

ESTTA Tracking number: **ESTTA758259**

Filing date: **07/14/2016**

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	The Procter & Gamble Company
Granted to Date of previous extension	07/27/2016
Address	One Procter & Gamble Plaza Cincinnati, OH 45202 UNITED STATES

Correspondence information	The Procter & Gamble Company One Procter & Gamble Plaza Cincinnati, OH 45202 UNITED STATES pgtrademarks.im@pg.com, donoghue.km@pg.com Phone:513-983-0150
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Applicant Information

Application No	86796212	Publication date	03/29/2016
Opposition Filing Date	07/14/2016	Opposition Period Ends	07/27/2016
Applicant	Third House Productions, LLC 4016 E. Lupine Ave. Phoenix, AZ 85028 UNITED STATES		

Goods/Services Affected by Opposition

<p>Class 003. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Anti-aging cleanser; Anti-aging creams; Anti-aging moisturizer; Anti-aging toner; Bath gel; Bath oils; Bath soaps; Beauty creams; Body lotion; Body oils; Body sprays; Cosmetic creams for skin care; Cosmetic oils; Cosmetic preparations for skin care; Cosmetics; Essential oils; Face creams; Facial lotion; Facial masks; Facial oils; Hair care creams; Hair gels; Hair oils; Hand lotions; Non-medicated anti-aging serum; Non-medicated exfoliating preparations for skin, hair, and body; Shower gels; Styling gels; Sun screen</p>
<p>Class 021. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Bath sponges; Exfoliating pads; Facial cleansing sponges</p>

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1677287	Application Date	08/14/1990
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Registration Date	03/03/1992	Foreign Priority Date	NONE
Word Mark	AUSSIE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 1981/10/30 First Use In Commerce: 1981/10/30 non-medicated hair care preparations; namely, shampoos, conditioners, hair sprays, styling gels, [and baby shampoos]		

U.S. Registration No.	3615998	Application Date	10/21/2008
Registration Date	05/05/2009	Foreign Priority Date	NONE
Word Mark	AUSSIE CLEANSE & MEND		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2007/01/31 First Use In Commerce: 2007/01/31 Hair care preparations		

U.S. Registration No.	1677286	Application Date	08/13/1990
Registration Date	03/03/1992	Foreign Priority Date	NONE
Word Mark	AUSSIE INSTANT FREEZE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 1991/01/05 First Use In Commerce: 1991/01/05 non-medicated hair care preparations; namely, hair spray		

U.S. Registration No.	1354878	Application Date	11/26/1984
Registration Date	08/20/1985	Foreign Priority Date	NONE
Word Mark	AUSSIE MOIST		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 1984/11/14 First Use In Commerce: 1984/11/14		

	HAIR SHAMPOO
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Attachments	77596842#TMSN.png(bytes) Notice of Opposition.pdf(1240326 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Eissabeth Swedenburg/
Name	The Procter & Gamble Company
Date	07/14/2016

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

In re Application Serial No.: 86/796,212

Filed: October 22, 2015

Trademark: AUSSIE BEACH BUMS

<p>THE PROCTER & GAMBLE COMPANY, INC.,</p> <p style="text-align: center;">Opposer,</p> <p style="text-align: center;">- against -</p> <p>THIRD HOUSE PRODUCTIONS, LLC,</p> <p style="text-align: center;">Applicant.</p>	<p style="text-align: center;">Opposition No.</p> <p style="text-align: center;"><u>NOTICE OF OPPOSITION</u></p>
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Opposer, The Procter & Gamble Company, a corporation organized and existing under the laws of the State of Ohio, with its principal place of business at One Procter & Gamble Plaza, Cincinnati, OH 45202, believes that it will be damaged by the registration of the mark AUSSIE BEACH BUMS (herein "AUSSIE BEACH BUMS Mark") for "Anti-aging cleanser; Anti-aging creams; Anti-aging moisturizer; Anti-aging toner; Bath gel; Bath oils; Bath soaps; Beauty creams; Body lotion; Body oils; Body sprays; Cosmetic creams for skin care; Cosmetic oils; Cosmetic preparations for skin care; Cosmetics; Essential oils; Face creams; Facial lotion; Facial masks; Facial oils; Hair care creams; Hair gels; Hair oils; Hand lotions; Non-medicated anti-aging serum; Non-medicated exfoliating preparations for skin, hair and body; Shower gels; Styling gels; Sun screen" in International Class 3 and "Bath sponges; Exfoliating pads; Facial cleansing sponges" in International Class 21 in US Trademark Application Serial No. 86/796,212 (the "Application") and having been granted an extension of time to oppose the Application up to and including July 27, 2016, hereby opposes the same. As grounds for the opposition, it is alleged that:

