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

Proceeding	91241842
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Attachments	<p>responseToSummaryJudgmentGSHB.pdf(342722 bytes)</p> <p>oppositionNo.91241842-ExhibitsCover.pdf(33493 bytes)</p> <p>oppositionNo.91241842-ExhibitA.pdf(193803 bytes)</p> <p>oppositionNo.91241842-Exhibit B.pdf(13037 bytes)</p> <p>oppositionNo.91241842-Exhibit C.pdf(3002 bytes)</p> <p>oppositionNo.91241842-Exhibit D.pdf(11844 bytes)</p> <p>oppositionNo.91241842-Exhibit E.pdf(5636 bytes)</p> <p>oppositionNo.91241842-Exhibit E-1.pdf(41142 bytes)</p> <p>oppositionNo.91241842-Exhibit F.pdf(103782 bytes)</p> <p>oppositionNo.91241842 Exhibit G.pdf(286145 bytes)</p> <p>oppositionNo.91241842 Exhibit G-1.pdf(293396 bytes)</p> <p>oppositionNo.91241842 Exhibit G-2.pdf(2048463 bytes)</p> <p>oppositionNo.91241842 Exhibit G-3.pdf(205982 bytes)</p> <p>oppositionNo.91241842 Exhibit H.pdf(107073 bytes)</p> <p>oppositionNo.91241842 Exhibit H-1.pdf(152572 bytes)</p> <p>oppositionNo.91241842 Exhibit H-2.pdf(317362 bytes)</p> <p>oppositionNo.91241842-Exhibit I.pdf(107114 bytes)</p> <p>oppositionNo.91241842-Exhibit J.pdf(175736 bytes)</p> <p>oppositionNo.91241842-Exhibit J-1.pdf(721115 bytes)</p> <p>oppositionNo.91241842 Exhibit K-1.pdf(245415 bytes)</p> <p>oppositionNo.91241842 Exhibit K-2.pdf(226548 bytes)</p> <p>oppositionNo.91241842 Exhibit K-3.pdf(185420 bytes)</p> <p>oppositionNo.91241842 Exhibit K-4.pdf(150570 bytes)</p> <p>oppositionNo.91241842 Exhibit K-5.pdf(458175 bytes)</p> <p>oppositionNo.91241842 Exhibit L-1.pdf(2385278 bytes)</p> <p>oppositionNo.91241842 Exhibit L-2.pdf(330182 bytes)</p> <p>oppositionNo.91241842 Exhibit L-3.pdf(1658569 bytes)</p> <p>oppositionNo.91241842 Exhibit L-4.pdf(396753 bytes)</p> <p>oppositionNo.91241842 Exhibit L-5.pdf(184336 bytes)</p> <p>oppositionNo.91241842 Exhibit L-6.pdf(620022 bytes)</p> <p>oppositionNo91241842 Exhibit L-7.pdf(411728 bytes)</p> <p>oppositionNo91241842 Exhibit L-8.pdf(3094372 bytes)</p> <p>oppositionNo91241842 Exhibit L-9.pdf(385609 bytes)</p> <p>oppositionNo91241842 Exhibit L-10.pdf(172442 bytes)</p>

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

In the Matter of Application Serial No.87/681,252
Published in the Official Gazette of April 17, 2018

ALLERGAN, INC., Opposer

Opposition No. 91241842

v.

GEMS STYLE, INC., Applicant.

Mark: GS GEMS STYLE HAIR BOTOX

RESPONSE TO “OPPOSER'S MOTION FOR SUMMARY JUDGMENT”

RESPONSE TO THE INTRODUCTORY PARAGRAPH

1- In the introductory paragraph of the Motion for Summary Judgment the Opposer Allergan, Inc. says "Applicant has admitted that Opposer owns valid, prior rights in the mark BOTOX..." But the reality is that Applicant admits the Opposer owns valid, prior right in the mark BOTOX in International Class 5, but **Applicant denies that the Opposer owns all right, title and interest in and to BOTOX mark in International Class 3 or any other International Class, beside of International Class 5.**

2- On March 12, 2004, Allergan, Limited filed U.S. Application Serial No.79/002,971 for registration of the mark “BOTOX” in International Class 3 for “Cosmetics, face creams and lotions; skin creams and lotions,” as evidenced by the true and correct printout of associated TSDR records attached as Exhibit A.

3- On Oct 11, 2004, the Trademark Examiner issued an Office Action refusing registration of the mark that was the subject of U.S. Application Serial No.79/002,971, as evidenced by the true and correct printout of associated TSDR records attached as Exhibit B.

4- On December 02, 2004, Allergan Limited transferred to Opposer Allergan, Inc. the ownership of the Application Serial No. 79 / 002,971 for the mark "BOTOX" in international class 3, in a strategic action to try to obtain registration Of the mark “BOTOX” in International Class 3, as evidenced by the

true and correct printout of associated TSDR records attached as Exhibit C.

