

ESTTA Tracking number: **ESTTA726936**

Filing date: **02/12/2016**

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	Vitality Institute Medical Products, Inc.
Granted to Date of previous extension	02/14/2016
Address	11242 Playa Court Culver City, CA 90230 UNITED STATES

Attorney information	J. Alison Grabell Brutzkus Gubner Rozansky Seror Weber LLP 21650 Oxnard Street, Suite 500 Woodland Hills, CA 91367 UNITED STATES agrabell@brutzkusgubner.com, sbroffman@brutzkusgubner.com Phone:(818) 827-9000
----------------------	--

Applicant Information

Application No	86570545	Publication date	08/18/2015
Opposition Filing Date	02/12/2016	Opposition Period Ends	02/14/2016
Applicant	KOSE CORPORATION 6-2, Nihonbashi 3-chome, Chuo-ku Tokyo, JAPAN		

Goods/Services Affected by Opposition

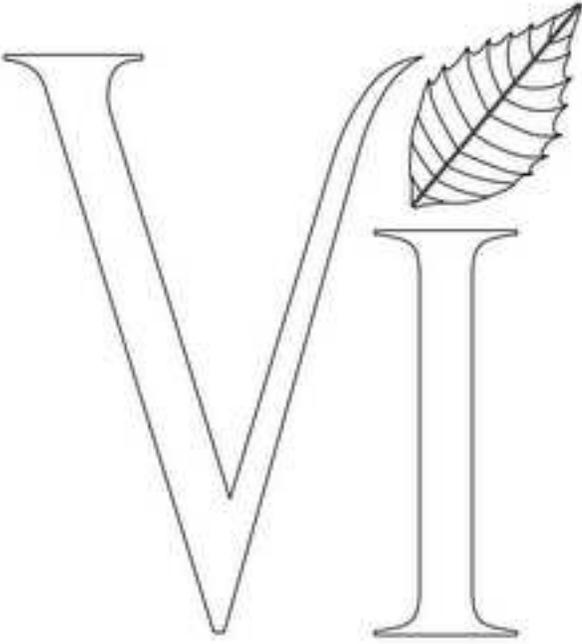
Class 003. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: cosmetics
--

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution by blurring	Trademark Act section 43(c)

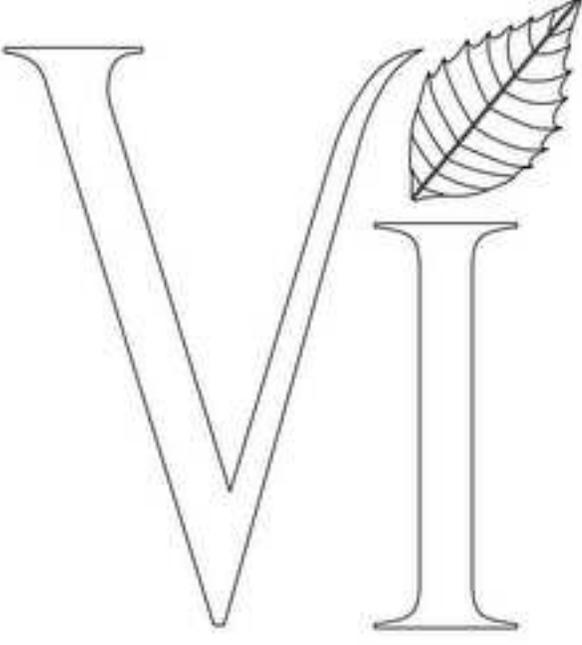
Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3633576	Application Date	09/20/2006
Registration Date	06/09/2009	Foreign Priority Date	NONE
Word Mark	VI		

Design Mark	
Description of Mark	The mark consists of THE LETTERS "VI" WITH A LEAF OVER THE "I".
Goods/Services	Class 003. First use: First Use: 2005/08/31 First Use In Commerce: 2005/08/31 SKIN CARE PRODUCTS, NAMELY, MOISTURIZING LOTIONS, SUN PROTECTION LOTIONS AND REJUVINATING LOTIONS

U.S. Registration No.	3656303	Application Date	09/26/2006
Registration Date	07/21/2009	Foreign Priority Date	NONE

Word Mark	VI
-----------	----

Design Mark	
-------------	--

Description of Mark	The mark consists of THE LETTERS "VI" WITH A LEAF OVER THE "I".
Goods/Services	Class 005. First use: First Use: 2005/08/31 First Use In Commerce: 2005/08/31 MEDICATED SKIN CARE PREPARATIONS, NAMELY, LOTIONS FOR SKIN, BODY AND FACE, AND CHEMICAL PEELS

U.S. Registration No.	4490835	Application Date	07/08/2013
Registration Date	03/04/2014	Foreign Priority Date	NONE

Word Mark	VI DERM
-----------	---------



Description of Mark	The mark consists of the stylized wording "VI" in the color green. A leaf design appears dotting the letter "I" in the colors green, dark green and white. The wording "DERM" appears directly beneath the wording "VI" in the color gray.
---------------------	--

Goods/Services	Class 003. First use: First Use: 2006/04/26 First Use In Commerce: 2006/06/14 Eye cream; Non-medicated skin care preparations, namely, creams, lotions, gels, toners, cleaners and peels; Skin conditioners; Skin lighteners Class 005. First use: First Use: 2006/04/26 First Use In Commerce: 2006/06/14 Medicated skin care preparations, namely, creams, lotions, gels, toners, cleaners and peels; Pharmaceutical preparations for skin care
----------------	--

U.S. Registration No.	4649373	Application Date	07/08/2013
Registration Date	12/02/2014	Foreign Priority Date	NONE

Word Mark	VI PEEL
-----------	---------

Design Mark	
Description of Mark	The mark consists of the stylized wording "VI" in the color green. A leaf design appears dotting the letter "I" in the colors green and white. The wording "PEEL" appears directly to the right of the wording "VI" in the color gray.
Goods/Services	Class 005. First use: First Use: 2006/04/26 First Use In Commerce: 2006/06/14 Medicated skin care preparations, namely, creams, lotions, gels, toners, cleaners and peels; pharmaceutical preparations for skin care

U.S. Registration No.	4837220	Application Date	07/08/2013
Registration Date	10/20/2015	Foreign Priority Date	NONE

