

ESTTA Tracking number: **ESTTA734109**

Filing date: **03/17/2016**

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	Cosmetic Warriors Limited		
Entity	Corporation	Citizenship	UNITED KINGDOM
Address	29 High Street Poole, Dorset, BH15 1AB UNITED KINGDOM		

Attorney information	Heather Kliebenstein Merchant & Gould P.C. Suite 3200 80 South Eighth Street Minneapolis, MN 55402 UNITED STATES hkliebenstein@merchantgould.com, akrueger@merchantgould.com, dockmpls@merchantgould.com Phone:612-332-5300		
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Applicant Information

Application No	86768273	Publication date	02/16/2016
Opposition Filing Date	03/17/2016	Opposition Period Ends	03/17/2016
Applicant	Danxiao Information Technology Limited Rm. A438, Bldg. 13 Guangzhou, 510006 CHINA		

Goods/Services Affected by Opposition

Class 010. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Adult sexual stimulation aids, namely, artificial penises, artificial vaginas; Adult sexual stimulation kit comprised primarily of adult sexual stimulation aids and a workbook
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Grounds for Opposition

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

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2853483	Application Date	11/25/2002
Registration Date	06/15/2004	Foreign Priority Date	08/14/2002
Word Mark	LUSH		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 0 First Use In Commerce: 0 bringing together, for the benefit of others, of a variety of goods enabling customers to conveniently view and purchase those goods in a retail cosmetics and toiletries store; the bringing together, for the benefit of others, of a variety of goods, enabling customers to conveniently view and purchase those goods from a mail order catalogue, or from an Internet web site, specializing in the marketing of cosmetics and toiletries

U.S. Registration No.	3001303	Application Date	04/27/2004
Registration Date	09/27/2005	Foreign Priority Date	NONE

Word Mark	LUSH
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 016. First use: First Use: 1996/05/00 First Use In Commerce: 1996/06/00 Catalogues listing and illustrating cosmetics and toiletry products; printed product lists featuring cosmetic products and toiletry products; printed point of sales display in the nature of signs and display boards; and paper bags
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U.S. Registration No.	2282428	Application Date	02/25/1997
Registration Date	10/05/1999	Foreign Priority Date	NONE

Word Mark	LUSH
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Design Mark	LUSH
Description of Mark	NONE
Goods/Services	Class 003. First use: First Use: 1995/04/10 First Use In Commerce: 1996/06/00 perfumes; non-medicated toilet and cosmetic preparations, namely, lotions, powders and creams for use on the skin, [dentifrices, cosmetic depilatory creams,] personal deodorants, preparations for the care of the hair, shampoos, soaps [, and essential oils for personal use] Class 005. First use: First Use: 1995/04/10 First Use In Commerce: 1996/06/00 [medicated hair care, skin care, teeth care and nail care preparations]

U.S. Registration No.	3102767	Application Date	01/06/2005
Registration Date	06/13/2006	Foreign Priority Date	NONE

Word Mark	LUSH FRESH HANDMADE COSMETICS
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 003. First use: First Use: 1996/06/00 First Use In Commerce: 2002/12/00 Perfumes; non-medicated toilet and cosmetic preparations, namely lotions, powders and creams for use on the skin; preparations for cleansing and care of the skin; bath oils in solid and liquid form; personal deodorants; hair care preparations; oil based massage bars that melt on contact with the skin; solid moisturizers and skin conditioners in the form of a paste or face mask; bath bars that melt on contact with hot water to produce a soapy or oily suspension; soaps; and essential oils for personal use
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U.S. Registration No.	3008685	Application Date	04/27/2004
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Registration Date	10/25/2005	Foreign Priority Date	NONE
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Word Mark	LUSH
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Design Mark	<h1>LUSH</h1>		
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 1995/04/10 First Use In Commerce: 1996/06/00 Perfumes; non-medicated toilet and cosmetic preparations, namely lotions, powders and creams for use on the skin; preparations for cleansing and care of the skin; bath oils in solid and liquid form; personal deodorants; hair care preparations; oil based massage bars that melt oncontact with the skin; solid skin moisturizers and skin conditioners in the form of a paste or face mask; bath bars that melt on contact with hot water to produce a soapy or oily suspension; soaps; and essential oils for personal use		
U.S. Registration No.	3987808	Application Date	11/04/2005
Registration Date	07/05/2011	Foreign Priority Date	06/21/2005
Word Mark	LUSH		
Design Mark	<h1>LUSH</h1>		
Description of Mark	NONE		
Goods/Services	Class 044. First use: First Use: 0 First Use In Commerce: 0 Hair salon services, namely, hair styling, coloring, washing, shampooing, conditioning, applying hair masks, head massages, and scalp massages; Beauty salon therapy services, namely, cleansing of theskin, applying face masks, ap-		

	plying back pack masks, skin peelers, steam treatments, toning, shaving, exfoliation treatments, treatments using creams and lotions against problem skin or older skin, and facial and body treatments consisting of a combination of creams/lotions and massage; Beauty salon services; Aromatherapy services; Skin care salon services; Massage services; Nail care and manicure services; Trichology services, namely, providing advice and consultancy relating to hair disorders in the nature of greasy hair, lank hair, dry hair, dandruff and split hairs; Counseling, advisory and information services in the field of beauty and cosmetics, and providing information about beauty by way of beauty demonstrations
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U.S. Registration No.	4118438	Application Date	08/09/2011
Registration Date	03/27/2012	Foreign Priority Date	NONE
Word Mark	LUSH		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 1995/04/10 First Use In Commerce: 1996/06/00 Cosmetics		

U.S. Registration No.	4532289	Application Date	06/12/2013
Registration Date	05/20/2014	Foreign Priority Date	NONE
Word Mark	LUSH TIMES		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 1996/00/00 First Use In Commerce: 1996/00/00 publications, namely, a magazine featuring cosmetics, hair care, skincare, culture, current events, humanitarianism, animal welfare and the environment		

Attachments	78408741#TMSN.png(bytes) 75247408#TMSN.png(bytes) 76627078#TMSN.png(bytes) 78408752#TMSN.png(bytes) 78747180#TMSN.png(bytes) 85393077#TMSN.png(bytes) 85958039#TMSN.png(bytes) 2016 03 17 Notice of Opposition_LUSH.pdf(893995 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 Overnight Courier on this date.

Signature	/Heather Kliebenstein/
Name	Heather Kliebenstein
Date	03/17/2016

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

Cosmetic Warriors Limited,)	
)	
Opposer,)	Opposition No. _____
)	
v.)	
)	Serial No.: 86/768,273
Danxiao Information Technology Limited,)	
)	Mark: LUSH
Applicant)	
)	

NOTICE OF OPPOSITION

Cosmetic Warriors Limited, a corporation duly organized and existing under the laws of the United Kingdom, with a mailing address of 29 High Street Poole, Dorset BH15 1AB, United Kingdom, (“Opposer”), believes that it will be damaged by the registration of the LUSH mark shown in Application Serial No. 86/768,273, filed September 25, 2015 by Danxiao Information Technology Limited, with a mailing address of Rm. A438, Bldg. 13, 3rd East Rd., HEMC, Panyu, Guangzhou China 510006, (“Applicant”), and hereby opposes registration of the mark. The grounds for opposition are as follows:

1. By the application herein opposed, Serial No. 86/768,273 (“Applicant’s Application”), Applicant is seeking to obtain under the provisions of the Trademark Act of 1946 as amended, registration on the Principal Register of the trademark LUSH for adult sexual stimulation aids, namely, artificial penises, artificial vaginas; adult sexual stimulation kit comprised primarily of adult sexual stimulation aids and a workbook in International Class 10 (“Applicant’s Mark”).

