

ESTTA Tracking number: **ESTTA742682**

Filing date: **04/27/2016**

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	Celestial Seasonings, Inc.
Granted to Date of previous extension	04/27/2016
Address	4600 Sleepytime Drive Boulder, CO 80301 UNITED STATES

Attorney information	Denise Benun Celestial Seasonings, Inc. 4600 Sleepytime Drive Boulder, CO 80301 UNITED STATES IP@hain-celestial.com Phone:516-587-5175
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Applicant Information

Application No	86642259	Publication date	12/29/2015
Opposition Filing Date	04/27/2016	Opposition Period Ends	04/27/2016
Applicant	Johnson & Johnson One Johnson & Johnson Plaza New Brunswick, NJ 089337001 UNITED STATES		

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: Gift pack comprising baby shampoo, baby-wash and skin cleansers, baby lotions and cream

Grounds for Opposition

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

Marks Cited by Opposer as Basis for Opposition

U.S. Application No.	87007597	Application Date	04/20/2016
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	SLEEPYTIME		

Design Mark	SLEEPYTIME		
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2011/03/28 First Use In Commerce: 2011/03/28 Lip balm, hand lotion, body lotion, shampoo for hair, body wash, body gel, shower gel		

U.S. Registration No.	1017548	Application Date	11/14/1974
Registration Date	08/05/1975	Foreign Priority Date	NONE
Word Mark	SLEEPYTIME		
Design Mark	SLEEPYTIME		
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 1972/12/14 First Use In Commerce: 1972/12/14 HERB TEA		

U.S. Registration No.	2292906	Application Date	01/05/1999
Registration Date	11/16/1999	Foreign Priority Date	NONE
Word Mark	SLEEPYTIME EXTRA		
Design Mark	SLEEPYTIME EXTRA		

Description of Mark	NONE
Goods/Services	Class 030. First use: First Use: 1998/12/01 First Use In Commerce: 1998/12/01 Herb tea

U.S. Registration No.	3698822	Application Date	04/08/2009
Registration Date	10/20/2009	Foreign Priority Date	NONE

Word Mark	SLEEPYTIME THROAT TAMER
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 030. First use: First Use: 2009/01/31 First Use In Commerce: 2009/01/31 Teas
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U.S. Registration No.	4312721	Application Date	08/07/2012
Registration Date	04/02/2013	Foreign Priority Date	NONE

Word Mark	SLEEPYTIME EXTRA
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 005. First use: First Use: 1998/09/30 First Use In Commerce: 1998/09/30 Herbal supplements
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U.S. Registration No.	3628370	Application Date	04/07/2008
Registration Date	05/26/2009	Foreign Priority Date	NONE

Word Mark	SLEEPYTIME THROAT TAMER
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Design Mark	SLEEPYTIME THROAT TAMER		
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2009/01/31 First Use In Commerce: 2009/01/31 Dietary supplements		

U.S. Registration No.	4321216	Application Date	09/25/2012
Registration Date	04/16/2013	Foreign Priority Date	NONE
Word Mark	SLEEPYTIME SINUS SOOTHER		
Design Mark	Sleepytime Sinus Soother		
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2010/05/31 First Use In Commerce: 2010/05/31 Herbal supplements Class 030. First use: First Use: 2010/05/31 First Use In Commerce: 2010/05/31 Teas and tea based beverages		

U.S. Registration No.	4405847	Application Date	10/02/2012
Registration Date	09/24/2013	Foreign Priority Date	NONE
Word Mark	SLEEPYTIME KIDS		

Design Mark	SLEEPYTIME KIDS
Description of Mark	NONE
Goods/Services	Class 030. First use: First Use: 2012/05/31 First Use In Commerce: 2012/05/31 Teas and tea based beverages

Attachments	87007597#TMSN.png(bytes) 73037121#TMSN.png(bytes) 75615987#TMSN.png(bytes) 77709332#TMSN.png(bytes) 85696978#TMSN.png(bytes) 77441489#TMSN.png(bytes) 85737461#TMSN.png(bytes) 85743355#TMSN.png(bytes) Notice of Opposition with Exhibits.pdf(4976663 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	/denisesbenun/
Name	Denise Benun
Date	04/27/2016