Word Mark	VI PEEL
Design Mark	
Description of Mark	The mark consists of the stylized wording "VI" in the color green. A leaf design appears dotting the letter "I" in the colors green and white. The wording "PEEL" appears directly to the right of the wording "VI" in the color gray.
Goods/Services	Class 003. First use: First Use: 2013/12/31 First Use In Commerce: 2013/12/31 Non-medicated skin care preparations, namely, creams, lotions, gels, toners, cleansers and peels; skin care preparations, namely, chemical peels for skin; skincare preparations, namely, skin peels; skin lighteners

U.S. Application No.	86731664	Application Date	08/20/2015
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	VI GLOW		

Design Mark	<h1>VI GLOW</h1>
Description of Mark	NONE
Goods/Services	Class 003. First use: First Use: 0 First Use In Commerce: 0 Skin care preparations, namely, chemical peels for skin

Attachments	77003528#TMSN.png(bytes) 77007654#TMSN.png(bytes) 86004766#TMSN.png(bytes) 86975572#TMSN.png(bytes) 86004610#TMSN.png(bytes) 86731664#TMSN.png(bytes) NOO DECORTE.pdf(158738 bytes) NOO EX 1.pdf(73732 bytes) NOO EX 2.pdf(74657 bytes) NOO EX 3.pdf(2178675 bytes) NOO EX 4.pdf(2095685 bytes) NOO EX 5.pdf(2249732 bytes) NOO EX 6.pdf(42824 bytes)
-------------	--

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by Facsimile or email (by agreement only) on this date.

Signature	/J. Alison Grabell/
Name	J. Alison Grabell
Date	02/12/2016

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

VITALITY INSTITUTE MEDICAL PRODUCTS, INC.,)	Opposition No.:
)	
Opposer)	Mark: DECORTÉ VI-FUSION
)	
v.)	Serial No.: 86570545
)	
Kose Corporation,)	Filing Date: March 19, 2015
)	
Applicant.)	Date of Publication: August 18, 2015
)	

NOTICE OF OPPOSITION

Vitality Institute Medical Products, Inc. (“Opposer”) believes it will be damaged by the registration of the mark DECORTÉ VI-FUSION shown in United States Trademark Application Serial No. 86570545 filed by Kose Corporation, a Japanese corporation, and published for opposition on August 18, 2015; and therefore, Opposer opposes that application.

The grounds for opposition are as follows:

1. Opposer Vitality Institute Medical Products, Inc. (“Vitality Institute”) is a corporation organized under the laws of the State of Florida with a corporate address at 11242 Playa Court, Los Angeles, California 90230.

2. Opposer is the owner of registrations and pending applications to register the “VI” trademark and formatives/derivatives thereof (collectively the “VI Marks”), as shown in the table below.

MARK	Serial No./ Filing Date -or- Registration No./ Registration Date	First Use in Commerce Date	Int'l. Class
	Registration No. 3633576 Date: 6/9/2009	8/31/2005	3
	Registration No. 3656303 Date: 7/21/2009	8/31/2005	5
	Registration No. 4490835 Date: 3/4/2014	4/26/2006	3, 5
	Registration No. 4649373 Date: 12/2/2014	4/26/2006	5
	Registration No. 4837220 Date: 10/20/2015	12/31/2013	3
VI GLOW	Serial No. 86731664 Date: 8/20/2015	ITU	3

3. Opposer is the owner of the registered mark , Registration No. 3633576, which registered on June 9, 2009 and is incontestable. Since at least as early as August 31, 2005, Opposer has used the  mark on “skin care products, namely, moisturizing lotions, sun protection lotions and rejuvenating lotions” in Class 3. Attached hereto as **Exhibit 1**, and made of record, are a current TSDR status downloaded from the USPTO website located at www.uspto.gov, and a copy of the Certificate of Registration issued by the USPTO.

4. Opposer is the owner of the registered mark , Registration No. 3656303, which registered on July 21, 2009 and is incontestable. Since at least as early as August 31, 2005, Opposer has used the  on “medicated skin care preparations, namely, lotions for skin, body and face, and chemical peels” in Class 5. Attached hereto as **Exhibit 2**, and made of record, are a current TSDR status downloaded from the USPTO website located at www.uspto.gov, and a copy of the Certificate of Registration issued by the USPTO.

5. Opposer is the owner of the registered mark , Registration No. 4490835, which registered on March 4, 2014. Since at least as early as April 26, 2006, Opposer has used the  mark on “Eye cream; Non-medicated skin care preparations, namely, creams, lotions, gels, toners, cleaners and peels; Skin conditioners; Skin lighteners” in Class 3, and in connection with “Medicated skin care preparations, namely, creams, lotions, gels, toners, cleaners and peels; Pharmaceutical preparations for skin care” in Class 5. Attached hereto as **Exhibit 3**, and made of record, are a current TSDR status downloaded from the USPTO website located at www.uspto.gov, and a copy of the Certificate of Registration issued by the USPTO.

6. Opposer is the owner of the registered mark , Registration No. 4649373, which registered on December 2, 2014. Since at least as early as April 26, 2006, Opposer has used the mark  on “Medicated skin care preparations, namely, creams, lotions, gels, toners, cleaners and peels; pharmaceutical preparations for skin care” in Class 5. Attached hereto as

Exhibit 4, and made of record, are a current TSDR status downloaded from the USPTO website located at www.uspto.gov, and a copy of the Certificate of Registration issued by the USPTO.

7. Opposer is the owner of the registered mark , Registration No. 4837220, which registered on October 20, 2015. Since at least as early as December 31, 2013, Opposer has used the  mark on “Non-medicated skin care preparations, namely, creams, lotions, gels, toners, cleansers and peels; skin care preparations, namely, chemical peels for skin; skin care preparations, namely, skin peels; skin lighteners” in Class 3. Attached hereto as **Exhibit 5**, and made of record, are a current TSDR status downloaded from the USPTO website located at www.uspto.gov, and a copy of the Certificate of Registration issued by the USPTO.

8. Opposer is the owner of the pending application for registration of the mark VI GLOW, Serial No. 86731664, which was filed on August 20, 2015, for “Skin care preparations, namely, chemical peels for skin,” in Class 3. Attached hereto as **Exhibit 6**, and made of record, is a current TSDR status downloaded from the USPTO website located at www.uspto.gov.