2. Applicant's Application was filed as an intent-to-use application under § 1(b) on September 25, 2015. Applicant's Mark published for opposition on February 16, 2016. This Notice of Opposition is timely filed on or before the due date of March 17, 2016.

3. Opposer uses the trademark LUSH in connection with a wide range of goods and services ("Opposer's LUSH Mark"). Opposer is the owner of the following U.S. Trademark Registrations relating to its LUSH brand (referred to collectively as "Opposer's LUSH Registrations"):

LUSH, U.S. Reg. No. 2,853,483, used in connection with bringing together, for the benefit of others, of a variety of goods enabling customers to conveniently view and purchase those goods in a retail cosmetics and toiletries store; the bringing together, for the benefit of others, of a variety of goods, enabling customers to conveniently view and purchase those goods from a mail order catalogue, or from an Internet web site, specializing in the marketing of cosmetics and toiletries, in International Class 35. Said registration was registered on the Principal Register on June 15, 2004, and was based on a foreign registration filed in the United Kingdom on August 14, 2002, both of which occurred prior to the date of filing of Applicant's Application. This registration is incontestable.

LUSH, U.S. Reg. No. 3,001,303, used in connection with catalogues listing and illustrating cosmetics and toiletry products; printed product lists featuring cosmetic products and toiletry products; printed point of sales display in the nature of signs and display boards; and paper bags, in International Class 16. Said registration registered on the Principal Register on September 27, 2005, and was based on an application filed in the U.S. Patent and Trademark Office on April 27, 2004, alleging a date of first use of May 1996, all of which occurred prior to the date of filing of Applicant's Application. This registration is incontestable.

LUSH, U.S. Reg. No. 2,282,428, used in connection with perfumes; non-medicated toilet and cosmetic preparations, namely, lotions, powders and creams for use on the skin, dentifrices, cosmetic depilatory creams, personal deodorants, preparations for the care of the hair, shampoos, soaps, and essential oils for personal use, in International Class 3. Said registration was registered on the Principal Register on October 5, 1999, and was based on an application filed in the U.S. Patent and Trademark Office on February 25, 1997, alleging a date of first use of April 10, 1995, all of which occurred prior to the date of filing of Applicant's Application. This registration is incontestable.



, U.S. Reg. No. 3,102,767, used in connection with perfumes; non-medicated toilet and cosmetic preparations, namely lotions, powders and creams for use on the skin; preparations for cleansing and care of the skin; bath oils in solid and liquid form; personal deodorants; hair care preparations; oil based massage bars that melt on contact with the skin; solid moisturizers and skin conditioners in the form of a paste or face mask; bath bars that melt on contact with hot water to produce a soapy or oily suspension; soaps; and essential oils for personal use, in International Class 3. Said registration registered on the Principal Register on June 13, 2006, and was based on an application filed in the U.S. Patent and Trademark Office on January 6, 2005, alleging a date of first use of June 1996, all of which occurred prior to the date of filing of Applicant's Application. This registration is incontestable.

LUSH, U.S. Reg. No. 3,008,685, used in connection with perfumes; non-medicated toilet and cosmetic preparations, namely lotions, powders and creams for use on the skin; preparations for cleansing and care of the skin; bath oils in solid and liquid form; personal deodorants; hair care preparations; oil based massage bars that melt on contact with the skin; solid skin moisturizers and skin conditioners in the form of a paste or face mask; bath bars that melt on contact with hot water to produce a soapy or oily suspension; soaps; and essential oils for personal use, in International Class 3. Said registration registered on the Principal Register on October 25, 2005, and was based on an application filed in the U.S. Patent and Trademark Office on April 27, 2004, alleging a date of first use of April 10, 1995, all of which occurred prior to the date of filing of Applicant's Application. This registration is incontestable.

LUSH, U.S. Reg. No. 3,987,808, for hair salon services, namely, hair styling, coloring, washing, shampooing, conditioning, applying hair masks, head massages, and scalp massages; beauty salon therapy services, namely, cleansing of the skin, applying face masks, applying back pack masks, skin peelers, steam treatments, toning, shaving, exfoliation treatments, treatments using creams and lotions against problem skin or older skin, and facial and body treatments consisting of a combination of creams/lotions and massage; beauty salon services; aromatherapy services; skin care salon services; massage services; nail care and manicure services; trichology services, namely, providing advice and consultancy relating to hair disorders in the nature of greasy hair, lank hair, dry hair, dandruff and split hairs; counseling, advisory and information services in the field of beauty and cosmetics, and providing information about beauty by way of beauty demonstrations, in International Class 44. Said registration registered on the Principal Register on July 5, 2011, and was based on a foreign registration filed in the United Kingdom on June 21, 2005, both of which occurred prior to the date of filing of Applicant's Application.

LUSH, U.S. Reg. No. 4,118,438, for cosmetics in International Class 3. Said registration registered on the Principal Register on March 27, 2012, and was based on an application filed in the U.S. Patent and Trademark Office on March 27, 2012, alleging a date of first use of April 10, 1995, all of which occurred prior to the date of filing of Applicant's Application.

LUSH TIMES, U.S. Reg. No. 4,532,289, for publications, namely, a magazine featuring cosmetics, hair care, skincare, culture, current events, humanitarianism, animal welfare and the environment, in International Class 16. Said registration registered on the Principal Register on May 20, 2014, and was based on an application filed in the U.S. Patent and Trademark Office on June 12, 2013, alleging first use in 1996, all of which occurred prior to the date of filing of Applicant's Application.

4. Opposer's LUSH Registrations are valid and subsisting, and are prima facie evidence of Opposer's exclusive right to use said marks in commerce on the goods and services specified in each registration. In addition, Reg. Nos. 2,853,483; 2,282,428; 3,001,303; 3,008,685; and 3,102,767 are incontestable under § 15 of the Lanham Act (15 U.S.C. §1065), and are therefore conclusive evidence of the validity of the registered marks, of registration of the marks, of Opposer's ownership of the marks, and of Opposer's exclusive right to use the marks in commerce under §33(b) of the Lanham Act (15 U.S.C. §1115(b)).

5. Since at least as early as April 10, 1995, Opposer has used its LUSH Mark in the United States. Said use has been continuous since the date of first use. Opposer has not abandoned its LUSH Mark.

6. Opposer offers a wide variety of cosmetics, personal care products, spa services, retail services and related services under its LUSH Mark, and uses LUSH as a house mark and store brand.

7. Opposer has advertised and promoted its LUSH Mark extensively. Opposer has also made substantial sales under said mark. As a result of such use and promotion, Opposer's LUSH Mark has developed and represents valuable goodwill inuring to the benefit of Opposer.

