-medicated baby care products, namely, baby powder, baby wipes, baby shampoo, baby hair conditioners, and baby massage oils; non-medicated, non-veterinary deodorants, shampoos, cosmetics and grooming preparations for pets; pedicure preparations, namely, nail buffing preparations, nail care kits comprising nail polish, nail polish removers, nail primer, nail polish top coat, foot scrubs, non-medicated foot soaks; non-medicated foot care preparations; non-medicated hand care preparations; non-medicated lip ointments; lip balms; non-medicated skin ointments and skin balms; hand scrubs; scrubs, other than for medical use, namely, facial scrubs, foot scrubs and body scrubs; non-medicated facial skin care preparations, namely, face creams, face oils, face milk and lotions, face powder and facial cleansers; cosmetic preparations for eye and skin care; eye creams

To Non-medicated skin care preparations for the protection and prevention of skin damage from harmful substances, irritants, acids,

oils and abrasives; non-medicated protective skin barrier creams and skin moisturizers; non-medicated skin care preparations, namely, barrier preparations for the skin; hand lotions; night creams; non-medicated foot creams; non-medicated foot creams, namely, cracked or rough heel creams; skin conditioners; massage oils; anti-aging creams; anti-wrinkle creams; nail care preparations; nail care preparations, namely, non-medicated nail and cuticle creams; cosmetics; cosmetic preparations; cosmetic creams, lotions and moisturizers; cosmetics in the form of creams; cosmetics in the form of gels; skin and body topical lotions, creams and oils for cosmetic use; preparations for removing cosmetics, namely, make-up removing preparations; tissues impregnated with cosmetic lotions; pre-moistened cosmetic tissues; cosmetic tanning preparations; bleaching preparations for cosmetic purposes; sun-tanning preparations; sunscreen preparations; sun block preparations; non-medicated lip protectors; after sun lotions and moisturizers; non-medicated ointments for the prevention and treatment of sunburn; perfumery; aromatic oils; essential oils; perfumes; scented room sprays; air fragrancing preparations; non-medicated toiletries; deodorants and antiperspirants; deodorizers for personal use; body sprays; anti-smear agents for cleaning purposes in the nature of non-streaking cleaners for vinyl, plastics, acrylics, mirrors and glass; cleansing preparations in the nature of facial and skin cleansers for use with depilatory preparations; cleansing products for removing make-up, namely, facial cleansers, skin cleansers, foam cleansers for personal use, and wipes impregnated with a skin cleanser; non-medicated cleansing creams; non-medicated skin cleansing preparations; exfoliant creams; exfoliants for skin; cleaning agents and preparations; carpet cleaning preparations; cleaning preparations for furniture; anti-static preparations for household purposes; washing preparations and laundry bleach; shoe sprays in the nature of foot deodorant sprays that may be applied to shoes; bathroom cleaning preparations; household cleaning preparations; laundry preparations, namely, laundry bleach, laundry detergent and laundry fabric softener; cleaning preparations containing bactericides; natural oils for cleaning purposes; degreasers containing citrus oil, for household purposes; stain removers; spot removers; solvent cleaners for household use; body scrubs; detergents for household use; wipes impregnated with cleaning or polishing preparations; soaps for household use, personal use, and body care; disinfectant soaps; shampoos; hair conditioners; hair care preparations; non-medicated preparations for the care of hair and scalp; baby oil; non-medicated baby care products, namely, baby powder, baby wipes, baby shampoo, baby hair conditioners, and baby massage oils; non-medicated, non-veterinary deodorants, shampoos, cosmetics and grooming

preparations for pets; pedicure preparations, namely, nail buffing preparations, nail care kits comprising nail polish, nail polish removers, nail primer, nail polish top coat, foot scrubs, non-medicated foot soaks; non-medicated foot care preparations; non-medicated hand care preparations; non-medicated lip ointments; lip balms; non-medicated skin ointments and skin balms; hand scrubs; scrubs, other than for medical use, namely, facial scrubs, foot scrubs and body scrubs; non-medicated facial skin care preparations, namely, face creams, face oils, face milk and lotions, face powder and facial cleansers; cosmetic preparations for eye and skin care; eye creams

International Class 5

From Dandruff treatments in the form of shampoos, namely, dandruff shampoos; therapeutic skin care preparations in the nature of medicated and non-medicated therapeutic skin creams for the treatment of skin-related diseases and conditions; dermatological skin care preparations; medicated after-sun lotions and moisturizers; pharmaceutical sun block preparations; medicated sunscreen and sun block preparations; medicated hair, nail, hand and skin care preparations; medicated body creams for cosmetic use; medicated cleaning preparations for cleaning the hands and face; medicated protective skin barrier creams and moisturizers; medicated sunscreen preparations; medicated facial skin care preparations, namely, face creams, face oils, face milk and lotions, face powder and facial cleansers; pharmaceutical preparations containing essential oils; medicated lip ointments and lip balms

To Dandruff treatments in the form of shampoos, namely, dandruff shampoos; therapeutic skin care preparations in the nature of medicated and non-medicated therapeutic skin creams for the treatment of skin-related diseases and conditions; dermatological skin care preparations; medicated after-sun lotions and moisturizers; pharmaceutical sun block preparations; medicated sunscreen and sun block preparations; medicated hair, nail, hand and skin care preparations; medicated body creams for cosmetic use; medicated cleaning preparations for cleaning the hands and face; medicated protective skin barrier creams and moisturizers; medicated sunscreen preparations; medicated facial skin care preparations, namely, face creams, face oils, face milk and lotions, face powder and facial cleansers; medicated lip ointments and lip balms

Inasmuch as the amendment is clearly limiting in nature as required by Trademark Rule 2.71(a), and because Opposer consents thereto, the amendment is approved and entered. *See* Trademark Rule 2.133(a).

If the amendment resolves this proceeding, Opposer is allowed until **thirty (30)** **days** from the mailing date of this order to file a withdrawal of the opposition, failing which the opposition will go forward on the application as amended. *See* Trademark Rule 2.106(c).

If no response is filed, proceedings will be resumed and dates reset, as appropriate.

Proceedings are otherwise suspended pending Opposer's response to this order.