9. Opposer has advertised and promoted its **VI Marks** continuously and extensively, and made substantial sales of goods under those marks. As a result of Opposer’s continuous use and promotion of its **VI Marks**, Opposer’s **VI Marks** have developed and represent valuable good will inuring to Opposer’s benefit.

10. Applicant is the owner of Application Serial No. 86570545 (the “545 Application”), filed on March 19, 2015 based on intent to use.

11. Applicant's goods as covered in the '545 Application are in Class 3, and those goods are the same as or related to the goods in Classes 3 and 5 on which Opposer uses the **VI Marks** in commerce.

12. There is no issue of priority as to the '545 Application because Opposer used its **VI Marks** in commerce prior to Applicant's March 19, 2015 filing date. Opposer's use of its **VI Marks** commenced at least as early as August 31, 2005, approximately ten (10) years before Applicant's filing date. Opposer, therefore, has priority over Applicant with respect to the mark at issue in the '545 Application.

13. Applicant's **DECORTÉ VI-FUSION** mark is confusingly similar to Opposer's well-known **VI Marks** in that **DECORTÉ VI-FUSION contains the entirety of Opposer's distinctive "VI" mark**. Applicant's mark creates the same commercial impression as the **VI Marks**, such that consumers are likely to be confused, mistaken or deceived as to the source of origin of the goods.

14. Opposer's and Applicant's goods are sold, marketed and offered in the same channels of trade to the same consumers or class of consumers.

15. Due to the similarity of the parties' marks and the goods, customers and potential customers are likely to believe that Applicant's goods and services originate from Opposer, resulting in a likelihood of confusion in the marketplace, and damage to Opposer.

16. Because the goods are similar, and because the marks are confusingly similar, Applicant's use and registration of **DECORTÉ VI-FUSION** is likely to cause confusion, mistake or deception that Applicant's goods are those of Opposer or are otherwise endorsed, sponsored or approved by Opposer for use with Opposer's goods, causing further damage to Opposer.

17. Registration of the mark **DECORTÉ VI-FUSION** shown in the '545 Application will result in damage to Opposer pursuant to Section 2(d) of the Trademark Act, in that Applicant's **DECORTÉ VI-FUSION** mark "consists of or comprises a mark which so resembles a mark registered in the Patent and Trademark Office ... as to be likely, when used on or in connection with the goods of the applicant, to cause confusion, or to cause mistake, or to deceive...." (15 USC § 1052).

18. Opposer's **VI Marks** are famous as they are distinctive in that they are widely recognized by the general consuming public as designating the source of origin of Opposer's goods since at least as early as August 31, 2005.

19. Opposer has used and advertised its **VI Marks** extensively, such that consumers recognize that goods sold under the marks are associated with and emanate from Opposer.

20. Because of the fame of Opposer's **VI Marks**, and the fact that "VI" is not diluted on the Trademark Register for goods with the exception of Opposer's portfolio of **VI Marks**, Applicant's use and registration of the mark **DECORTÉ VI-FUSION** will result in the dilution of Opposer's **VI Marks**.

WHEREFORE, Opposer prays that its opposition to registration of Application Serial No. 86570545 be sustained and that registration of **DECORTÉ VI-FUSION** for the goods set forth therein be refused.

Dated: February 12, 2016

Respectfully submitted,

BRUTZKUS GUBNER ROZANSKY SEROR
WEBER LLP



By: _____

J. ALISON GRABELL
NICHOLAS A. ROZANSKY
21650 Oxnard Street, Suite 500
Woodland Hills, California 91367
Telephone: (818) 827-9000
Facsimile: (818) 827-9060
E-mail: agrabell@brutzkusgubner.com
E-mail: nrozansky@brutzkusgubner.com

Attorneys for Opposer
VITALITY INSTITUTE MEDICAL
PRODUCTS, INC.

CERTIFICATE OF SERVICE

I hereby certify that on February 12, 2016, the foregoing **NOTICE OF OPPOSITION** was served upon counsel for Applicant via e-mail only, pursuant to agreement of the parties' counsel, as follows:

Eric S. Hyman, Esq.
Blakely Sokoloff Taylor & Zafman LLP
12400 Wilshire Boulevard, 7th Floor
Los Angeles, CA 90025-1019

E-mail: TM_Filings@bstz.com



Dated: February 12, 2016

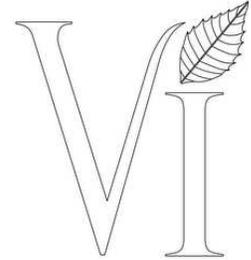
Sheri Lee Broffman

EXHIBIT 1

Generated on:

This page was generated by TSDR on 2016-02-11 14:39:11 EST

Mark: VI



US Serial Number: 77003528

Sep. 20, 2006

US Registration Number: 3633576

Jun. 09, 2009

Register:

Principal

Mark Type:

Trademark

Status:

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

Status Date:

Jan. 13, 2015

Publication Date: Mar. 24, 2009

Application Filing Date:

Registration Date:

Mark Information

Mark Literal Elements:

VI

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 LETTERS "VI" WITH A LEAF OVER THE "I".

Color(s) Claimed:

Color is not claimed as a feature of the mark.

Design Search Code(s):

05.03.25 - Leaf, single; Other leaves

27.03.04 - Plants forming letters or numerals

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:

SKIN CARE PRODUCTS, NAMELY, MOISTURIZING LOTIONS, SUN PROTECTION LOTIONS AND REJUVINATING LOTIONS

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, 2005

Use in Commerce:

Aug. 31, 2005

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:

VITALITY INSTITUTE MEDICAL PRODUCTS, INC.