Opposer operates over 180 retail stores in at least 33 states under its LUSH brand in the United States, and will soon open more stores. Opposer operates nearly 900 stores worldwide. Opposer also makes substantial sales of its products through its online retail store at www.lushusa.com.

8. Opposer also operates two LUSH-branded spas in the United States and plans to open additional locations in the future. At its LUSH Spas, Opposer offers a variety of body treatment services, including massage therapy.

9. Opposer further maintains a portfolio of social media sites devoted to its LUSH brand and its customers, supporters, and fans. These sites include Facebook (www.facebook.com/lushcosmetics), Twitter (www.twitter.com/lushcosmetics), YouTube (www.youtube.com/user/lushvideos), Instagram (www.instagram.com/lushcosmetics), Pinterest (www.pinterest.com/lushcosmetics), Tumblr (www.lushcosmetics.tumblr.com) and Google⁺ (“Lush Cosmetics”).

10. Opposer has an active on-line community of websites, social media pages, forums, chat rooms, blogs, articles, and newsletters, all of which use the LUSH mark in a variety of ways. To the extent these goods and services are not covered by one of Opposer’s LUSH Registrations, then Opposer also has common law rights in the LUSH mark with respect to these goods and services.

11. Opposer has priority with respect to the LUSH mark at issue in this opposition. Opposer has had priority of use of the LUSH mark long before the September 25, 2015 filing date of Applicant’s Application.

12. Opposer uses its LUSH Mark in conjunction with a wide range of goods and services, many of which are closely related to those Applicant intends to offer. By way of example, Opposer sells cosmetics and personal care products, including essential oils for

personal use and massage bars that melt on contact with the skin. Opposer's massage bar products are designed for individual use as well as use with a partner. Indeed, Opposer's massage bar products are frequently used as intimacy tools like Applicant's goods.

13. Opposer also sells its personal care products under a wide variety of unique names, including sensual names and ones that are mildly sexually suggestive (e.g., "Sex Bomb" & "Sexy Peel"). This further enhances the similarity of the parties' respective offerings under their LUSH marks because Applicant's goods are sexual stimulation aids.

14. Applicant's Mark is for adult sexual stimulation aids, namely, artificial penises, artificial vaginas; adult sexual stimulation kit comprised primarily of adult sexual stimulation aids and a workbook with no restrictions as to the channels of trade and promotion through which those products and services are offered and sold. Accordingly, Applicant's products are assumed to occupy all ordinary channels of trade and promotion for such goods and services. Due to the related nature of the goods and services provided by the respective parties, Applicant is expected to use channels of trade and promotion that overlap with those currently used by Applicant, including but not limited to brick and mortar stores, the Internet and social media. Upon information and belief, Applicant intends to market its goods under the LUSH mark on its website (www.lovense.com), as well as on social media sites such as Facebook (www.facebook.com/lovensehome) and Twitter (www.twitter.com/lovense).

15. Applicant's LUSH mark is confusingly similar to Opposer's LUSH marks. The marks have an overall confusingly similar – and, in fact, identical – appearance, sound, meaning and commercial impression. Applicant's stated goods and services are closely related to Opposer's goods and services. Applicant's mark falsely suggests a connection between Opposer and Applicant that does not exist.

16. Due to the highly similar nature of Applicant's Mark and Opposer's LUSH Mark, the related nature of the goods and services provided by the respective parties, consumers and potential consumers 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.

17. The use and registration by Applicant of the mark LUSH for Applicant's goods and services are likely to cause confusion or to cause mistake or deception among consumers and potential consumers, with Opposer's previously used LUSH Mark, again resulting in damage to Opposer.

18. Because of the related nature of the goods and services, and the identical nature of the marks in overall appearance, sound, meaning and commercial impression, use and registration of the LUSH mark by Applicant is likely to cause confusion, mistake, or deception that Applicant's goods and services are those of Opposer, or are otherwise endorsed, sponsored, or approved by Opposer causing further damage to Opposer.

19. Opposer's LUSH Mark is famous and distinctive, and was famous prior to any first use of the LUSH mark by Applicant and prior to Applicant's filing date. Applicant's Mark creates dilution of Opposer's famous and well known LUSH Mark by blurring and tarnishing the LUSH Mark and impairing the distinctiveness of the famous LUSH Mark.

20. If Applicant is granted registration of the mark herein opposed, it would thereby obtain at least a *prima facie* exclusive right to use its LUSH Mark. Such registration would be a source of further damage and injury to Opposer, and could bar Opposer from obtaining future registrations relating to its LUSH Mark.

21. Registration of the mark shown in Application Serial No. 86/768,273 will result in damage to Opposer under the provisions of § 2(d) and § 43(c) and of the U.S. Trademark Act, 15 U.S.C. § 1052 and § 1125, pursuant to the allegations stated above.

WHEREFORE, Opposer asks that its opposition to Applicant's Application be sustained and that the registration of the proposed mark LUSH set forth therein be refused. Please direct all correspondence to the attention of:

John A. Clifford
Heather J. Kliebenstein
Merchant & Gould P.C.
P.O. Box 2910
Minneapolis, MN 55402-0910
Tel: 612-336-4616 Fax: 612-332-9081

Opposer hereby appoints: John A. Clifford; Heather Kliebenstein; Ian G. McFarland; Danielle I. Mattessich; Brian H. Batzli; Gregory C. Golla; Scott W. Johnston; Andrew S. Ehard; Christopher J. Schulte; and Brent Routman as its attorneys with the full power to represent the Opposer in connection with this proceeding.

Respectfully submitted,

COSMETIC WARRIORS LIMITED,

By its attorneys,

Date: 3-17-2016



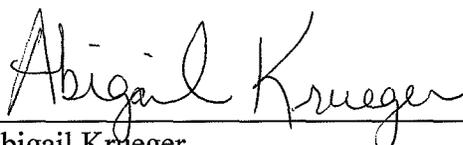
John A. Clifford
Heather J. Kliebenstein
Ian G. McFarland
MERCHANT & GOULD P.C.
P.O. Box 2910
Minneapolis, MN 55402-0910
Tel. 612.336.4616
Fax 612.332.9081

CERTIFICATE OF SERVICE

I hereby certify that on March 17, 2016, a true and correct copy of the foregoing
NOTICE OF OPPOSITION was served, via first-class mail, postage prepaid, and via email on
the Correspondent identified in Applicant's Application:

DANXIAO INFORMATION TECHNOLOGY LIMITED
3RD EAST RD. HEMC, PANYU
RM. A438, BLDG. 13
GUANGZHOU CHINA 51006

dan@hytto.com



Abigail Krueger



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With respect to a very small number of TSDR documents, the PDF download feature has been temporary suspended. We expect this feature to be fully available again in mid-late March. Documents may still be downloaded from the Trademark Documents list in TSDR by selecting (checking) the document(s) you would like to download, clicking the "Download" button, and selecting "Original" as the file type. The selected documents will be delivered to your computer in their original format in a zip file.

Trademark Status & Document Retrieval (TSDR) ?

SEARCH	MULTI-SEARCH ?
US Serial, Registration, or Reference No.	2853483
Status	Documents

Status results found

STATUS	DOCUMENTS	MAINTENANCE ?	Download ▲	Print Preview
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Generated on: This page was generated by TSDR on 2016-03-17 11:37:50 EDT

Mark: LUSH No Image exists for this case.