1. Opposer is a long-established, multi-national company engaged in, among other things, the development, manufacture, advertising, distribution and sale of a wide variety of hair and personal care products, including without limitation, shampoos, conditioners, hair styling products, hair colorants, body soaps, body creams and body washes.
2. Opposer is the owner of the well-known and famous AUSSIE mark, as reflected by Opposer's U.S. trademark registration, for "non-medicated hair care preparations" in International Class 3, namely:
 - U.S. Registration No. 1677287 for "Shampoos, Conditioners, Hair Sprays, Styling Gels, and Baby Shampoos"; and

The above-listed registration, having registered on March 3, 1992 and citing first use on October 30, 1981, is valid, subsisting, and in good standing. This registration has reached incontestable status and was recently renewed. Printouts of US Trademark Office electronic records of status and title of this registration are attached hereto as Exhibit A.

3. In addition to the above-listed registration, Opposer has numerous registrations for the mark AUSSIE in combination with other words for hair care preparations in International Class 3 ("the AUSSIE Marks") including:
 - US Reg. No 3615998 of AUSSIE CLEANSE & MEND for "hair care preparations" having a first use date at least as early as January 31, 2007 and reaching incontestable status as of May 6, 2015;
 - US Reg. No. 1677286 of AUSSIE INSTANT FREEZE for "non-medicated hair care preparations, namely, hairspray" having a first use date at least as early as January 5, 1991 and reaching incontestable status as of May 12, 2001;
 - US Reg. No. 1354878 of AUSSIE MOIST for "hair shampoo" having a first use date at least as early as November 14, 1984 and reaching incontestable status as of December 4, 1990;

(hereinafter collectively "Opposer's Registered Marks"). Printouts of US Trademark Office electronic records of status and title of such registrations are attached hereto as Exhibit B.

4. Opposer's Registered Marks are valid and subsisting and constitute *prima facie* evidence of Opposer's exclusive right to use said marks in commerce on the goods specified in said registrations.
5. Opposer, either directly or through its predecessors in interest, has adopted variants of its Registered Marks alone or in combination with other words and devices as early as 1981 and has used and promoted said marks in commerce as an indicia of origin for a wide variety of hair care and body care goods on an exclusive basis long prior to Applicant's filing date of October 22, 2015.
6. As a result of the extensive sales and promotion of its goods bearing or offered in connection with Opposer's Registered Marks, Opposer has built up highly valuable goodwill in Opposer's Registered Marks, and said goodwill has become closely and uniquely identified and associated with Opposer.
7. Opposer's AUSSIE brand and its Registered Marks are distinctive, well known and famous with respect to the hair care goods to which they are applied and became distinctive, well known and famous with respect to the hair care goods to which they are applied prior to Applicant's filing date of October 22, 2015.
8. Opposer actively uses its Registered Marks in the course of its business and in connection with the goods identified above, among others. Opposer maintains a website at <http://aussie.com/en-us> where it advertises and promotes its AUSSIE brand. In addition, printouts of a few examples of Opposer's AUSSIE marketing materials are attached hereto as Exhibit C.
9. The AUSSIE BEACH BUMS Mark that is the subject of the Application, when considered in its entirety, is similar in appearance, meaning and commercial impression to the AUSSIE Marks.