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

Celestial Seasonings, Inc.)	
Opposer,)	
)	
v.)	Opposition No. _____
)	
Johnson & Johnson)	
Applicant.)	
)	

Serial No. 86642259
Mark: Sleepy Time
Class: 03
Filed: May 27, 2015
Published: December 29, 2015

NOTICE OF OPPOSITION

Opposer, Celestial Seasonings, Inc., a Delaware corporation, with an address at 4600 Sleepytime Drive, Boulder, CO 80301 ("Opposer") believes that it would be damaged by registration of application Serial No. 86642259 for Sleepy Time and hereby opposes that application.

As grounds of opposition, Opposer hereby alleges:

APPLICANT'S FILING

1. On information and belief, Johnson & Johnson, is a New Jersey Corporation having an address at One Johnson & Johnson Plaza New Brunswick, New Jersey 089337 ("Applicant").

2. On information and belief, on May 27, 2015, Applicant filed an intent-to-use trademark application with the United States Patent and Trademark Office (the "USPTO") under Serial No. 86/642259 to register Sleepy Time for "Gift pack comprising baby shampoo, baby wash and skin cleansers, baby lotions and cream" in Class 03 (the Applicant's Application"). See Exhibit 1. Applicant did not allege any date of first use of "Sleepy Time" in the United States.
3. The United States Patent and Trademark Office published the Application for opposition in the *Official Gazette* on December 29, 2015. Opposer timely filed the necessary extension of time to oppose the Application with The Trademark Trial and Appeal Board (the "Board") and the Board granted Opposer's request until April 27, 2016. Accordingly, Opposer has timely filed this opposition.

OPPOSER'S MARK

4. Opposer filed a trademark application with the USPTO under Serial No. 87/007597 for SLEEPYTIME in connection with lip balm, hand lotion, body lotion, shampoo for hair, body wash, body gel and shower gel.
5. Opposer also owns the following trademark registrations for the SLEEPYTIME mark for tea and various supplements:

Trademark	Reg. No	Reg. Date
SLEEPYTIME	1017548	August 5, 1975
SLEEPYTIME EXTRA	2292906	November 16, 1999
SLEEPYTIME THROAT TAMER	3698822	October 20, 2009
SLEEPYTIME EXTRA	4312721	April 2, 2013

SLEEPYTIME THROAT TAMER	3628370	May 26, 2009
SLEEPYTIME SINUS SOOTHER	4321216	April 16, 2013
SLEEPYTIME KIDS	4405847	September 24, 2013

6. Opposer's personal care items as well as teas are sold nationwide, including locations such as Whole Foods Market, Farm Fresh Supermarket, The Fresh Market, Harris Teeter and Applicant's website (www.celetialseasonings.com), with such use commencing well before the Applicant's filing date of the Application. See, for example, Exhibit 2.
7. Opposer has used the SLEEPYTIME mark since at least as early as December 14, 1972 in connection with tea in Class 30, and at least as early as 2011 in connection with lip balm, hand lotion, body lotion, shampoo for hair, body wash, body gel, shower gel both uses commencing well before the Applicant's filing date of the Application.
8. The SLEEPYTIME mark is an asset of substantial value to Opposer as a symbol of Opposer, its goods, and goodwill.
9. Opposer has invested significant resources in promoting its SLEEPYTIME mark in connection with its goods, and in advertising, selling and distributing goods under the SLEEPYTIME mark.
10. As a result of Opposer's long-standing use and efforts, since December 14, 1972 for teas and supplements, and 2011 for personal care items and prior to Applicant's filing date of the Application, the SLEEPYTIME mark became both famous and closely associated with Opposer and its goods in the minds of consumers.