US Serial Number: 78188564 **Application Filing Date:** Nov. 25, 2002

US Registration Number: 2853483 **Registration Date:** Jun. 15, 2004

Register: Principal

Mark Type: Service Mark

Status: The registration has been renewed.

Status Date: Jan. 03, 2014

Publication Date: Mar. 23, 2004

▼ Mark Information [▲ Collapse All](#)

Mark Literal Elements: LUSH

Standard Character Claim: No

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

▼ Related Properties Information

Claimed Ownership of US Registrations: [2282428](#)

▼ Foreign Information

Priority Claimed: Yes

Foreign Application Number: 2308098 **Foreign Application Filing Date:** Aug. 14, 2002

Foreign Registration Number: 2308098 **Foreign Registration Date:** Jan. 24, 2003

Foreign Application/Registration Country: UNITED KINGDOM **Foreign Expiration Date:** Aug. 14, 2012

▼ 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: bringing together, for the benefit of others, of a variety of goods enabling customers to conveniently view and purchase those goods in a retail cosmetics and toiletries store; the bringing together, for the benefit of others, of a variety of goods, enabling customers to conveniently view and purchase those goods from a mail order catalogue, or from an Internet web site, specializing in the marketing of cosmetics and toiletries

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 44(e)

▼ Basis Information (Case Level)

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

▼ Current Owner(s) Information

Owner Name: Cosmetic Warriors Limited

Owner Address: 29 1/2 High Street
Poole, Dorset BH15 1AB UNITED KINGDOM

Legal Entity Type: COMPANY

State or Country Where Organized: UNITED KINGDOM

▼ Attorney/Correspondence Information

Attorney of Record

Attorney Name: John A. Clifford

Docket Number: 16244.8US01

Attorney Primary Email Address: dockmpls@merchantgould.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: John A. Clifford
MERCHANT & GOULD P.C.
P.O. BOX 2910
MINNEAPOLIS, MINNESOTA UNITED STATES 55402-0910

Phone: 612-332-5300

Fax: 612.332.9081

Correspondent e-mail: dockmpls@merchantgould.com

Correspondent e-mail Authorized: Yes

Domestic Representative

Domestic Representative Name: Frederick H. Rabin

Phone: (212) 765-5070

Fax: (212) 258-2291

Domestic Representative e-mail: Rabin@fr.com

Domestic Representative e-mail Authorized: Yes

▼ Prosecution History

Date	Description	Proceeding Number
Aug. 15, 2014	NOTICE OF SUIT	
Jan. 03, 2014	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Jan. 03, 2014	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	69471
Jan. 03, 2014	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	69471
Dec. 20, 2013	REGISTERED - COMBINED SECTION 8 (10-YR) &	69471

SEC. 9 FILED

Jan. 03, 2014	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	69471
Dec. 20, 2013	TEAS SECTION 8 & 9 RECEIVED	
Aug. 01, 2013	NOTICE OF SUIT	
Apr. 02, 2013	NOTICE OF SUIT	
Mar. 11, 2013	NOTICE OF SUIT	
Feb. 27, 2013	NOTICE OF SUIT	
Feb. 21, 2013	NOTICE OF SUIT	
Dec. 20, 2012	NOTICE OF SUIT	
Oct. 09, 2012	NOTICE OF SUIT	
Apr. 29, 2010	NOTICE OF SUIT	
Mar. 30, 2010	NOTICE OF SUIT	
Jan. 27, 2010	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	68335
Jan. 25, 2010	TEAS SECTION 8 & 15 RECEIVED	
Oct. 28, 2008	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Oct. 17, 2008	AMENDMENT UNDER SECTION 7 - ISSUED	
Oct. 16, 2008	ASSIGNED TO PARALEGAL	68335
Sep. 29, 2008	TEAS SECTION 7 REQUEST RECEIVED	
May 19, 2008	NOTICE OF SUIT	
Jun. 15, 2004	REGISTERED-PRINCIPAL REGISTER	
Mar. 23, 2004	PUBLISHED FOR OPPOSITION	
Mar. 03, 2004	NOTICE OF PUBLICATION	
Jan. 09, 2004	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 19, 2003	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Nov. 19, 2003	SEC. 1(A) CLAIM DELETED	68171
Nov. 24, 2003	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Nov. 24, 2003	PAPER RECEIVED	
May 19, 2003	NON-FINAL ACTION E-MAILED	
May 13, 2003	ASSIGNED TO EXAMINER	74812

▼ Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Jun. 15, 2014

Change in Registration: Yes

**Amendment to a
Registration/Renewal
Certificate:** In the statement, Column 1, line 1, "COSMETICS" is deleted, and COSMETIC is inserted.

▼ TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Jan. 03, 2014

▼ Assignment Abstract Of Title Information - Click to Load

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SEARCH MULTI-SEARCH ?

US_APPLICATION 2853483 **Status** **Documents**

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STATUS **DOCUMENTS** **MAINTENANCE** ? Download ▲ Print Preview

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Mark: LUSH

LUSH

US Serial Number: 78408741

Application Filing Date: Apr. 27, 2004

US Registration Number: 3001303

Registration Date: Sep. 27, 2005

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Feb. 06, 2015

Publication Date: Jul. 05, 2005

▼ **Mark Information**

▲ Collapse All

Mark Literal Elements: LUSH

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: [2282428](#)

▼ **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: Catalogues listing and illustrating cosmetics and toiletry products; printed product lists featuring cosmetic products and toiletry products; printed point of sales display in the nature of signs and display boards; and paper bags

International Class(es):	016 - Primary Class	U.S Class(es):	002, 005, 022, 023, 029, 037, 038, 050
Class Status:	ACTIVE		
Basis:	1(a)		
First Use:	May 1996	Use in Commerce:	Jun. 1996

▼ 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:	COSMETIC WARRIORS LIMITED		
Owner Address:	29 High Street, Poole Dorset BH15 1AB UNITED KINGDOM		
Legal Entity Type:	CORPORATION	State or Country Where Organized:	UNITED KINGDOM

▼ Attorney/Correspondence Information

Attorney of Record

Attorney Name:	John A. Clifford	Docket Number:	16244.8US03
Attorney Primary Email Address:	dockmpls@merchantgould.com	Attorney Email Authorized:	Yes

Correspondent

Correspondent Name/Address:	John A. Clifford Merchant & Gould P.C. P.O. BOX 2910 MINNEAPOLIS, MINNESOTA UNITED STATES 55402-0910		
Phone:	612.332.5300	Fax:	612.332.9081
Correspondent e-mail:	dockmpls@merchantgould.com	Correspondent e-mail Authorized:	Yes

Domestic Representative

Domestic Representative Name:	John A. Clifford	Phone:	612.332.5300
Fax:	612.332.9081		