Further, the goods covered by the Application are similar, identical, complementary, or closely related to those goods covered by one or more of the Opposer's Registered Marks and common law AUSSIE Marks.

10. Upon information and belief, Opposer's rights in its AUSSIE Marks precede any use by Applicant of its AUSSIE BEACH BUMS Mark in United States commerce.
11. Applicant's AUSSIE BEACH BUMS Mark so resembles one or more of Opposer's AUSSIE Marks, as to be likely when applied to Applicant's goods to cause confusion, or to cause mistake, or to deceive the trade and public, who are likely to believe that Applicant's goods have their origin with Opposer and/or that such goods are approved, endorsed or sponsored by Opposer or associated in some way with Opposer. The AUSSIE BEACH BUMS Mark is also likely to be dilutive of the distinctive character of Opposer's AUSSIE Marks. Opposer would thereby be injured by the granting to Applicant of a certificate of registration for Applicant's AUSSIE BEACH BUMS Mark.

WHEREFORE, Opposer respectfully requests that this opposition be sustained and that Application No. 86/796,212 not be permitted to proceed to registration.

Dated July 14, 2016

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By: 
Eissabeth D. Swedenburg
Attorney for Opposer
One Procter & Gamble Plaza
Cincinnati, OH 45202
(513) 983-0150

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the Notice of Opposition has been served on Third House Productions, LLC, Applicant, by mailing of said copy on July 14, 2016, via courier, postage prepaid to:

Third House Productions, LLC
4016 E. Lupine Ave.
Phoenix, AZ 85028

By: 
Kathy Donoghue

EXHIBIT A

AUSSIE
Registration Certificate

Int. Cl.: 3

Prior U.S. Cls.: 51 and 52

United States Patent and Trademark Office

Reg. No. 1,677,287
Registered Mar. 3, 1992

TRADEMARK
PRINCIPAL REGISTER

AUSSIE

**REDMOND PRODUCTS, INC. (MINNESOTA
CORPORATION)
18930 WEST 78TH STREET
CHANHASSEN, MN 55317**

**FOR: NON-MEDICATED HAIR CARE PREP-
ARATIONS, NAMELY, SHAMPOOS, CONDI-
TIONERS, HAIR SPRAYS, STYLING GELS,
AND BABY SHAMPOOS, IN CLASS 3 (U.S. CLS.
51 AND 52).**

**FIRST USE 10-30-1981; IN COMMERCE
10-30-1981.**

**OWNER OF U.S. REG. NOS. 1,345,874,
1,390,466, AND 1,460,543.**

SER NO 74-087,874, FILED 8-14-1990.

JOHN MICHOS, EXAMINING ATTORNEY

AUSSIE
Notice of Acceptance Under Section 8

Side - 1



**NOTICE OF ACCEPTANCE OF §8
DECLARATION AND §9 RENEWAL
MAILING DATE: Sep 18, 2011**

The declaration and renewal application filed in connection with the registration identified below meets the requirements of Sections 8 and 9 of the Trademark Act, 15 U.S.C. §§1058 and 1059. The declaration is accepted and renewal is granted. The registration remains in force.

For further information about this notice, visit our website at: <http://www.uspto.gov>. To review information regarding the referenced registration, go to <http://taft.uspto.gov>.

REG NUMBER: 1677287
MARK: AUSSIE
OWNER: PROCTER & GAMBLE COMPANY, THE

Side - 2

UNITED STATES PATENT AND TRADEMARK OFFICE
COMMISSIONER FOR TRADEMARKS
P O BOX 1451
ALEXANDRIA, VA 22313-1451

FIRST-CLASS MAIL
U S POSTAGE
PAID

Katherine A. Ruwe
THE PROCTER & GAMBLE COMPANY
299 East Sixth Street
SY8-227
CINCINNATI, OH 45202