Owner Address:

11242 PLAYA COURT
CULVER CITY, CALIFORNIA 90230
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where
Organized:

FLORIDA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: J. Alison Grabell

Docket Number:

3993.016

Attorney Primary Email Address: agrabell@ebg-law.com

Attorney Email Authorized:

Yes

Correspondent

Correspondent Name/Address:

J. Alison Grabell
Ezra Brutzkus Gubner LLP
21650 Oxnard Street
Suite 500
Woodland Hills, CALIFORNIA 91367
UNITED STATES

Phone: 8188279000

Fax:

8188279060

Correspondent e-mail: agrabell@ebg-law.com

Correspondent e-mail Authorized:

Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jun. 02, 2015	ATTORNEY REVOKED AND/OR APPOINTED	
Jun. 02, 2015	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jan. 13, 2015	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Jan. 13, 2015	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	76985
Jan. 13, 2015	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76985
Dec. 26, 2014	TEAS SECTION 8 & 15 RECEIVED	
Jun. 26, 2013	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Jun. 09, 2009	REGISTERED-PRINCIPAL REGISTER	
Mar. 24, 2009	PUBLISHED FOR OPPOSITION	
Mar. 04, 2009	NOTICE OF PUBLICATION	
Feb. 17, 2009	LAW OFFICE PUBLICATION REVIEW COMPLETED	70629

Feb. 12, 2009	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 22, 2009	LIE CHECKED SUSP - TO ATTY FOR ACTION	70629
Jul. 22, 2008	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	70629
Jan. 22, 2008	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	70629
Jan. 22, 2008	ASSIGNED TO LIE	70629
Jul. 20, 2007	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Jul. 20, 2007	LETTER OF SUSPENSION E-MAILED	6332
Jul. 20, 2007	SUSPENSION LETTER WRITTEN	74819
Feb. 09, 2007	LETTER OF SUSPENSION E-MAILED	6332
Feb. 09, 2007	SUSPENSION LETTER WRITTEN	74819
Feb. 08, 2007	ASSIGNED TO EXAMINER	74819
Oct. 13, 2006	APPLICANT AMENDMENT PRIOR TO EXAMINATION - ENTERED	70824
Oct. 13, 2006	PAPER RECEIVED	
Sep. 27, 2006	NOTICE OF DESIGN SEARCH CODE MAILED	
Sep. 26, 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: TMO LAW OFFICE 115

Date in Location:

Jan. 13, 2015

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant:

SOUTH BEACH VITALITY INSTITUTE, L.L.C.

Assignment 1 of 1

Conveyance:

ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [5053/0280](#)

Pages:

5

Date Recorded: Jun. 20, 2013

Supporting Documents:

[assignment-tm-5053-0280.pdf](#)

Assignor

Name: [SOUTH BEACH VITALITY INSTITUTE, L.L.C.](#)

Execution Date:

Jun. 14, 2013

Legal Entity Type: LIMITED LIABILITY COMPANY

**State or Country Where
Organized:**

FLORIDA

Assignee

Name:

[VITALITY INSTITUTE MEDICAL PRODUCTS, INC.](#)

Legal Entity Type: CORPORATION

**State or Country Where
Organized:**

FLORIDA

Address:

11242 PLAYA COURT
CULVER CITY, CALIFORNIA 90230

Correspondent

Correspondent Name:

DAVID L. EVANS, ESQ.

Correspondent Address:

111 UNIVERSAL HOLLYWOOD DRIVE
SUITE 2200
UNIVERSAL CITY, CA 91608

Domestic Representative - Not Found

Int. Cl.: 3

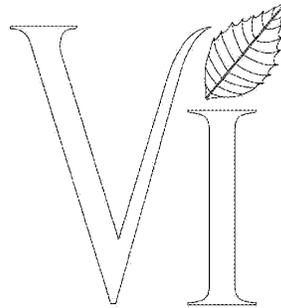
Prior U.S. Cls.: 1, 4, 6, 50, 51 and 52

Reg. No. 3,633,576

United States Patent and Trademark Office

Registered June 9, 2009

**TRADEMARK
PRINCIPAL REGISTER**



SOUTH BEACH VITALITY INSTITUTE, L.L.C.
(FLORIDA LIMITED LIABILITY COMPANY)
2ND FLOOR
844 ALTON ROAD
MIAMI BEACH, FL 33139

FIRST USE 8-31-2005; IN COMMERCE 8-31-2005.

THE MARK CONSISTS OF THE LETTERS "VI"
WITH A LEAF OVER THE "I".

FOR: SKIN CARE PRODUCTS, NAMELY, MOIST-
URIZING LOTIONS, SUN PROTECTION LOTIONS
AND REJUVINATING LOTIONS, IN CLASS 3 (U.S.
CLS. 1, 4, 6, 50, 51 AND 52).

SER. NO. 77-003,528, FILED 9-20-2006.

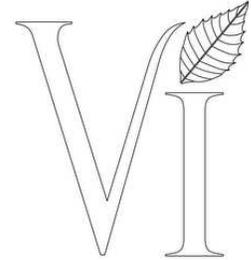
ALICIA COLLINS, EXAMINING ATTORNEY

EXHIBIT 2

Generated on:

This page was generated by TSDR on 2016-02-11 14:44:13 EST

Mark: VI



US Serial Number: 77007654

Application Filing Date:

Sep. 26, 2006

US Registration Number: 3656303

Registration Date:

Jul. 21, 2009

Register:

Principal

Mark Type:

Trademark

Status:

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

Status Date:

Jan. 13, 2015

Publication Date: May 05, 2009

Mark Information

Mark Literal Elements:

VI

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 LETTERS "VI" WITH A LEAF OVER THE "I".

Color(s) Claimed:

Color is not claimed as a feature of the mark.

Design Search Code(s):

05.03.25 - Leaf, single; Other leaves

27.03.04 - Plants forming letters or numerals

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:

MEDICATED SKIN CARE PREPARATIONS, NAMELY, LOTIONS FOR SKIN, BODY AND FACE, AND CHEMICAL PEELS

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, 2005

Use in Commerce:

Aug. 31, 2005

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:

VITALITY INSTITUTE MEDICAL PRODUCTS, INC.

Owner Address:

11242 PLAYA COURT
CULVER CITY, CALIFORNIA 90230
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where
Organized:

FLORIDA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: J. Alison Grabell

Docket Number:

3993.017

Attorney Primary Email Address: agrabell@ebg-law.com

Attorney Email Authorized:

Yes

Correspondent

Correspondent Name/Address:

J. Alison Grabell
Ezra Brutzkus Gubner LLP
21650 Oxnard Street
Suite 500
Woodland Hills, CALIFORNIA 91367
UNITED STATES

Phone: 8188279000

Fax:

8188279060

Correspondent e-mail: agrabell@ebg-law.com

Correspondent e-mail Authorized:

Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jun. 02, 2015	ATTORNEY REVOKED AND/OR APPOINTED	
Jun. 02, 2015	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jan. 13, 2015	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Jan. 13, 2015	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	76985
Jan. 13, 2015	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76985
Dec. 26, 2014	TEAS SECTION 8 & 15 RECEIVED	
Jun. 26, 2013	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Jul. 21, 2009	REGISTERED-PRINCIPAL REGISTER	
May 05, 2009	PUBLISHED FOR OPPOSITION	
Apr. 15, 2009	NOTICE OF PUBLICATION	
Mar. 27, 2009	LAW OFFICE PUBLICATION REVIEW COMPLETED	70629