▼ Prosecution History

Date	Description	Proceeding Number
Feb. 06, 2015	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Feb. 06, 2015	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	68335
Feb. 06, 2015	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	68335
Feb. 05, 2015	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68335
Jan. 22, 2015	TEAS SECTION 8 & 9 RECEIVED	
Aug. 15, 2014	NOTICE OF SUIT	
Aug. 01, 2013	NOTICE OF SUIT	
Apr. 02, 2013	NOTICE OF SUIT	
Mar. 11, 2013	NOTICE OF SUIT	
Feb. 27, 2013	NOTICE OF SUIT	
Feb. 21, 2013	NOTICE OF SUIT	
Dec. 20, 2012	NOTICE OF SUIT	

Oct. 09, 2012	NOTICE OF SUIT	
Oct. 08, 2011	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - MAILED	
Oct. 07, 2011	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 70619 ACK.	
Oct. 07, 2011	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	70619
Sep. 21, 2011	TEAS SECTION 8 & 15 RECEIVED	
Apr. 29, 2010	NOTICE OF SUIT	
Mar. 30, 2010	NOTICE OF SUIT	
Jul. 10, 2009	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 10, 2009	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
May 19, 2008	NOTICE OF SUIT	
May 12, 2007	REVIEW OF CORRESPONDENCE COMPLETE	67149
Feb. 21, 2007	PAPER RECEIVED	
Sep. 27, 2005	REGISTERED-PRINCIPAL REGISTER	
Jul. 21, 2005	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 05, 2005	PUBLISHED FOR OPPOSITION	
Jun. 15, 2005	NOTICE OF PUBLICATION	
Mar. 28, 2005	LAW OFFICE PUBLICATION REVIEW COMPLETED	74193
Mar. 25, 2005	ASSIGNED TO LIE	74193
Mar. 21, 2005	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 21, 2005	AMENDMENT FROM APPLICANT ENTERED	74193
Mar. 07, 2005	CORRESPONDENCE RECEIVED IN LAW OFFICE	74193
Mar. 07, 2005	PAPER RECEIVED	
Nov. 23, 2004	NON-FINAL ACTION MAILED	
Nov. 22, 2004	NON-FINAL ACTION WRITTEN	76726
Nov. 22, 2004	ASSIGNED TO EXAMINER	76726
Nov. 22, 2004	ASSIGNED TO EXAMINER	76855
Nov. 22, 2004	ASSIGNED TO EXAMINER	76726
May 05, 2004	NEW APPLICATION ENTERED IN TRAM	

▼ Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Sep. 27, 2015

▼ TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Feb. 06, 2015

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Trademark Status & Document Retrieval (TSDR) [?](#)

SEARCH	MULTI-SEARCH ?
<input type="text" value="US_APPLICATION"/>	<input type="text" value="2853483"/>
Status	Documents

Status results found

STATUS	DOCUMENTS	MAINTENANCE ?	Download ▲	Print Preview
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Mark: LUSH

LUSH

US Serial Number: 75247408

Application Filing Date: Feb. 25, 1997

US Registration Number: 2282428

Registration Date: Oct. 05, 1999

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Jan. 27, 2010

Publication Date: Jul. 13, 1999

▼ **Mark Information**

▲ [Collapse All](#)

Mark Literal Elements: LUSH

Standard Character Claim: No

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

▼ **Foreign Information**

Foreign Registration Number: 2013346

Foreign Registration Date: Mar. 07, 1995

Foreign Application/Registration Country: UNITED KINGDOM

Foreign Expiration Date: Mar. 07, 2005

▼ **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: perfumes; non-medicated toilet and cosmetic preparations, namely, lotions, powders and creams for use on the skin, [dentifrices, cosmetic depilatory creams,] personal deodorants, preparations for the care of the hair, shampoos, soaps [, and essential oils for personal use]

International Class(es): 003 - Primary Class

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

Class Status: ACTIVE

Basis:	1(a) 44(e)	
First Use:	Apr. 10, 1995	Use in Commerce: Jun. 1996
For:	[medicated hair care, skin care, teeth care and nail care preparations]	
International Class(es):	005 - Primary Class	U.S Class(es): 006, 018, 044, 046, 051, 052
Class Status:	SECTION 8 - CANCELLED	
Basis:	1(a) 44(e)	
First Use:	Apr. 10, 1995	Use in Commerce: Jun. 1996
▼ Basis Information (Case Level)		
Filed Use:	Yes	Currently Use: Yes
Filed ITU:	No	Currently ITU: No
Filed 44D:	No	Currently 44D: No
Filed 44E:	Yes	Currently 44E: Yes
Filed 66A:	No	Currently 66A: No
Filed No Basis:	No	Currently No Basis: No
▼ Current Owner(s) Information		
Owner Name:	COSMETIC WARRIORS LIMITED	
Owner Address:	29 1/2 HIGH STREET POOLE, DORSET BH15 1AB UNITED KINGDOM	
Legal Entity Type:	CORPORATION	State or Country Where Organized: UNITED KINGDOM
▼ Attorney/Correspondence Information		
Attorney of Record		
Attorney Name:	John A. Clifford	Docket Number: 16244.8US02
Correspondent		
Correspondent Name/Address:	John A. Clifford Merchant & Gould P.C. P.O. Box 2910 MINNEAPOLIS, MINNESOTA UNITED STATES 55402-0910	
Phone:	612.332.5300	Fax: 612.332.9081
Domestic Representative		
Domestic Representative Name:	Fish & Richardson P.C.	
▼ Prosecution History		
Date	Description	Proceeding Number
Aug. 15, 2014	NOTICE OF SUIT	
Aug. 01, 2013	NOTICE OF SUIT	
Apr. 02, 2013	NOTICE OF SUIT	
Mar. 11, 2013	NOTICE OF SUIT	
Feb. 27, 2013	NOTICE OF SUIT	
Feb. 21, 2013	NOTICE OF SUIT	
Dec. 20, 2012	NOTICE OF SUIT	
Oct. 09, 2012	NOTICE OF SUIT	
Mar. 30, 2010	NOTICE OF SUIT	
Jan. 27, 2010	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	66607
Jan. 27, 2010	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Jan. 25, 2010	TEAS SECTION 8 & 9 RECEIVED	
Jul. 10, 2009	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 10, 2009	TEAS CHANGE OF CORRESPONDENCE RECEIVED	

May 19, 2008	NOTICE OF SUIT	
May 12, 2007	REVIEW OF CORRESPONDENCE COMPLETE	67149
Feb. 21, 2007	PAPER RECEIVED	
Sep. 14, 2006	CASE FILE IN TICRS	
Nov. 02, 2005	REGISTERED - PARTIAL SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Oct. 04, 2005	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Oct. 04, 2005	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Oct. 04, 2005	TEAS SECTION 8 & 15 RECEIVED	
Oct. 05, 1999	REGISTERED-PRINCIPAL REGISTER	
Jul. 13, 1999	PUBLISHED FOR OPPOSITION	
Jun. 11, 1999	NOTICE OF PUBLICATION	
Mar. 15, 1999	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 12, 1999	ASSIGNED TO EXAMINER	69800
Jan. 27, 1999	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Mar. 04, 1998	LETTER OF SUSPENSION MAILED	
Feb. 02, 1998	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Aug. 08, 1997	NON-FINAL ACTION MAILED	
Jul. 31, 1997	ASSIGNED TO EXAMINER	68788
Jul. 23, 1997	ASSIGNED TO EXAMINER	72414

▼ **Maintenance Filings or Post Registration Information**

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Oct. 05, 2009

Change in Registration: Yes

▼ **TM Staff and Location Information**

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Jan. 27, 2010

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SEARCH MULTI-SEARCH ?