AUSSIE
TSDR Status Report

Generated on: This page was generated by TSDR on 2016-05-05 10:20:36 EDT

Mark: AUSSIE

US Serial Number: 74087674

Application Filing Date: Aug 14, 1990

US Registration Number: 1877287

Registration Date: Mar 03, 1992

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed

Status Date: Sep 18, 2011

Publication Date: Dec 10, 1991

Mark Information

Mark Literal: AUSSIE
Elements:

Standard Character Claim: No

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

Related Properties Information

Claimed Ownership of US Registrations: 1345878, 1390400, 1480543

Goods and Services

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

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

For: non medicated hair care preparations; namely, shampoos, conditioners, hair sprays, styling gels, [and baby shampoos]

International Class(es): 003 - Primary Class

US Class(es): 001, 004, 006, 050, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Oct 30, 1981

Use in Commerce: Oct 30, 1981

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

AUSSIE
TSDR Status Report (Cont.)

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: PROCTER & GAMBLE COMPANY, THE
 Owner Address: ONE PROCTER & GAMBLE PLAZA
 CINCINNATI, OHIO 45202
 UNITED STATES
 Legal Entity Type: CORPORATION
 State or Country Where Organized: OHIO

Attorney/Correspondence Information

Attorney of Record
 Attorney Name: Katherine A. Ruwe
 Docket Number: TM-200302
 Attorney Primary Email Address: patrademarks.jm@pg.com
 Attorney Email Authorized: Yes
 Correspondent: Katherine A. Ruwe
 Name/Address: THE PROCTER & GAMBLE COMPANY
 299 East Sixth Street
 5Y8-227
 CINCINNATI, OHIO 45202
 UNITED STATES
 Phone: 513-983-1443
 Correspondent e-mail: patrademarks.jm@pg.com
 Correspondent e-mail Authorized: Yes
 Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Sep 18, 2011	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	64501
Sep 18, 2011	REGISTERED - SEC 8 (10-YR) ACCEPTED/SEC 9 GRANTED	64501
Sep 15, 2011	TEAS SECTION 8 & 9 RECEIVED	
Dec 20, 2007	CASE FILE IN TIGRS	
Oct 07, 2002	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Oct 07, 2002	REGISTERED - SEC 8 (10-YR) ACCEPTED/SEC 9 GRANTED	
Sep 12, 2002	RESPONSE RECEIVED TO POST REG ACTION - SEC 8 & 9	
Sep 12, 2002	PAPER RECEIVED	
Apr 30, 2002	POST REGISTRATION ACTION MAILED - SEC 8 & 9	
Mar 04, 2002	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
May 17, 2001	REGISTERED - SEC 15 ACKNOWLEDGED	
Feb 07, 2001	REGISTERED - SEC 15 AFFIDAVIT FILED	
May 20, 1998	REGISTERED - SEC 8 (8-YR) ACCEPTED	
Jan 29, 1998	REGISTERED - SEC 8 (8-YR) FILED	
Mar 19, 1993	COUNTERCLAIM CANC. NO. 000000	20375
Mar 03, 1992	REGISTERED-PRINCIPAL REGISTER	
Dec 10, 1991	PUBLISHED FOR OPPOSITION	
Nov 08, 1991	NOTICE OF PUBLICATION	
Jun 27, 1991	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr 03, 1991	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Jan 07, 1991	NON-FINAL ACTION MAILED	
Dec 12, 1990	ASSIGNED TO EXAMINER	67443

Maintenance Filings or Post Registration Information

Affidavit of Section 8 - Accepted
 Continued Use

EXHIBIT B

AUSSIE CLEANSE & MEND
Registration Certificate

Int. Cl.: 3

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

Reg. No. 3,615,998

United States Patent and Trademark Office

Registered May 5, 2009

TRADEMARK
PRINCIPAL REGISTER

AUSSIE CLEANSE & MEND

THE PROCTER AND GAMBLE COMPANY
(OHIO CORPORATION)
ONE PROCTER AND GAMBLE PLAZA
CINCINNATI, OH 45202

OWNER OF U.S. REG. NOS. 1,664,669, 1,677,286,
AND 1,685,914.