Mar. 26, 2009	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 11, 2009	LIE CHECKED SUSP - TO ATTY FOR ACTION	70629
Sep. 11, 2008	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	70629
Mar. 06, 2008	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	70629
Mar. 06, 2008	ASSIGNED TO LIE	70629
Sep. 06, 2007	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Sep. 06, 2007	LETTER OF SUSPENSION E-MAILED	6332
Sep. 06, 2007	SUSPENSION LETTER WRITTEN	74819
Sep. 06, 2007	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Sep. 06, 2007	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 08, 2007	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Aug. 08, 2007	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Aug. 08, 2007	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Feb. 09, 2007	NON-FINAL ACTION E-MAILED	6325
Feb. 09, 2007	NON-FINAL ACTION WRITTEN	74819
Feb. 08, 2007	ASSIGNED TO EXAMINER	74819
Oct. 03, 2006	NOTICE OF DESIGN SEARCH CODE AND PSEUDO MARK MAILED	
Oct. 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: TMO LAW OFFICE 115

Date in Location:

Jan. 13, 2015

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant:

SOUTH BEACH VITALITY INSTITUTE, L.L.C.

Assignment 1 of 1

Conveyance:

ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [5053/0280](#)

Pages:

5

Date Recorded: Jun. 20, 2013

Supporting Documents:

[assignment-tm-5053-0280.pdf](#)

Assignor

Name: [SOUTH BEACH VITALITY INSTITUTE, L.L.C.](#)

Execution Date:

Jun. 14, 2013

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized:

FLORIDA

Assignee

Name:

[VITALITY INSTITUTE MEDICAL PRODUCTS, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized:

FLORIDA

Address:

11242 PLAYA COURT
CULVER CITY, CALIFORNIA 90230

Correspondent

Correspondent Name:

DAVID L. EVANS, ESQ.

Correspondent Address:

111 UNIVERSAL HOLLYWOOD DRIVE
SUITE 2200
UNIVERSAL CITY, CA 91608

Domestic Representative - Not Found

Int. Cl.: 5

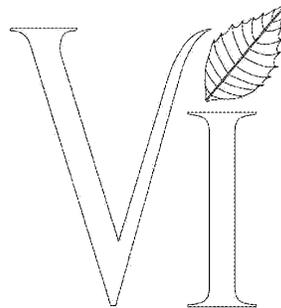
Prior U.S. Cls.: 6, 18, 44, 46, 51 and 52

Reg. No. 3,656,303

United States Patent and Trademark Office

Registered July 21, 2009

**TRADEMARK
PRINCIPAL REGISTER**



SOUTH BEACH VITALITY INSTITUTE, L.L.C.
(FLORIDA LIMITED LIABILITY COMPANY)
2ND FLOOR
844 ALTON ROAD
MIAMI BEACH, FL 33139

FIRST USE 8-31-2005; IN COMMERCE 8-31-2005.

THE MARK CONSISTS OF THE LETTERS "VI"
WITH A LEAF OVER THE "I".

FOR: MEDICATED SKIN CARE PREPARATIONS,
NAMELY, LOTIONS FOR SKIN, BODY AND FACE,
AND CHEMICAL PEELS, IN CLASS 5 (U.S. CLS. 6, 18,
44, 46, 51 AND 52).

SER. NO. 77-007,654, FILED 9-26-2006.

ALICIA COLLINS, EXAMINING ATTORNEY

EXHIBIT 3

Generated on:

This page was generated by TSDR on 2016-02-11 14:50:11 EST

Mark: VI DERM



US Serial Number: 86004766

Jul. 08, 2013

US Registration Number: 4490835

Mar. 04, 2014

Filed as TEAS Plus: Yes

Yes

Register:

Principal

Mark Type:

Trademark

Status:

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

Status Date:

Mar. 04, 2014

Publication Date: Dec. 17, 2013

Application Filing Date:

Registration Date:

Currently TEAS Plus:

Mark Information

Mark Literal Elements:

VI DERM

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 wording "VI" in the color green. A leaf design appears dotting the letter "I" in the colors green, dark green and white. The wording "DERM" appears directly beneath the wording "VI" in the color gray.

Color Drawing:

Yes

Color(s) Claimed:

The color(s) green, dark green, white and gray is/are claimed as a feature of the mark.

Disclaimer:

"DERM"

Design Search Code(s):

29.01.07 - Small, inconspicuous design elements functioning as punctuation or parts of letters; Inconspicuous designs functioning as punctuation or parts of letters

Related Properties Information

Claimed Ownership of US Registrations:

3633576, 3656303

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:

Eye cream; Non-medicated skin care preparations, namely, creams, lotions, gels, toners, cleaners and peels; Skin conditioners; Skin lighteners

International Class(es): 003 - Primary Class

U.S Class(es):

001, 004, 006, 050, 051, 052

Class Status:

ACTIVE

Basis:

1(a)

First Use: Apr. 26, 2006

Use in Commerce:

Jun. 14, 2006

For:

Medicated skin care preparations, namely, creams, lotions, gels, toners, cleaners and peels; Pharmaceutical preparations for skin care

International Class(es): 005 - Primary Class

U.S Class(es):

006, 018, 044, 046, 051, 052

Class Status:

ACTIVE

Basis:

1(a)

First Use: Apr. 26, 2006

Use in Commerce:

Jun. 14, 2006

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:

Vitality Institute Medical Products, Inc.