DAMAGE TO OPPOSER

11. Opposer has been using, advertising and promoting its famous SLEEPYTIME mark in the United States in connection with teas for at least 44 years prior to the filing date of the Application. Opposer has been using, advertising and promoting its famous SLEEPYTIME mark in the United States in connection with personal care items for at least four (4) years prior to the filing date of the Application. Thus in both instances, Opposer is the senior user of the mark SLEEPYTIME.
12. Applicant's use of "Sleepy Time" in connection with the services specified in the Application, likely will cause confusion, or cause mistake, or deception with Opposer's senior SLEEPYTIME mark within the meaning of Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d). Applicant's mark fully incorporates, Opposer's entire SLEEPYTIME mark, which is identical in sound, appearance, and overall impression to Opposer's senior SLEEPYTIME mark.
13. Applicant's inclusion of a space between "Sleepy" and "Time" does not minimize the likelihood of confusion, mistake or deception as the overall mark is identical and the space between "Sleepy" and "Time" is immaterial to the overall impression of the mark and since the sound is exactly the same to a consumer the different spellings of the marks is indistinguishable when a purchaser is requesting the relevant goods and services.
14. The respective goods are marketed or will be marketed to the same consumers and potential consumers in the same or related channels of trade.
15. Consumers familiar with Opposer's SLEEPYTIME marks will incorrectly assume that Opposer is the origin of Applicant's products, or that Applicant's use of Sleepy Time is somehow licensed or otherwise endorsed by Opposer or its affiliates.

16. Applicant is not affiliated or connected with Opposer and has not been endorsed or sponsored by Opposer, nor has Opposer approved any of the goods or services offered or sold or intended to be sold by Applicant under its Sleepy Time mark.
17. Applicant has never sought or obtained Opposer's permission to use the mark Sleepy Time, nor has Opposer approved any of the goods offered by Applicant under the mark Sleepy Time mark.
18. In light of the strength of SLEEPYTIME marks, the length and extent of Opposer's use and advertising of its SLEEPYTIME marks, the widespread use of SLEEPYTIME marks, and the degree of recognition of SLEEPYTIME marks, one or more of SLEEPYTIME marks have become famous.
19. SLEEPYTIME marks became well-known and famous before Applicant made any use of or applied to register the Sleepy Time mark.
22. Applicant's Sleepy Time mark is likely to cause dilution by blurring of the distinctive quality of the Opposer's famous SLEEPYTIME marks.
23. Use and registration of Applicant's Sleepy Time mark will lessen the capacity of Opposer's famous SLEEPYTIME marks to identify and distinguish its goods identified its Application.

If Applicant obtains such rights as conferred under the Principal Register of the Lanham Act, it will obtain at least a *prima facie* exclusive right to use its trademark, and Opposer will be subjected to great and irreparable damage, while Applicant will enjoy unlawful gain and advantage to which it is not entitled under the Lanham Act.

WHEREFORE, Opposer believes and avers that it is being, and will continue to be, damaged by the registration of the Applicant's application for Sleepy Time, and respectfully

requests that U.S. Application serial no. 86/642259 be rejected, that no registrations be issued thereon to Applicant, and that the Opposition be sustained in favor of Opposer.

For the above reasons, Opposer would be damaged by registration of the Application.

Opposer appoints its parent company, The Hain Celestial Group Inc., to transact all business in the USPTO in connection with this Opposition Proceeding and hereby revokes all previous powers of attorney herein.

Please address all correspondence to:

Denise Seldman Benun, Esq.
The Hain Celestial Group Inc.
Associate General Counsel-Intellectual Property
1111 Marcus Avenue
Lake Success, New York 11042

The filing fee for this opposition, in the amount of \$300.00, is hereby electronically transferred with the submission of the Notice of Opposition.

Dated: April 27, 2016

Respectfully submitted,

By: /s/Denise S. Benun/
Attorney for Opposer

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing NOTICE OF
OPPOSITION to be served upon:

MELISSA A. MENDELSON
Johnson and Johnson Corp
1 Johnson and Johnson Plz
New Brunswick, NEW JERSEY UNITED STATES 08933-0002
732-524-3295

by placing same in an envelope, properly sealed and addressed, with postage prepaid and
depositing same with the United States Postal Service on this 27th day of April, 2016.