US_APPLICATION 2853483 **Status** **Documents**

Status results found

STATUS **DOCUMENTS** **MAINTENANCE** ? [Download](#) [Print Preview](#)

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Mark: LUSH FRESH HANDMADE COSMETICS



US Serial Number: 76627078

Application Filing Date: Jan. 06, 2005

US Registration Number: 3102767

Registration Date: Jun. 13, 2006

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Mar. 01, 2016

Publication Date: Mar. 21, 2006

Mark Information

[Collapse All](#)

Mark Literal Elements: LUSH FRESH HANDMADE COSMETICS

Standard Character Claim: No

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

Color Drawing: Yes

Color(s) Claimed: The colors green, yellow, white and black is/are claimed as a feature of the mark.

Color Location: The color green appears in the larger oval, the color yellow appears in the smaller oval, the color white appears in all wording, and the color black appears in the rectangular background design and the borders of the lettering for the words.

Disclaimer: FRESH HANDMADE COSMETICS

Design Search Code(s): 26.03.02 - Ovals, plain single line; Plain single line ovals
26.11.21 - Rectangles that are completely or partially shaded

Goods and Services

Note:

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

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

For: Perfumes; non-medicated toilet and cosmetic preparations, namely lotions, powders and creams for use on the skin; preparations for cleansing and care of the skin; bath oils in solid and liquid form; personal deodorants; hair care preparations; oil based massage bars that melt on contact with the skin; solid moisturizers and skin conditioners in the form of a paste or face mask; bath bars that melt on contact with hot water to produce a soapy or oily suspension; soaps; and essential oils for personal use

International Class(es): 003 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 1996

Use in Commerce: Dec. 2002

▼ 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: Cosmetic Warriors Limited

Owner Address: 29 High Street, Poole
Dorset BH15 1AB UNITED KINGDOM

Legal Entity Type: COMPANY

State or Country Where Organized: UNITED KINGDOM

▼ Attorney/Correspondence Information

Attorney of Record

Attorney Name: John A. Clifford

Docket Number: 16244.42US01

Attorney Primary Email Address: dockmpls@merchantgould.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: John A. Clifford
Merchant & Gould P.c.
P.O. Box 2910
Minneapolis, MINNESOTA UNITED STATES 55402-0910

Phone: 612.332.5300

Fax: 612.332.9081

Correspondent e-mail: dockmpls@merchantgould.com

Correspondent e-mail Authorized: Yes

Domestic Representative

Domestic Representative Name: John A. Clifford

Phone: 612.332.5300

Fax: 612.332.9081

▼ Prosecution History

Date	Description	Proceeding Number
Mar. 01, 2016	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Mar. 01, 2016	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	76533
Mar. 01, 2016	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	76533
Mar. 01, 2016	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76533
Dec. 16, 2015	TEAS SECTION 8 & 9 RECEIVED	
Aug. 15, 2014	NOTICE OF SUIT	
Aug. 01, 2013	NOTICE OF SUIT	
Apr. 02, 2013	NOTICE OF SUIT	

Mar. 11, 2013	NOTICE OF SUIT	
Feb. 27, 2013	NOTICE OF SUIT	
Feb. 21, 2013	NOTICE OF SUIT	
Dec. 20, 2012	NOTICE OF SUIT	
Oct. 09, 2012	NOTICE OF SUIT	
Jun. 13, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - MAILED	
Jun. 13, 2012	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 76538 ACK.	
Jun. 08, 2012	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	76538
Jun. 08, 2012	TEAS RESPONSE TO OFFICE ACTION-POST REG RECEIVED	
Jun. 07, 2012	POST REGISTRATION ACTION MAILED - SEC. 8 & 15	76538
Jun. 06, 2012	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76538
May 25, 2012	TEAS SECTION 8 & 15 RECEIVED	
Apr. 29, 2010	NOTICE OF SUIT	
Mar. 30, 2010	NOTICE OF SUIT	
May 19, 2008	NOTICE OF SUIT	
May 12, 2007	REVIEW OF CORRESPONDENCE COMPLETE	67149
Feb. 21, 2007	PAPER RECEIVED	
Jun. 13, 2006	REGISTERED-PRINCIPAL REGISTER	
Mar. 21, 2006	PUBLISHED FOR OPPOSITION	
Mar. 01, 2006	NOTICE OF PUBLICATION	
Feb. 07, 2006	LAW OFFICE PUBLICATION REVIEW COMPLETED	66230
Feb. 03, 2006	ASSIGNED TO LIE	66230
Jan. 31, 2006	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 31, 2006	EXAMINER'S AMENDMENT ENTERED	66230
Jan. 27, 2006	EXAMINERS AMENDMENT MAILED	
Jan. 27, 2006	EXAMINERS AMENDMENT -WRITTEN	62126
Jan. 26, 2006	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Jan. 23, 2006	WITHDRAWN FROM PUB - OG REVIEW QUERY	77908
Jan. 04, 2006	LAW OFFICE PUBLICATION REVIEW COMPLETED	70824
Dec. 16, 2005	ASSIGNED TO LIE	70824
Dec. 12, 2005	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 08, 2005	AMENDMENT FROM APPLICANT ENTERED	66230
Nov. 28, 2005	CORRESPONDENCE RECEIVED IN LAW OFFICE	66230
Nov. 28, 2005	PAPER RECEIVED	
Aug. 10, 2005	NON-FINAL ACTION MAILED	
Aug. 09, 2005	NON-FINAL ACTION WRITTEN	62126
Aug. 08, 2005	ASSIGNED TO EXAMINER	62126
Jan. 21, 2005	NEW APPLICATION ENTERED IN TRAM	

▼ Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Jun. 13, 2016

▼ TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Mar. 01, 2016

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SEARCH MULTI-SEARCH ?

US_APPLICATION 2853483 Status Documents

Status results found

STATUS DOCUMENTS MAINTENANCE ? Download Print Preview

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Mark: LUSH



LUSH

US Serial Number: 78408752

Application Filing Date: Apr. 27, 2004

US Registration Number: 3008685

Registration Date: Oct. 25, 2005

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Feb. 06, 2015

Publication Date: Aug. 02, 2005

Mark Information

Collapse All

Mark Literal Elements: LUSH

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: 2282428, 2853483

Goods and Services

Note:

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

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- 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: Perfumes; non-medicated toilet and cosmetic preparations, namely lotions, powders and creams for use on the skin; preparations for cleansing and care of the skin; bath oils in solid and liquid form; personal deodorants; hair care preparations; oil based massage bars that melt on contact with the skin; solid skin moisturizers and skin conditioners in the form of a paste or face mask; bath bars that melt

on contact with hot water to produce a soapy or oily suspension; soaps; and essential oils for personal use