Owner Address:

11242 Playa Court
Culver City, CALIFORNIA 90230
UNITED STATES

Legal Entity Type: CORPORATION

**State or Country Where
Organized:**

FLORIDA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: J. Alison Grabell

Docket Number:

3993.015

**Attorney Primary Email
Address:** agrabell@ebg-law.com

**Attorney Email
Authorized:**

Yes

Correspondent

Correspondent

Name/Address:

J. Alison Grabell
 Ezra Brutzkus Gubner LLP
 21650 Oxnard Street
 Suite 500
 Woodland Hills, CALIFORNIA 91367
 UNITED STATES

Phone: 8188279000**Fax:**

8188279060

Correspondent e-mail: agrabell@ebg-law.com**Correspondent e-mail
Authorized:**

Yes

Domestic Representative - Not Found**Prosecution History**

Date	Description	Proceeding Number
Jun. 02, 2015	ATTORNEY REVOKED AND/OR APPOINTED	
Jun. 02, 2015	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Mar. 04, 2014	REGISTERED-PRINCIPAL REGISTER	
Dec. 17, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Dec. 17, 2013	PUBLISHED FOR OPPOSITION	
Nov. 27, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Nov. 14, 2013	LAW OFFICE PUBLICATION REVIEW COMPLETED	70997
Nov. 08, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 07, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	70997
Nov. 07, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	70997
Nov. 06, 2013	ASSIGNED TO LIE	70997
Oct. 30, 2013	ASSIGNED TO LIE	68552
Oct. 28, 2013	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Oct. 21, 2013	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Oct. 21, 2013	NON-FINAL ACTION E-MAILED	6325
Oct. 21, 2013	NON-FINAL ACTION WRITTEN	80796
Oct. 18, 2013	ASSIGNED TO EXAMINER	80796
Jul. 18, 2013	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Jul. 17, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jul. 11, 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:**

Mar. 04, 2014

United States of America

United States Patent and Trademark Office



Reg. No. 4,490,835

Registered Mar. 4, 2014

Int. Cls.: 3 and 5

TRADEMARK

PRINCIPAL REGISTER

VITALITY INSTITUTE MEDICAL PRODUCTS, INC. (FLORIDA CORPORATION)
11242 PLAYA COURT
CULVER CITY, CA 90230

FOR: EYE CREAM; NON-MEDICATED SKIN CARE PREPARATIONS, NAMELY, CREAMS, LOTIONS, GELS, TONERS, CLEANERS AND PEELS; SKIN CONDITIONERS; SKIN LIGHTENERS, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 4-26-2006; IN COMMERCE 6-14-2006.

FOR: MEDICATED SKIN CARE PREPARATIONS, NAMELY, CREAMS, LOTIONS, GELS, TONERS, CLEANERS AND PEELS; PHARMACEUTICAL PREPARATIONS FOR SKIN CARE, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE 4-26-2006; IN COMMERCE 6-14-2006.

OWNER OF U.S. REG. NOS. 3,633,576 AND 3,656,303.

THE COLOR(S) GREEN, DARK GREEN, WHITE AND GRAY IS/ARE CLAIMED AS A FEATURE OF THE MARK.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "DERM", APART FROM THE MARK AS SHOWN.

THE MARK CONSISTS OF THE STYLIZED WORDING "VI" IN THE COLOR GREEN. A LEAF DESIGN APPEARS DOTTING THE LETTER "I" IN THE COLORS GREEN, DARK GREEN AND WHITE. THE WORDING "DERM" APPEARS DIRECTLY BENEATH THE WORDING "VI" IN THE COLOR GRAY.

SER. NO. 86-004,766, FILED 7-8-2013.

ALLISON SCHRODY, EXAMINING ATTORNEY



Michelle K. Lee

Deputy Director of the United States
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

EXHIBIT 4

Generated on:

This page was generated by TSDR on 2016-02-11 15:01:07 EST

Mark: VI PEEL



US Serial Number: 86975572

Jul. 08, 2013

Application Filing Date:

US Registration Number: 4649373

Dec. 02, 2014

Registration Date:

Filed as TEAS Plus: Yes

Yes

Currently TEAS Plus:

Register:

Principal

Mark Type:

Trademark

Status:

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

Status Date:

Dec. 02, 2014

Publication Date: Jan. 07, 2014

Mark Information

Mark Literal Elements:

VI PEEL

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 wording "VI" in the color green. A leaf design appears dotting the letter "I" in the colors green and white. The wording "PEEL" appears directly to the right of the wording "VI" in the color gray.

Color Drawing:

Yes

Color(s) Claimed:

The color(s) green, white and gray is/are claimed as a feature of the mark.

Disclaimer:

"PEEL"

Design Search Code(s):

29.01.07 - Small, inconspicuous design elements functioning as punctuation or parts of letters; Inconspicuous designs functioning as punctuation or parts of letters

Related Properties Information

Claimed Ownership of US Registrations:

3633576, 3656303

Child Of:

86004610

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:

Medicated skin care preparations, namely, creams, lotions, gels, toners, cleaners and peels; pharmaceutical preparations for skin care

International Class(es): 005 - Primary Class

U.S Class(es):

006, 018, 044, 046, 051, 052

Class Status:

ACTIVE

Basis:

1(a)

First Use: Apr. 26, 2006

Use in Commerce:

Jun. 14, 2006

Basis Information (Case Level)

Filed Use: Yes

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:

Vitality Institute Medical Products, Inc.

Owner Address:

11242 Playa Court
Culver City, CALIFORNIA UNITED STATES 90230

Legal Entity Type: CORPORATION

**State or Country Where
Organized:**

FLORIDA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: J. Alison Grabell

Docket Number:

3993.014

**Attorney Primary Email
Address:** agrabell@ebg-law.com

**Attorney Email
Authorized:**

Yes

Correspondent

**Correspondent
Name/Address:**

J. Alison Grabell
Ezra Brutzkus Gubner LLP
21650 Oxnard Street
Suite 500
Woodland Hills, CALIFORNIA UNITED STATES 91367

Phone: 8188279000

Fax:

8188279060

Correspondent e-mail: agrabell@ebg-law.com

**Correspondent e-mail
Authorized:**

Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jun. 02, 2015	ATTORNEY REVOKED AND/OR APPOINTED	
Jun. 02, 2015	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Dec. 02, 2014	REGISTERED-PRINCIPAL REGISTER	