/s/ /Melissa Schombs/
Melissa Schombs

Filed with the TTAB via
ESTTA on April 27, 2016

Exhibit 1

Trademark/Service Mark Application, Principal Register

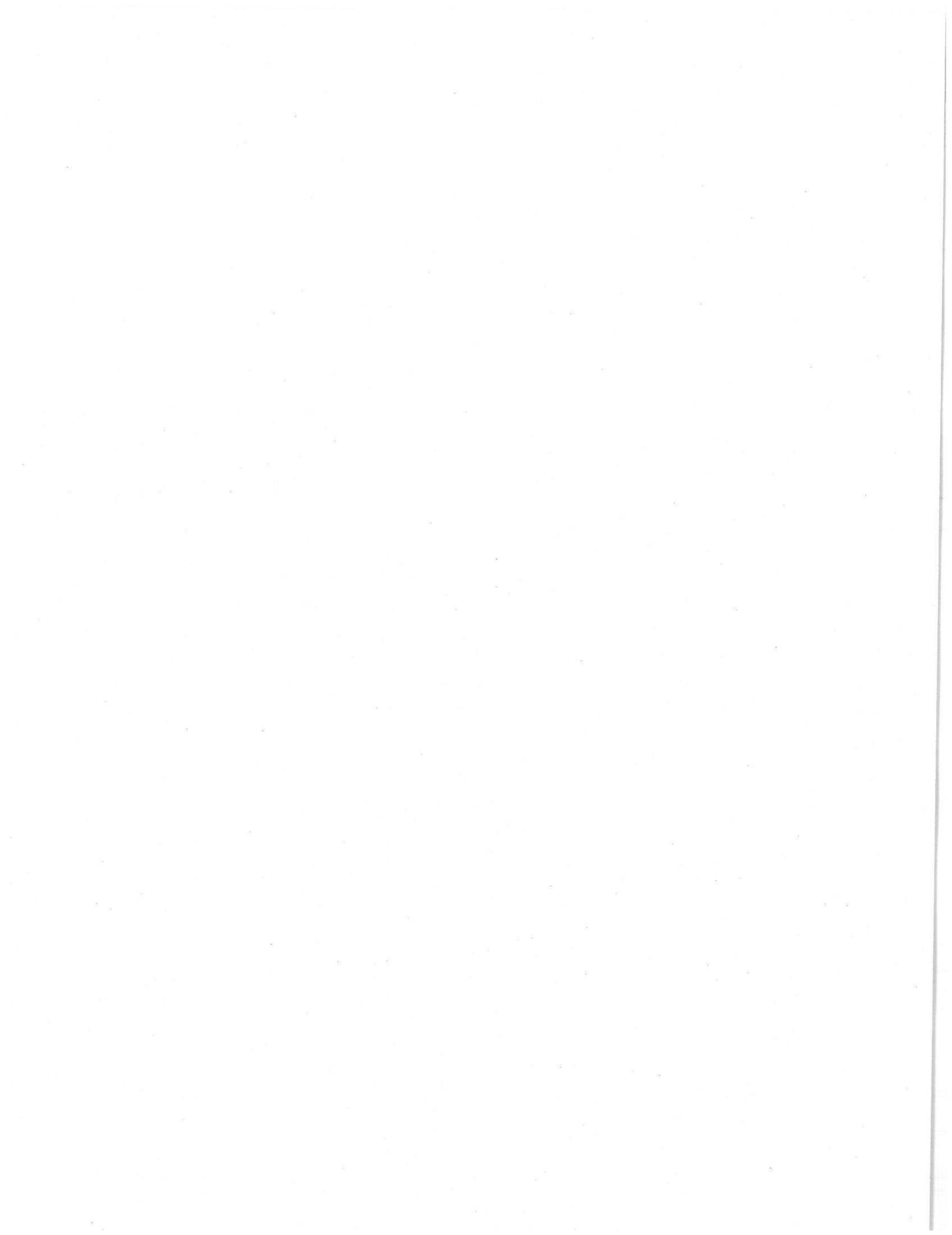
Serial Number: 86642259

Filing Date: 05/27/2015

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86642259
MARK INFORMATION	
*MARK	<u>SLEEPY TIME</u>
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	SLEEPY TIME
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	Johnson & Johnson
*STREET	One Johnson & Johnson Plaza
*CITY	New Brunswick
*STATE (Required for U.S. applicants)	New Jersey
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants)	08933-7001
PHONE	732-524-3295
FAX	732-524-6341
EMAIL ADDRESS	tmus@its.jnj.com
LEGAL ENTITY INFORMATION	
TYPE	corporation
STATE/COUNTRY OF INCORPORATION	New Jersey
GOODS AND/OR SERVICES AND BASIS INFORMATION	
INTERNATIONAL CLASS	003
*IDENTIFICATION	Gift pack comprising baby shampoo, baby wash and skin cleansers, baby lotions and cream, and other items necessary for baby's personal care
FILING BASIS	SECTION 1(b)
ATTORNEY INFORMATION	
NAME	Melissa A. Mendelsohn

FIRM NAME	Johnson & Johnson
STREET	One Johnson & Johnson Plaza
CITY	New Brunswick
STATE	New Jersey
COUNTRY	United States
ZIP/POSTAL CODE	08933-7001
PHONE	732-524-3295
FAX	732-524-6341
EMAIL ADDRESS	tmus@its.jnj.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
OTHER APPOINTED ATTORNEY	Marci Blazer; Jake Feldman; Cheryl Foytlin; David McDonald; Denise Mroz; Rachele Miller; Matthew Pater
CORRESPONDENCE INFORMATION	
NAME	Melissa A. Mendelsohn
FIRM NAME	Johnson & Johnson
STREET	One Johnson & Johnson Plaza
CITY	New Brunswick
STATE	New Jersey
COUNTRY	United States
ZIP/POSTAL CODE	08933-7001
PHONE	732-524-3295
FAX	732-524-6341