FOR: HAIR CARE PREPARATIONS, IN CLASS 3
(U.S. CLS. 1, 4, 6, 50, 51 AND 52).

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

FIRST USE 1-31-2007; IN COMMERCE 1-31-2007.

SER. NO. 77-596,842, FILED 10-21-2008.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

MARK PILARO, EXAMINING ATTORNEY

AUSSIE CLEANSE & MEND
Notice of Acceptance Under Sections 8 and 15

From: TMOfficialNotices@USPTO.GOV
Sent: Wednesday, May 6, 2015 11:00 PM
To: pgtrademarks.im@Pg.com
Cc: guess.rl@pg.com
Subject: Official USPTO Notice of Acceptance/Acknowledgement Sections 8 and 15: U.S. Trademark RN 38 15008: AUSSIE CLEANSE & MEND: Docket/Reference No. TM-507922

Serial Number: 77508842
Registration Number: 3015008
Registration Date: May 5, 2009
Mark: AUSSIE CLEANSE & MEND
Owner: The Procter and Gamble Company

May 6, 2015

NOTICE OF ACCEPTANCE UNDER SECTION 8

The declaration of use or excusable nonuse filed for the above-identified registration meets the requirements of Section 8 of the Trademark Act, 15 U.S.C. §1058. The Section 8 declaration is accepted.

NOTICE OF ACKNOWLEDGEMENT UNDER SECTION 15

The declaration of incontestability filed for the above-identified registration meets the requirements of Section 15 of the Trademark Act, 15 U.S.C. §1065. The Section 15 declaration is acknowledged.

The registration will remain in force for the class(es) listed below for the remainder of the ten-year period, calculated from the registration date, unless canceled by an order of the Commissioner for Trademarks or a Federal Court.

Class(es):
003

TRADEMARK SPECIALIST
POST-REGISTRATION DIVISION
571-272-0500

REQUIREMENTS FOR MAINTAINING REGISTRATION

WARNING: Your registration will be canceled if you do not file the documents below during the specified time periods.

Requirements in the First Ten Years

What and When to File: You must file a declaration of use (or excusable nonuse) and an application for renewal between the 9th and 10th years after the registration date. See 15 U.S.C. §§ 1058, 1059.

Requirements in Successive Ten-Year Periods

What and When to File: You must file a declaration of use (or excusable nonuse) and an application for renewal between every 9th and 10th-year period, calculated from the registration date. See 15 U.S.C. §§ 1058, 1059.

Grace Period Filings

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

The USPTO WILL NOT SEND ANY FURTHER NOTICE OR REMINDER OF THESE REQUIREMENTS. THE REGISTRANT SHOULD CONTACT THE USPTO ONE YEAR BEFORE THE EXPIRATION OF THE TIME PERIODS SHOWN ABOVE TO DETERMINE APPROPRIATE REQUIREMENTS AND FEES.

To view this notice and other documents for this application on-line, go to <http://tdr.uspto.gov/search/action?sn=77508842>. NOTE: This notice will only be available on-line the next business day after receipt of this e-mail.

AUSSIE INSTANT FREEZE
Registration Certificate

Int. Cl.: 3

Prior U.S. Cl.: 51

United States Patent and Trademark Office **Reg. No. 1,677,286**
Registered Mar. 3, 1992

TRADEMARK
PRINCIPAL REGISTER

AUSSIE INSTANT FREEZE

REDMOND PRODUCTS, INC. (MINNESOTA
CORPORATION)
18930 WEST 78TH STREET
CHANHASSEN, MN 55317

FOR: NON-MEDICATED HAIR CARE PREP-
ARATIONS; NAMELY, HAIR SPRAY, IN
CLASS 3 (U.S. CL. 51).

FIRST USE 1-5-1991; IN COMMERCE
1-5-1991.
OWNER OF U.S. REG. NOS. 1,354,878,
1,390,466, AND 1,460,543.