Sep. 24, 2014	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Sep. 23, 2014	1(B) BASIS DELETED; PROCEED TO REGISTRATION	65362
Aug. 25, 2014	NOTICE OF ALLOWANCE CANCELLED	65362
Sep. 23, 2014	DIVISIONAL PROCESSING COMPLETE	
Aug. 25, 2014	DIVISIONAL REQUEST RECEIVED	
Sep. 22, 2014	RESPONSE TO ITU OFFICE ACTION ENTERED	65362
Sep. 22, 2014	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Sep. 17, 2014	ITU OFFICE ACTION ISSUED FOR DIVISIONAL REQUEST	65362
Sep. 10, 2014	CASE ASSIGNED TO INTENT TO USE PARALEGAL	65362
Aug. 25, 2014	TEAS REQUEST TO DIVIDE RECEIVED	
Mar. 04, 2014	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Jan. 07, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jan. 07, 2014	PUBLISHED FOR OPPOSITION	
Dec. 18, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Dec. 05, 2013	LAW OFFICE PUBLICATION REVIEW COMPLETED	74221
Dec. 05, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 05, 2013	EXAMINER'S AMENDMENT ENTERED	88888
Dec. 05, 2013	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Dec. 05, 2013	EXAMINERS AMENDMENT E-MAILED	6328
Dec. 05, 2013	EXAMINERS AMENDMENT -WRITTEN	80796
Nov. 11, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	74221
Nov. 11, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	74221
Nov. 04, 2013	ASSIGNED TO LIE	74221
Oct. 31, 2013	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Oct. 21, 2013	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Oct. 21, 2013	NON-FINAL ACTION E-MAILED	6325
Oct. 21, 2013	NON-FINAL ACTION WRITTEN	80796
Oct. 18, 2013	ASSIGNED TO EXAMINER	80796
Jul. 18, 2013	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Jul. 17, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jul. 11, 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:

Dec. 02, 2014

United States of America

United States Patent and Trademark Office



Reg. No. 4,649,373

Registered Dec. 2, 2014

Int. Cl.: 5

TRADEMARK

PRINCIPAL REGISTER

VITALITY INSTITUTE MEDICAL PRODUCTS, INC. (FLORIDA CORPORATION)
11242 PLAYA COURT
CULVER CITY, CA 90230

FOR: MEDICATED SKIN CARE PREPARATIONS, NAMELY, CREAMS, LOTIONS, GELS, TONERS, CLEANERS AND PEELS; PHARMACEUTICAL PREPARATIONS FOR SKIN CARE, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE 4-26-2006; IN COMMERCE 6-14-2006.

OWNER OF U.S. REG. NOS. 3,633,576 AND 3,656,303.

THE COLOR(S) GREEN, WHITE AND GRAY IS/ARE CLAIMED AS A FEATURE OF THE MARK.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "PEEL", APART FROM THE MARK AS SHOWN.

THE MARK CONSISTS OF THE STYLIZED WORDING "VI" IN THE COLOR GREEN. A LEAF DESIGN APPEARS DOTTING THE LETTER "I" IN THE COLORS GREEN AND WHITE. THE WORDING "PEEL" APPEARS DIRECTLY TO THE RIGHT OF THE WORDING "VI" IN THE COLOR GRAY.

SER. NO. 86-975,572, FILED 7-8-2013.

ALLISON SCHRODY, EXAMINING ATTORNEY



Michelle K. Lee

Deputy Director of the United States
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

EXHIBIT 5

Generated on:

This page was generated by TSDR on 2016-02-11 15:06:46 EST

Mark: VI PEEL



US Serial Number: 86004610

Jul. 08, 2013

Application Filing Date:

US Registration Number: 4837220

Oct. 20, 2015

Registration Date:

Filed as TEAS Plus: Yes

Yes

Currently TEAS Plus:

Register:

Principal

Mark Type:

Trademark

Status:

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

Status Date:

Oct. 20, 2015

Publication Date: Jan. 07, 2014

Notice of Allowance Date:

Mar. 04, 2014

Mark Information

Mark Literal Elements:

VI PEEL

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 wording "VI" in the color green. A leaf design appears dotting the letter "I" in the colors green and white. The wording "PEEL" appears directly to the right of the wording "VI" in the color gray.

Color Drawing:

Yes

Color(s) Claimed:

The color(s) green, white and gray is/are claimed as a feature of the mark.

Disclaimer:

"PEEL"

Design Search Code(s):

29.01.07 - Small, inconspicuous design elements functioning as punctuation or parts of letters; Inconspicuous designs functioning as punctuation or parts of letters

Related Properties Information

Claimed Ownership of US Registrations:

3633576, 3656303

Parent Of:

86975572

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:

Non-medicated skin care preparations, namely, creams, lotions, gels, toners, cleansers and peels; skin care preparations, namely, chemical peels for skin; skin care preparations, namely, skin peels; skin lighteners

International Class(es): 003 - Primary Class

U.S Class(es):

001, 004, 006, 050, 051, 052

Class Status:

ACTIVE

Basis:

1(a)

First Use: Dec. 31, 2013

Use in Commerce:

Dec. 31, 2013

Basis Information (Case Level)

Filed Use: Yes

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:

Vitality Institute Medical Products, Inc.

Owner Address:

11242 Playa Court
Culver City, CALIFORNIA 90230
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized:

FLORIDA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: J. Alison Grabell

Docket Number:

3993.013

Attorney Primary Email Address: agrabell@ebg-law.com

Attorney Email Authorized:

Yes

Correspondent

Correspondent Name/Address:

J. Alison Grabell
Ezra Brutzkus Gubner LLP
21650 Oxnard Street
Suite 500
Woodland Hills, CALIFORNIA 91367
UNITED STATES

Phone: 8188279000

Fax:

8188279060

Correspondent e-mail: agrabell@ebg-law.com

Correspondent e-mail Authorized:

Yes

Domestic Representative - Not Found

Prosecution History

Proceeding

Date	Description	Number
Oct. 20, 2015	REGISTERED-PRINCIPAL REGISTER	
Sep. 15, 2015	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Sep. 14, 2015	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Aug. 28, 2015	STATEMENT OF USE PROCESSING COMPLETE	65362
Aug. 22, 2015	USE AMENDMENT FILED	65362
Aug. 22, 2015	TEAS STATEMENT OF USE RECEIVED	
Jun. 02, 2015	ATTORNEY REVOKED AND/OR APPOINTED	
Jun. 02, 2015	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Apr. 22, 2015	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Apr. 21, 2015	EXTENSION 2 GRANTED	65362
Mar. 04, 2015	EXTENSION 2 FILED	65362
Apr. 17, 2015	NOTICE OF REVIVAL - E-MAILED	
Apr. 16, 2015	EXTENSION RECEIVED WITH TEAS PETITION	
Apr. 16, 2015	PETITION TO REVIVE-GRANTED	88889
Apr. 16, 2015	TEAS PETITION TO REVIVE RECEIVED	
Apr. 06, 2015	ABANDONMENT NOTICE MAILED - NO USE STATEMENT FILED	
Apr. 06, 2015	ABANDONMENT - NO USE STATEMENT FILED	99999
Sep. 24, 2014	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Sep. 24, 2014	CORRECTED NOA E-MAILED	
Sep. 23, 2014	EXTENSION 1 GRANTED	65362
Aug. 25, 2014	EXTENSION 1 FILED	65362
Sep. 23, 2014	DIVISIONAL PROCESSING COMPLETE	
Aug. 25, 2014	DIVISIONAL REQUEST RECEIVED	
Sep. 22, 2014	RESPONSE TO ITU OFFICE ACTION ENTERED	65362
Sep. 22, 2014	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Sep. 17, 2014	ITU OFFICE ACTION ISSUED FOR DIVISIONAL REQUEST	65362
Sep. 10, 2014	CASE ASSIGNED TO INTENT TO USE PARALEGAL	65362
Aug. 25, 2014	TEAS EXTENSION RECEIVED	
Aug. 25, 2014	TEAS REQUEST TO DIVIDE RECEIVED	
Mar. 04, 2014	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Jan. 07, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jan. 07, 2014	PUBLISHED FOR OPPOSITION	
Dec. 18, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Dec. 05, 2013	LAW OFFICE PUBLICATION REVIEW COMPLETED	74221
Dec. 05, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 05, 2013	EXAMINER'S AMENDMENT ENTERED	88888
Dec. 05, 2013	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Dec. 05, 2013	EXAMINERS AMENDMENT E-MAILED	6328
Dec. 05, 2013	EXAMINERS AMENDMENT -WRITTEN	80796
Nov. 11, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	74221
Nov. 11, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	74221
Nov. 04, 2013	ASSIGNED TO LIE	74221
Oct. 31, 2013	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Oct. 21, 2013	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Oct. 21, 2013	NON-FINAL ACTION E-MAILED	6325
Oct. 21, 2013	NON-FINAL ACTION WRITTEN	80796
Oct. 18, 2013	ASSIGNED TO EXAMINER	80796
Jul. 18, 2013	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Jul. 17, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jul. 11, 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:

Sep. 14, 2015

United States of America

United States Patent and Trademark Office



Reg. No. 4,837,220

VITALITY INSTITUTE MEDICAL PRODUCTS, INC. (FLORIDA CORPORATION)
11242 PLAYA COURT

Registered Oct. 20, 2015

CULVER CITY, CA 90230

Int. Cl.: 3

FOR: NON-MEDICATED SKIN CARE PREPARATIONS, NAMELY, CREAMS, LOTIONS, GELS, TONERS, CLEANSERS AND PEELS; SKIN CARE PREPARATIONS, NAMELY, CHEMICAL PEELS FOR SKIN; SKIN CARE PREPARATIONS, NAMELY, SKIN PEELS; SKIN LIGHTENERS, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

TRADEMARK

PRINCIPAL REGISTER

FIRST USE 12-31-2013; IN COMMERCE 12-31-2013.

OWNER OF U.S. REG. NOS. 3,633,576 AND 3,656,303.

THE COLOR(S) GREEN, WHITE AND GRAY IS/ARE CLAIMED AS A FEATURE OF THE MARK.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "PEEL", APART FROM THE MARK AS SHOWN.

THE MARK CONSISTS OF THE STYLIZED WORDING "VI" IN THE COLOR GREEN. A LEAF DESIGN APPEARS DOTTING THE LETTER "I" IN THE COLORS GREEN AND WHITE. THE WORDING "PEEL" APPEARS DIRECTLY TO THE RIGHT OF THE WORDING "VI" IN THE COLOR GRAY.

SN 86-004,610, FILED 7-8-2013.

ALLISON SCHRODY, EXAMINING ATTORNEY



Michelle K. Lee

Director of the United States
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.

EXHIBIT 6

Generated on:

This page was generated by TSDR on 2016-02-11 15:11:07 EST

Mark: VI GLOW

VI GLOW

US Serial Number: 86731664

Application Filing Date:

Aug. 20, 2015

Filed as TEAS Plus: Yes

Currently TEAS Plus:

Yes

Register:

Principal

Mark Type:

Trademark

Status:

A non-final Office action has been sent (issued) to the applicant. This is a letter from the examining attorney requiring additional information and/or making an initial refusal. The applicant must respond to this Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date:

Dec. 05, 2015

Mark Information

Mark Literal Elements:

VI GLOW

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 Registrations:

3656303, 4649373, 4990835

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:

Skin care preparations, namely, chemical peels for skin

International Class(es): 003 - Primary Class

U.S Class(es):

001, 004, 006, 050, 051, 052

Class Status:

ACTIVE

Basis:

1(b)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: Yes

Currently ITU: Yes

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No
Filed No Basis: No

Currently 66A: No
Currently No Basis: No

Current Owner(s) Information

Owner Name:

Vitality Institute Medical Products, Inc.

Owner Address:

11242 Playa Court
Culver City, CALIFORNIA 90230
UNITED STATES

Legal Entity Type: CORPORATION

**State or Country Where
Organized:**

FLORIDA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: J. Alison Gabell

Docket Number:

3993.022

**Attorney Primary Email
Address:** agrabell@ebg-law.com

**Attorney Email
Authorized:**

Yes

Correspondent

**Correspondent
Name/Address:**

J. ALISON GABELL
Ezra Brutzkus Gubner Llp
21650 Oxnard St Ste 500
Woodland Hills, CALIFORNIA 91367-4911
UNITED STATES

Phone: 8188279000

Fax:

8188279060

Correspondent e-mail: agrabell@ebg-law.com sbroffman@ebg-law.com

**Correspondent e-mail
Authorized:**

Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Dec. 05, 2015	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Dec. 05, 2015	NON-FINAL ACTION E-MAILED	6325
Dec. 05, 2015	NON-FINAL ACTION WRITTEN	81099
Dec. 04, 2015	ASSIGNED TO EXAMINER	81099
Aug. 27, 2015	NOTICE OF PSEUDO MARK E-MAILED	
Aug. 26, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Aug. 24, 2015	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: BLANE, SUZANNE M

Law Office Assigned:

LAW OFFICE 114

File Location

Current Location: TMO LAW OFFICE 114 - EXAMINING
ATTORNEY ASSIGNED

Date in Location:

Dec. 05, 2015