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. 10, 1995**Use in Commerce:** Jun. 1996**▼ 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:** COSMETIC WARRIORS LIMITED**Owner Address:** 29 High Street, Poole
Dorset BH15 1AB UNITED KINGDOM**Legal Entity Type:** CORPORATION**State or Country Where
Organized:** UNITED KINGDOM**▼ Attorney/Correspondence Information****Attorney of Record****Attorney Name:** John A. Clifford**Docket Number:** 16244.8US04**Attorney Primary Email
Address:** dockmpls@merchantgould.com**Attorney Email Authorized:** Yes**Correspondent****Correspondent
Name/Address:** John A. Clifford
MERCHANT & GOULD P.C.
P.O. BOX 2910
MINNEAPOLIS, MINNESOTA UNITED STATES 55402-0910**Phone:** 612.332.5300**Fax:** 612.332.9081**Correspondent e-mail:** dockmpls@merchantgould.com**Correspondent e-mail
Authorized:** Yes**Domestic Representative****Domestic Representative
Name:** John A. Clifford**Phone:** 612.332.5300**Fax:** 612.332.9081**▼ Prosecution History**

Date	Description	Proceeding Number
Feb. 06, 2015	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Feb. 06, 2015	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	68335
Feb. 06, 2015	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	68335
Feb. 05, 2015	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68335
Jan. 22, 2015	TEAS SECTION 8 & 9 RECEIVED	
Aug. 15, 2014	NOTICE OF SUIT	
Aug. 01, 2013	NOTICE OF SUIT	
Apr. 02, 2013	NOTICE OF SUIT	
Mar. 11, 2013	NOTICE OF SUIT	
Feb. 27, 2013	NOTICE OF SUIT	
Feb. 21, 2013	NOTICE OF SUIT	

Oct. 09, 2012	NOTICE OF SUIT	
Nov. 03, 2011	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - MAILED	
Nov. 03, 2011	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 77315 ACK.	
Nov. 02, 2011	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	77315
Oct. 10, 2011	TEAS SECTION 8 & 15 RECEIVED	
Apr. 29, 2010	NOTICE OF SUIT	
Mar. 30, 2010	NOTICE OF SUIT	
Jul. 14, 2009	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
May 19, 2008	NOTICE OF SUIT	
May 12, 2007	REVIEW OF CORRESPONDENCE COMPLETE	67149
Feb. 21, 2007	PAPER RECEIVED	
Oct. 25, 2005	REGISTERED-PRINCIPAL REGISTER	
Aug. 02, 2005	PUBLISHED FOR OPPOSITION	
Jul. 21, 2005	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 13, 2005	NOTICE OF PUBLICATION	
Apr. 13, 2005	LAW OFFICE PUBLICATION REVIEW COMPLETED	69350
Apr. 01, 2005	ASSIGNED TO LIE	69350
Mar. 30, 2005	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 24, 2005	AMENDMENT FROM APPLICANT ENTERED	59272
Mar. 07, 2005	CORRESPONDENCE RECEIVED IN LAW OFFICE	59272
Mar. 07, 2005	PAPER RECEIVED	
Nov. 24, 2004	NON-FINAL ACTION MAILED	
Nov. 23, 2004	NON-FINAL ACTION WRITTEN	76855
Nov. 22, 2004	ASSIGNED TO EXAMINER	76855
May 05, 2004	NEW APPLICATION ENTERED IN TRAM	

▼ Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Oct. 25, 2015

▼ TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Feb. 06, 2015

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SEARCH MULTI-SEARCH ?

US_APPLICATION 2853483 **Status** **Documents**

Status results found

STATUS **DOCUMENTS** **MAINTENANCE** ? Download ▲ Print Preview

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Mark: LUSH

LUSH

US Serial Number: 78747180

Application Filing Date: Nov. 04, 2005

US Registration Number: 3987808

Registration Date: Jul. 05, 2011

Register: Principal

Mark Type: Service Mark

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

Status Date: Jul. 05, 2011

Publication Date: Aug. 14, 2007

▼ **Mark Information**

▲ Collapse All

Mark Literal Elements: LUSH

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: [2282428](#), [2853483](#), [3001303](#), [3008685](#) and others

▼ **Foreign Information**

Priority Claimed: Yes

Foreign Application Number: 2394773

Foreign Application Filing Date: Jun. 21, 2005

Foreign Registration Number: 2394773

Foreign Registration Date: Jun. 21, 2005

Foreign Application/Registration Country: UNITED KINGDOM

Foreign Expiration Date: Jun. 21, 2015

▼ **Goods and Services**

Note:

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

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

For: Hair salon services, namely, hair styling, coloring, washing, shampooing, conditioning, applying hair masks, head massages, and scalp massages; Beauty salon therapy services, namely, cleansing of the skin, applying face masks, applying back pack masks, skin peelers, steam treatments, toning, shaving, exfoliation treatments, treatments using creams and lotions against problem skin or older skin, and facial and body treatments consisting of a combination of creams/lotions and massage; Beauty salon services; Aromatherapy services; Skin care salon services; Massage services; Nail care and manicure services; Trichology services, namely, providing advice and consultancy relating to hair disorders in the nature of greasy hair, lank hair, dry hair, dandruff and split hairs; Counseling, advisory and information services in the field of beauty and cosmetics, and providing information about beauty by way of beauty demonstrations

International Class(es): 044 - Primary Class **U.S Class(es):** 100, 101

Class Status: ACTIVE

Basis: 44(e)

▼ Basis Information (Case Level)

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

▼ Current Owner(s) Information

Owner Name: Cosmetic Warriors Limited

Owner Address: 29 High Street, Poole
Dorset UNITED KINGDOM BH15 1AB

Legal Entity Type: CORPORATION **State or Country Where Organized:** UNITED KINGDOM

▼ Attorney/Correspondence Information

Attorney of Record

Attorney Name: John A. Clifford **Docket Number:** 14816.0005US
Attorney Primary Email Address: electronictm@merchant-gould.com **Attorney Email Authorized:** No

Correspondent

Correspondent Name/Address: John A. Clifford
Merchant & Gould, P.c.
PO BOX 2910
Minneapolis, MINNESOTA UNITED STATES 55402-9944
Phone: 612.332.5300 **Fax:** 612.332.9081
Correspondent e-mail: electronictm@merchant-gould.com **Correspondent e-mail Authorized:** No

Domestic Representative

Domestic Representative Name: Merchant & Gould P.C. **Phone:** 612.332.5300
Fax: 612.332.9081
Domestic Representative e-mail: electronictm@merchant-gould.com **Domestic Representative e-mail Authorized:** Yes

▼ Prosecution History

Date	Description	Proceeding Number
Aug. 15, 2014	NOTICE OF SUIT	
Aug. 01, 2013	NOTICE OF SUIT	
Apr. 02, 2013	NOTICE OF SUIT	
Mar. 11, 2013	NOTICE OF SUIT	
Feb. 21, 2013	NOTICE OF SUIT	