SER. NO. 74-086,902, FILED 8-13-1990.
JOHN MICHOS, EXAMINING ATTORNEY

AUSSIE INSTANT FREEZE
Notice of Acceptance Under Section 8

Side - 1



**NOTICE OF ACCEPTANCE OF §8
DECLARATION AND §9 RENEWAL**
MAILING DATE: Sep 30, 2011

The declaration and renewal application filed in connection with the registration identified below meets the requirements of Sections 8 and 9 of the Trademark Act, 15 U.S.C. §§1058 and 1059. The declaration is accepted and renewal is granted. The registration remains in force.

For further information about this notice, visit our website at: <http://www.uspto.gov>. To review information regarding the referenced registration, go to <http://tarr.uspto.gov>.

REG NUMBER: 1677286
MARK: AUSSIE INSTANT FREEZE
OWNER: PROCTER & GAMBLE COMPANY, THE

Side - 2

UNITED STATES PATENT AND TRADEMARK OFFICE
COMMISSIONER FOR TRADEMARKS
P.O. BOX 1451
ALEXANDRIA, VA 22313-1451

FIRST-CLASS MAIL
U.S. POSTAGE
PAID

Katherine Ruwe
The Procter & Gamble Company
299 East Sixth Street
SY8-227
Cincinnati, OH 45202

**AUSSIE INSTANT FREEZE
TSDR Status Report**

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: PROCTER & GAMBLE COMPANY, THE
Owner Address: ONE PROCTER & GAMBLE PLAZA
 CINCINNATI, OHIO 45202
 UNITED STATES
Legal Entity Type: CORPORATION
State or Country Where Organized: OHIO

Attorney/Correspondence Information

Attorney Name: Katherine Ruwe
Attorney Primary Email Address: pgtrademarks.im@pg.com
Attorney of Record Docket Number: TM-200305
Attorney Email Authorized: Yes
Correspondent:
Correspondent Name/Address: Katherine Ruwe
 The Procter & Gamble Company
 200 East Sixth Street
 SY8-227
 Cincinnati, OHIO 45202
 UNITED STATES
Phone: 513-983-1443
Correspondent e-mail: pgtrademarks.im@pg.com
Correspondent e-mail Authorized: Yes
Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Sep 30, 2011	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	68502
Sep 30, 2011	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	68502
Sep 30, 2011	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68502
Sep 15, 2011	TEAS SECTION 8 & 9 RECEIVED	
Dec 28, 2007	CASE FILE IN TICRS	
Jul 01, 2002	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Jul 01, 2002	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Apr 22, 2002	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Apr 22, 2002	TEAS SECTION 8 & 9 RECEIVED	
May 12, 2001	REGISTERED - SEC. 15 ACKNOWLEDGED	
Feb 07, 2001	REGISTERED - SEC. 15 AFFIDAVIT FILED	
Mar 04, 1998	REGISTERED - SEC. 8 (8-YR) ACCEPTED	
Jan 28, 1998	REGISTERED - SEC. 8 (8-YR) FILED	
Mar 19, 1993	COUNTERCLAIM CANC. NO. 999999	20375
Mar 03, 1992	REGISTERED-PRINCIPAL REGISTER	
Dec 10, 1991	PUBLISHED FOR OPPOSITION	
Nov 08, 1991	NOTICE OF PUBLICATION	
Aug 29, 1991	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug 29, 1991	USE AMENDMENT ACCEPTED	
Aug 29, 1991	AMENDMENT TO USE PROCESSING COMPLETE	
Aug 29, 1991	ALLOWANCE/COUNT WITHDRAWN	
Mar 14, 1991	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Mar 14, 1991	USE AMENDMENT FILED	
Feb 28, 1991	NON-FINAL ACTION MAILED	
Feb 12, 1991	ASSIGNED TO EXAMINER	67443
Feb 08, 1991	ASSIGNED TO EXAMINER	69183