EMAIL ADDRESS	tmus@its.jnj.com;jperlson@its.jnj.com; mmendels@its.jnj.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
APPLICATION FILING OPTION	Regular TEAS
NUMBER OF CLASSES	1
FEE PER CLASS	325
*TOTAL FEE DUE	325
*TOTAL FEE PAID	325
SIGNATURE INFORMATION	
SIGNATURE	/mamjnj/
SIGNATORY'S NAME	Melissa A Mendelsohn
SIGNATORY'S POSITION	Attorney-of-Record, NJ Bar
DATE SIGNED	05/27/2015



Trademark/Service Mark Application, Principal Register

Serial Number: 86642259

Filing Date: 05/27/2015

To the Commissioner for Trademarks:

MARK: SLEEPY TIME (Standard Characters, see mark)

The literal element of the mark consists of SLEEPY TIME.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Johnson & Johnson, a corporation of New Jersey, having an address of
One Johnson & Johnson Plaza
New Brunswick, New Jersey 08933-7001
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 003: Gift pack comprising baby shampoo, baby wash and skin cleansers, baby lotions and cream, and other items necessary for baby's personal care

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

The applicant's current Attorney Information:

Melissa A. Mendelsohn and Marci Blazer; Jake Feldman; Cheryl Foytlin; David McDonald; Denise Mroz; Rachelle Miller; Matthew Pater of
Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, New Jersey 08933-7001
United States

The applicant's current Correspondence Information:

Melissa A. Mendelsohn
Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, New Jersey 08933-7001
732-524-3295(phone)
732-524-6341(fax)
tmus@its.jnj.com;jperlson@its.jnj.com; mmendels@its.jnj.com (authorized)

A fee payment in the amount of \$325 has been submitted with the application, representing payment for 1 class(es).