Dec. 20, 2012	NOTICE OF SUIT	
Oct. 09, 2012	NOTICE OF SUIT	
Jul. 05, 2011	REGISTERED-PRINCIPAL REGISTER	
May 26, 2011	TTAB RELEASE CASE TO TRADEMARKS	179491
May 26, 2011	OPPOSITION TERMINATED NO. 999999	179491
Feb. 02, 2011	OPPOSITION DISMISSED NO. 999999	179491
Sep. 13, 2007	OPPOSITION INSTITUTED NO. 999999	179491
Sep. 13, 2007	OPPOSITION PAPERS RECEIVED AT TTAB	
Aug. 14, 2007	PUBLISHED FOR OPPOSITION	
Jul. 25, 2007	NOTICE OF PUBLICATION	
May 17, 2007	LAW OFFICE PUBLICATION REVIEW COMPLETED	68658
May 17, 2007	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 30, 2007	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Apr. 29, 2007	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Apr. 29, 2007	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Mar. 22, 2007	FINAL REFUSAL E-MAILED	
Mar. 22, 2007	FINAL REFUSAL WRITTEN	81855
Feb. 26, 2007	AMENDMENT FROM APPLICANT ENTERED	68658
Feb. 26, 2007	CORRESPONDENCE RECEIVED IN LAW OFFICE	68658
Feb. 21, 2007	PAPER RECEIVED	
Jan. 19, 2007	PRIORITY ACTION E-MAILED	6326
Jan. 19, 2007	PRIORITY ACTION WRITTEN	81855
Dec. 15, 2006	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Dec. 14, 2006	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Dec. 14, 2006	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Dec. 05, 2006	AMENDMENT FROM APPLICANT ENTERED	68658
Nov. 13, 2006	CORRESPONDENCE RECEIVED IN LAW OFFICE	68658
Dec. 05, 2006	ASSIGNED TO LIE	68658
Nov. 13, 2006	PAPER RECEIVED	
May 11, 2006	NON-FINAL ACTION E-MAILED	6325
May 11, 2006	NON-FINAL ACTION WRITTEN	81855
May 10, 2006	ASSIGNED TO EXAMINER	81855
Nov. 09, 2005	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: Jul. 05, 2011

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Trademark Status & Document Retrieval (TSDR) ?

SEARCH MULTI-SEARCH ?

US_APPLICATION 2853483 **Status** **Documents**

Status results found

STATUS **DOCUMENTS** **MAINTENANCE** ? [Download](#) [Print Preview](#)

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Mark: LUSH

LUSH

US Serial Number: 85393077

Application Filing Date: Aug. 09, 2011

US Registration Number: 4118438

Registration Date: Mar. 27, 2012

Register: Principal

Mark Type: Trademark

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

Status Date: Mar. 27, 2012

Publication Date: Jan. 10, 2012

Mark Information

[Collapse All](#)

Mark Literal Elements: LUSH

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: [2282428](#), [2853483](#), [3001303](#) and others

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: Cosmetics

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. 10, 1995

Use in Commerce: Jun. 1996

▼ 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:	Cosmetic Warriors Ltd.		
Owner Address:	29 High Street Poole, Dorset UNITED KINGDOM BH151AB		
Legal Entity Type:	CORPORATION	State or Country Where Organized:	UNITED KINGDOM

▼ Attorney/Correspondence Information

Attorney of Record

Attorney Name:	John A. Clifford	Docket Number:	16244.8US06
-----------------------	------------------	-----------------------	-------------

Correspondent

Correspondent Name/Address:	JOHN A. CLIFFORD MERCHANT & GOULD P.C. PO BOX 2910 MINNEAPOLIS, MINNESOTA UNITED STATES 55402-0910		
Phone:	612.332.5300	Fax:	612.332.9081

Domestic Representative

Domestic Representative Name:	John A. Clifford	Phone:	612.332.5300
Fax:	612.332.9081		

▼ Prosecution History

Date	Description	Proceeding Number
Mar. 27, 2012	REGISTERED-PRINCIPAL REGISTER	
Jan. 10, 2012	PUBLISHED FOR OPPOSITION	
Dec. 21, 2011	NOTICE OF PUBLICATION	
Dec. 01, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 01, 2011	ASSIGNED TO EXAMINER	83179
Aug. 12, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Aug. 12, 2011	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. 27, 2012
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US_APPLICATION 2853483 **Status** **Documents**

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Mark: LUSH TIMES

LUSH TIMES

US Serial Number: 85958039

Application Filing Date: Jun. 12, 2013

US Registration Number: 4532289

Registration Date: May 20, 2014

Register: Principal

Mark Type: Trademark

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

Status Date: May 20, 2014

Publication Date: Mar. 04, 2014

▼ **Mark Information**

▲ Collapse All

Mark Literal Elements: LUSH TIMES

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

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Disclaimer: "TIMES"

▼ **Related Properties Information**

Claimed Ownership of US Registrations: [2721499](#)

▼ **Goods and Services**

Note:

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

For: publications, namely, a magazine featuring cosmetics, hair care, skincare, culture, current events, humanitarianism, animal welfare and the environment

International Class(es): 016 - Primary Class

U.S Class(es): 002, 005, 022, 023, 029, 037, 038, 050

Class Status: ACTIVE

Basis: 1(a)**First Use:** 1996**Use in Commerce:** 1996**▼ 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:** COSMETIC WARRIORS LIMITED**Owner Address:** 29 HIGH STREET
POOLE, DORSET UNITED KINGDOM BH151AB**Legal Entity Type:** CORPORATION**State or Country Where Organized:** UNITED KINGDOM**▼ Attorney/Correspondence Information****Attorney of Record****Attorney Name:** Danielle I. Mattessich**Docket Number:** 16244.47US01**Attorney Primary Email Address:** dockmpls@merchantgould.com**Attorney Email Authorized:** Yes**Correspondent****Correspondent Name/Address:** DANIELLE I. MATTESSICH
MERCHANT & GOULD P.C.
PO BOX 2910
MINNEAPOLIS, MINNESOTA UNITED STATES 55402-0910**Phone:** 612.336.4725**Fax:** 612.332.9081**Correspondent e-mail:** dockmpls@merchantgould.com**Correspondent e-mail Authorized:** Yes**Domestic Representative****Domestic Representative Name:** Danielle I. Mattessich**Phone:** 612.336.4725**Fax:** 612.332.9081**Domestic Representative e-mail:** dockmpls@merchantgould.com**Domestic Representative e-mail Authorized:** Yes**▼ Prosecution History**

Date	Description	Proceeding Number
May 20, 2014	REGISTERED-PRINCIPAL REGISTER	
Mar. 04, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Mar. 04, 2014	PUBLISHED FOR OPPOSITION	
Feb. 12, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jan. 25, 2014	LAW OFFICE PUBLICATION REVIEW COMPLETED	68123
Jan. 25, 2014	ASSIGNED TO LIE	68123
Jan. 02, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 31, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Dec. 30, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Dec. 30, 2013	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Oct. 01, 2013	NOTIFICATION OF EXAMINER'S AMENDMENT/PRIORITY ACTION E-MAILED	6326
Oct. 01, 2013	EXAMINER'S AMENDMENT/PRIORITY ACTION E-MAILED	6326

Oct. 01, 2013	COMBINED EXAMINER'S AMENDMENT/PRIORITY ACTION AUTOMATIC ENTRY	90288
Oct. 01, 2013	EXAMINERS AMENDMENT AND/OR PRIORITY ACTION - COMPLETED	90288
Sep. 23, 2013	ASSIGNED TO EXAMINER	90288
Jun. 20, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	

▼ **TM Staff and Location Information**

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: May 20, 2014

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