AUSSIE MOIST
Registration Certificate

Int. Cl.: 3

Prior U.S. Cl.: 52

United States Patent and Trademark Office **Reg. No. 1,354,878**
Registered Aug. 20, 1985

TRADEMARK
PRINCIPAL REGISTER

AUSSIE MOIST

REDMOND PRODUCTS, INC. (MINNESOTA
CORPORATION)
7106 SHADY OAK ROAD
EDEN PRAIRIE, MN 55344

OWNER OF U.S. REG. NO. 1,255,742.
NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "MOIST", APART FROM THE
MARK AS SHOWN.

FOR: HAIR SHAMPOO, IN CLASS 3 (U.S. CL.
52).

SER. NO. 510,590, FILED 11-26-1984.

FIRST USE 11-14-1984; IN COMMERCE
11-14-1984.

MICHELLE S. WISEMAN, EXAMINING AT-
TORNEY

AUSSIE MOIST
Notice of Acceptance Under Section 8

From: TMOfficialNotices@USPTO.GOV
Sent: Monday, July 20, 2015 11:00 PM
To: pgtrademarks.im@pg.com
Cc: guess.rl@pg.com
Subject: Official USPTO Notice of Acceptance and Renewal Sections 8 and 9: U.S. Trademark RN 1354878: AUSSIE MOIST: Docket/Reference No TM-200312

Serial Number: 73510590
Registration Number: 1354878
Registration Date: Aug 20, 1985
Mark: AUSSIE MOIST
Owner: PROCTER & GAMBLE COMPANY, THE

Jul 20, 2015

NOTICE OF ACCEPTANCE UNDER SECTION 8

The declaration of use or excusable nonuse filed for the above-identified registration meets the requirements of Section 9 of the Trademark Act, 15 U.S.C. §1058. The Section 8 declaration is accepted.

NOTICE OF REGISTRATION RENEWAL UNDER SECTION 9

The renewal application filed for the above-identified registration meets the requirements of Section 9 of the Trademark Act, 15 U.S.C. §1059. The registration is renewed.

The registration will remain in force for the class(es) listed below for the remainder of the ten-year period, calculated from the registration date, unless canceled by an order of the Commissioner for Trademarks or a Federal Court.

Class(es):
003

TRADEMARK SPECIALIST
POST-REGISTRATION DIVISION
571-272-9500

REQUIREMENTS FOR MAINTAINING REGISTRATION IN SUCCESSIVE TEN-YEAR PERIODS

WARNING: Your registration will be canceled if you do not file the documents below during the specified time periods.

What and When to File: You must file a declaration of use (or excusable nonuse) and an application for renewal between every 9th and 10th-year period, calculated from the registration date. See 15 U.S.C. §§1058, 1059.

Grace Period Filings

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

*****The USPTO WILL NOT SEND ANY FURTHER NOTICE OR REMINDER OF THESE REQUIREMENTS. THE REGISTRANT SHOULD CONTACT THE USPTO ONE YEAR BEFORE THE EXPIRATION OF THE TIME PERIODS SHOWN ABOVE TO DETERMINE APPROPRIATE REQUIREMENTS AND FEES.*****

To view this notice and other documents for this application on-line, go to <http://tdr.uspto.gov/search/action?sn=73510590>. NOTE: This notice will only be available on-line the next business day after receipt of this e-mail.

AUSSIE MOIST TSDR Status Report

Generated on: This page was generated by TSDR on 2016-06-20 15:52:27 EDT

Mark: AUSSIE MOIST

US Serial Number: 73510590

Application Filing Date: Nov. 26, 1984

US Registration Number: 1354878

Registration Date: Aug. 20, 1985

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Jul. 20, 2015

Publication Date: Jun. 11, 1985

Mark Information

Mark Literal Elements: AUSSIE MOIST

Standard Character Claim: No

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

Disclaimer: "MOIST"

Related Properties Information

Claimed Ownership of US Registrations: 1255742

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 SHAMPOO

International Class(es): 003 - Primary Class

U S Class(es): 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Nov. 14, 1984

Use in Commerce: Nov. 14, 1984

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

EXHIBIT C

AUSSIE Promotional Materials

Published on Instagram: 6/15/16



Published on Instagram: 8/9/2015



AUSSIE Promotional Materials (Cont.)