Declaration

The signatory believes that: if the applicant is filing the application under 15 U.S.C. Section 1051(a), the applicant is the owner of the trademark/service mark sought to be registered; the applicant or the applicant's related company or licensee is using the mark in commerce on or in connection with the goods/services in the application, and such use by the applicant's related company or licensee inures to the benefit of the applicant; the specimen(s) shows the mark as used on or in connection with the goods/services in the application; and/or if the applicant filed an application under 15 U.S.C. Section 1051(b), Section 1126(d), and/or Section 1126(e), the applicant is entitled to use the mark in commerce; the applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the goods/services in the application. The signatory believes that to the best of the signatory's knowledge and belief, no other person has the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion or mistake, or to deceive. The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may

jeopardize the validity of the application or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Declaration Signature

Signature: /mamjnj/ Date: 05/27/2015
Signatory's Name: Melissa A Mendelsohn
Signatory's Position: Attorney-of-Record, NJ Bar
RAM Sale Number: 86642259
RAM Accounting Date: 05/27/2015

Serial Number: 86642259
Internet Transmission Date: Wed May 27 12:48:39 EDT 2015
TEAS Stamp: USPTO/BAS-XXX.XXX.X.XXX-2015052712483920
5167-86642259-5301b4d16c044cef16b98ce592
a94ea65309ea934f9cb96c73693bfd646cc3-DA-
17542-20150527103545179475

SLEEPY TIME

Exhibit 2

Trademark/Service Mark Application, Principal Register

Serial Number: 87007597
 Filing Date: 04/20/2016

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	87007597
MARK INFORMATION	
*MARK	<u>SLEEPYTIME</u>
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	SLEEPYTIME
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	Celestial Seasonings, Inc.
*STREET	4600 Sleepytime Drive
*CITY	Boulder
*STATE (Required for U.S. applicants)	Colorado
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants)	80301
PHONE	516-587-5171
FAX	516-673-0255
EMAIL ADDRESS	IP@hain-celestial.com
LEGAL ENTITY INFORMATION	
TYPE	corporation
STATE/COUNTRY OF INCORPORATION	Delaware
GOODS AND/OR SERVICES AND BASIS INFORMATION	
INTERNATIONAL CLASS	003
*IDENTIFICATION	Lip balm, hand lotion, body lotion, shampoo for hair, body wash, body gel, shower gel,
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 03/28/2011
FIRST USE IN COMMERCE DATE	At least as early as 03/28/2011

SPECIMEN FILE NAME(S)	\\TICRS\EXPORT16\IMAGEOUT 16\870\075\87007597\xml1\ APP0003.JPG
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	\\TICRS\EXPORT16\IMAGEOUT 16\870\075\87007597\xml1\ APP0005.JPG
	\\TICRS\EXPORT16\IMAGEOUT 16\870\075\87007597\xml1\ APP0006.JPG
SPECIMEN DESCRIPTION	Digital Image of Applicant goods
ADDITIONAL STATEMENTS SECTION	
ACTIVE PRIOR REGISTRATION(S)	The applicant claims ownership of active prior U.S. Registration Number(s) 1017548, 2292906, 3698822, and others.
ATTORNEY INFORMATION	
NAME	Denise Seldman Benun, Esq.
ATTORNEY DOCKET NUMBER	Sleepytime 3
FIRM NAME	The Hain Celestial Group, Inc.
STREET	1111 Marcus Avenue
CITY	Lake Success
STATE	New York
COUNTRY	United States
ZIP/POSTAL CODE	11042
PHONE	516-587-5171
FAX	516-673-0255
EMAIL ADDRESS	IP@hain-celestial.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
OTHER APPOINTED ATTORNEY	Denise Faltischek
CORRESPONDENCE INFORMATION	
NAME	Denise Seldman Benun, Esq.
FIRM NAME	The Hain Celestial Group, Inc.
STREET	1111 Marcus Avenue
CITY	Lake Success
STATE	New York
COUNTRY	United States
ZIP/POSTAL CODE	11042
PHONE	516-587-5171
FAX	516-673-0255
EMAIL ADDRESS	IP@hain-celestial.com;melissa.schombs@hain.com; denise.benun@hain.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes

FEE INFORMATION	
APPLICATION FILING OPTION	Regular TEAS
NUMBER OF CLASSES	1
FEE PER CLASS	325
*TOTAL FEE DUE	325
*TOTAL FEE PAID	325
SIGNATURE INFORMATION	
SIGNATURE	/denisesbenun/
SIGNATORY'S NAME	Denise S. Benun
SIGNATORY'S POSITION	Associate General Counsel-Intellectual Property
SIGNATORY'S PHONE NUMBER	516-587-5175
DATE SIGNED	04/20/2016

Trademark/Service Mark Application, Principal Register

Serial Number: 87007597

Filing Date: 04/20/2016

To the Commissioner for Trademarks:

MARK: SLEEPYTIME (Standard Characters, see [mark](#))

The literal element of the mark consists of SLEEPYTIME.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Celestial Seasonings, Inc., a corporation of Delaware, having an address of
4600 Sleepytime Drive
Boulder, Colorado 80301
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 003: Lip balm, hand lotion, body lotion, shampoo for hair, body wash, body gel, shower gel,

In International Class 003, the mark was first used by the applicant or the applicant's related company or licensee or predecessor in interest at least as early as 03/28/2011, and first used in commerce at least as early as 03/28/2011, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, consisting of a(n) Digital Image of Applicant goods.

[Specimen File1](#)

[Specimen File2](#)

[Specimen File3](#)

[Specimen File4](#)

Claim of Active Prior Registration(s)

The applicant claims ownership of active prior U.S. Registration Number(s) 1017548, 2292906, 3698822, and others.

The applicant's current Attorney Information:

Denise Seldman Benun, Esq. and Denise Faltischek of The Hain Celestial Group, Inc.
1111 Marcus Avenue
Lake Success, New York 11042
United States

The attorney docket/reference number is Sleepytime 3.

The applicant's current Correspondence Information:

Denise Seldman Benun, Esq.
The Hain Celestial Group, Inc.
1111 Marcus Avenue
Lake Success, New York 11042
516-587-5171(phone)
516-673-0255(fax)
IP@hain-celestial.com;melissa.schombs@hain.com; denise.benun@hain.com (authorized)

A fee payment in the amount of \$325 has been submitted with the application, representing payment for 1 class(es).

Declaration

The signatory believes that: if the applicant is filing the application under 15 U.S.C. § 1051(a), the applicant is the owner of the trademark/service mark sought to be registered; the applicant is using the mark in commerce on or in connection with the goods/services in the application; the specimen(s) shows the mark as used on or in connection with the goods/services in the application; and/or if the applicant filed an application under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e), the applicant is entitled to use the mark in commerce; the applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the goods/services in the application. The signatory believes that to the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive. The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Declaration Signature

Signature: /denisesbenun/ Date: 04/20/2016

Signatory's Name: Denise S. Benun

Signatory's Position: Associate General Counsel-Intellectual Property

RAM Sale Number: 87007597

RAM Accounting Date: 04/20/2016

Serial Number: 87007597

Internet Transmission Date: Wed Apr 20 13:15:25 EDT 2016

TEAS Stamp: USPTO/BAS-XXX.XX.XXX.XX-2016042013152523

0116-87007597-550fa33544c183ab4f4e5676b7

f55b232f87ecf0a7de6bbb36f92532b1ecaf43-D

A-10628-20160420130226797276

SLEEPY TIME

Earth's Best Organic Sleepytime Shampoo and Body Wash - Chamomile -- 16 fl oz (Multi-Pack) from Unknown

Be the first to review this item



Price: **\$123.65** + FREE Shipping

Note: Not eligible for Amazon Prime

In Stock. Ships from and sold by My Nutrition To Go.

Get it Sooner. Estimated delivery on **April 26 - 29** when you choose Standard at checkout.

Ship to: Melissa Schoombs - HUNTINGTON ST

Qty: 1

Turn on 1-click ordering

Add to Cart

Add to List

Other Sellers on Amazon

3 new from \$123.65

\$123.65 + Free Shipping

Sold by: Direct Home Supplies

Add to Cart

\$130.81 + Free Shipping

Sold by: Venus Health Nutrition

Add to Cart

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- Thank you for being a Prime member. Earn **5% Back Every Day** with the Amazon Prime Store Card. Apply now.