Published on Instagram: 5/16/15



aussiehair [Follow](#)

168 likes 59w

aussiehair Didn't you hear? All good things come in threes: 3 months of summer, 3 day weekends, and #3MinuteMiracle.

cauanylima_ @renatamonteiro_ trindademary Qual q diferença. ...de cads um

xx_carol_ Moist: 3x mais hidratado , strong: 10x mais força , color: 10x mais cor. (Os únicos que lembro) @trindademary

sonhodecabelo10 Envio pra todo Brasil. Aussie e silicon mix

valentine_utrabo @_lisandramaria ssmakeupeprodutinhos Amores vcs podem encontrar seu #aussie bem aqui ! @ssmakeupeprodutinhos

lidiaaragao75 Qual o valor?

flaismoraes @sainosmoraes

[Log in](#) to like or comment.

Published on Twitter: 2/18/15

AussieHair @AussieHair 18 Feb 2015
Let your hair down, pack your #3MinuteMiracle up, and leave your winter cares behind #vacation #DitchTheDrama



AUSSIE Promotional Materials (Cont.)

Captured from AUSSIE Official Website (http://aussie.com/en-us): 7/6/16

PART OF THE P&G FAMILY **Crest** SIGN IN REGISTER USA · ENGLISH ▾

aussie SHOP PRODUCTS ▾ COUPONS & OFFERS EASY HAIR GUIDE THE AUSSIE EXPERIENCE

FIND YOUR *miracle in a bottle*

VIEW COLLECTION

Captured from AUSSIE Official Website (http://aussie.com/en-us): 7/6/16

PART OF THE P&G FAMILY **Crest** SIGN IN REGISTER USA · ENGLISH ▾

aussie SHOP PRODUCTS ▾ COUPONS & OFFERS EASY HAIR GUIDE THE AUSSIE EXPERIENCE

introducing **TOTAL MIRACLE COLLECTION**

7 Sensational benefits? Some bottles have all the luck.

VIEW COLLECTION

AUSSIE Promotional Materials (Cont.)

Captured from AUSSIE Official Website (http://aussie.com/en-us): 7/6/16

The screenshot shows the top navigation bar of the AUSSIE website. It includes the P&G family logos (Pampers, Pantyliners, Luvs, Crest) and the AUSSIE logo. Navigation links include 'SHOP PRODUCTS', 'COUPONS & OFFERS', 'EASY HAIR GUIDE', and 'THE AUSSIE EXPERIENCE'. The main banner features a woman with long, wavy hair in a convertible car. The headline reads 'HAVE-IT-ALL HAIR without the fuss'. A product image of 'mega hairspray' is shown on the left. Text on the right says 'Get a flexible hold to keep you looking flawless all day with Mega hairspray.' and a 'LEARN MORE' button is present.

Captured from AUSSIE Official Website (http://aussie.com/en-us): 7/6/16

The screenshot shows the top navigation bar of the AUSSIE website. It includes the P&G family logos (Pampers, Pantyliners, Luvs, Crest) and the AUSSIE logo. Navigation links include 'SHOP PRODUCTS', 'COUPONS & OFFERS', 'EASY HAIR GUIDE', and 'THE AUSSIE EXPERIENCE'. The main banner features four bottles of AUSSIE KIDS bath products (3in1, 3in1, 3in1, and 3in1) with Finding Dory characters. The headline reads 'forget the fuss NOW BATHTIME'S A BREEZE'. A 'VIEW COLLECTION' button is present. At the bottom right, there is a 'Disney PIXAR FINDING DORY IN THEATRES JUNE 17 IN 3D' banner.