15% Off Your First Luxury Beauty Purchase
 For a limited time, new customers can receive 15% off their first purchase in Luxury Beauty with promo code LUXBEAUTY. Enter the promo code at checkout to see savings. Offer only applies to items shipped and sold by Amazon.com. One redemption per customer. Limited time only and while supplies last. Shop Luxury Beauty.

Product Description

Earth's Best Organic Sleepytime Shampoo and Body Wash - Chamomile -- 16 fl oz (

Product Details

Item Weight: 24.2 pounds

Shipping Weight: 14.4 pounds (View shipping rates and policies)

- FEATURED PRODUCTS
- NEW PRODUCTS
- BLACK TEAS
- COOL BREW ICED TEAS
- FOODSERVICE ITEMS
- GIFTS & TEA ACCESSORIES**

- [Plush Bear With Celestial Seasonings Tees](#)
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- [Bengal Spice Travel Mug Set](#)
- [Candy Cane Lane Set](#)
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- [Vanilla Realities Set](#)
- [Zinger Set](#)
- [Candy Cane Lane Mug](#)
- [Mug](#)
- [Gingerbread Spice Mug](#)
- [Nutcracker Sweet Mug](#)
- [Nutcracker Sweet Mug \(6 Oz.\)](#)
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FREE SHIPPING
ON ORDERS OVER \$49 [\(See Details\)](#)

SAVE 10% ON EVERY ORDER!
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SLEEPYTIME LIP BALM



1 lip balm

\$2.99

1

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SAVE 10% & SAVE TIME!

Give your lips the TLC (tender lip care) they need to stay soft with this delightful lip balm. Made with organic yellow beeswax, organic olive oil and the blend of herbs from our beloved Sleepytime Tea.

Earth's Best Sleepytime Lotion Chamomile, 16 Fluid Ounce from Earth's Best

★★★★★ 16 customer reviews



About the Product

- Natural formula
- Hypoallergenic
- No Synthetic Fragrances

Frequently Bought Together

Total price: \$22.15

Add-on item Ships with any qualifying order over \$25. Details

List Price: \$14.99

Price: \$9.49 Free shipping for Prime members when buying this Add-on item. Details

You Save: \$2.50 (21%)

In Stock. Ships from and sold by Amazon.com. Gift-wrap available.

Want it tomorrow, April 20? Add it to a qualifying order within 1 hr 8 mins and choose One-Day Shipping at checkout. Details

Ship to: Melissa Schomb- HUNTINGTON ST

Qty: 1

1-Click ordering is not available for this item.

Add to Cart

Add to List

Add to Baby Registry

Other Sellers on Amazon

8 new from \$7.00

\$9.47 Add-on item FREE Shipping with Prime

Add to Cart

Sold by: WV Supplies

\$8.00 - \$5.95 shipping

Add to Cart

Sold by: VitaminsLife

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LIL' LEONA

Earth's Best Sleepytime Shampoo & Body Wash Chamomile, 16 Ounce from Earth's Best

★★★★☆ · 29 customer reviews



About the Product

- Gentle Tear free formula
- With Beta-Glucan
- Hypoallergenic and paraben free

Frequently Bought Together

Total price, \$22.15

Price: \$12.66 (\$0.79 / Ounce) Prime
In Stock. Sold by cosmeticswarehouse and Fulfilled by Amazon.

Want it tomorrow, April 20? Order within 1 hr 8 mins and choose One-Day Shipping at checkout. Details

Ship to: Melissa Schomb - HUNTINGTON ST

Qty: 1

Turn on 1-click ordering

Add to Cart

Add to List

Add to Baby Registry

Other Sellers on Amazon

28 new from \$7.95

\$12.66 (\$0.79 / Ounce) Prime
Sold by: etalz

Add to Cart

\$12.80 (\$0.81 / Ounce) Prime
Sold by: Express Health

Add to Cart

\$12.97 (\$0.81 / Ounce) Prime
Sold by: BH - Enterprises

Add to Cart

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100% organic hand soap.
now w/better moisturizers

By Rosemarie Hulse, Ph.D. & Pamela