5- On Feb 02, 2006, the Trademark Examining Attorney issued an Office Action with a Final – Deceptive refusing registration of the mark BOTOX in International Class 3 that was subject of U.S. Application Serial No.79/002,971, as evidenced by the true and correct printout of associated TSDR records attached as Exhibit D.

6- On Jul 06, 2006, Opposer Allergan, Inc. Expressly abandoned U.S. Application Serial No.79/002,971, for the mark BOTOX in International Class 3, as evidenced by the true and correct printout of associated TSDR records attached as Exhibit E.

7- Applicant contends that the points expressed above show that Opposer Allergan, Inc. has no rights over the BOTOX mark in International Class 3, which therefore a third party can obtain the rights to use BOTOX mark in International Class 3, as long as it complies with the Trademark Law.

8- The Opposer Allergan, Inc. is requesting a Summary Judgment based on the assumption that the registration of the Applicant's mark "GS GEMS STYLE HAIR BOTOX" would create a risk of confusion with the Opposer previously used and Registered trademark BOTOX in International Class 5. However, a determination of likelihood of confusion between two marks is determined on a case by case basis. In re Dixie Restaurants Inc., 41 USPQ2d 1531, 1533 (Fed. Cir. 1997). The thirteen factors set out in In re E.I. DuPont DeNemours & Co., 476 F.2d 1357, 1361, 177 USPQ 563, 567 (CCPA 1973) are applied to make the determination.

8-a) The Mark Must be Viewed as a Whole.

A Likelihood of confusion of marks is determined by the goods description as stated in the application and registration at issue, not by how the marks are actually used. See Stone Lion Capital Partners, LP v. Lion Capital LLP, 746 F.3d 1317, 1323, 110 USPQ2d 1157, 1162 (Fed. Cir. 2014) (quoting Octocom Sys. Inc. v. Hous. Computers Servs. Inc., 918 F.2d 937, 942, 16 USPQ2d 1783, 1787 (Fed. Cir. 1990)). The use of a term in another mark in part of a junior user's mark does not

automatically create a likelihood of confusion. See, e.g., *In re Product Innovations Research LLC*, Serial No. 77912065, 2014 WL 343260, at *5 (TTAB 2014) [not precedential] (citing *In re Sears, Roebuck and Co.*, 2 USPQ2d 1312 (TTAB 1987); *In British Bulldog, Ltd.*, 224 USPQ 854 (TTAB 1984); *In re Sydel Lingerie Co., Inc.*, 197 USPQ 629 (TTAB 1977)). The proper test is not whether the marks can be “distinguished when subjected to a side-by-side comparison, but rather whether the marks are sufficiently similar in terms of their overall commercial impression so that confusion” as to the source of the goods offered under the marks is likely to result. *In re Gila River Gaming Enterprises, Inc.*, Serial No. 7669982, 2012 WL 1424425, at *1 (TTAB 2012) [not precedential] (citing *San Fernando Electric Mfg. Co. v. JFD Electronics Components Corp.*, 565 F.2d 683, 196 USPQ 1, 3 (CCPA 1997)). “[A] mark should not be dissected and considered piecemeal; rather, it must be considered as a whole in determining likelihood of confusion.” *Juice Generation, Inc. v. GS Enterprises LLC*, 794 F.3d 1334, 1340, 115 USPQ2d 1671 (Fed. Cir. 2015) (quotations omitted). While more or less weight may be afforded “to particular components of a mark for appropriate reasons,” the mark must still be viewed “as a whole.” *Id.* at 1341, 115 USPQ2d 1671.

8-b) Applicant respectfully contends that, when comparing the Applicant's Mark with the Opposer's Marks in their entireties, the difference between them is pronounced, and consumers are unlikely to experience any confusion as between them. Accordingly, applying the anti-dissection rule, Applicant respectfully submits that the marks in their entireties are dissimilar as to appearance, sound, connotation and commercial impression created on an ordinary prospective buyer, so as not to lead to a likelihood of commercial confusion. (See Exhibit J)

8-c) Applicant's Mark is Different in Sight, Sound and Connotation from the Opposer's Marks.

i) The marks are distinctly different in sight, as evidenced see Exhibit J.

Here, Applicant's Mark consists of the following words:

“GS GEMS STYLE HAIR BOTOX”

In contrast, the Opposer's Marks Consist of the following word:

“BOTOX”

Applicant's Mark literally looks different because Applicant's Mark consists of five words “GS GEMS STYLE HAIR BOTOX” and the Opposer's Marks consist of the one word, “BOTOX.” See TMEP § 1201.01(b)(iii) (“Additions or deletions to marks may be sufficient to avoid a likelihood of confusion.”). As a general rule, a “particular feature of a mark may be more obvious or dominant.” *Citigroup Inc. v. Capital City Bank Group, Inc.*, 637 F.3d 1344, 1351, 98 USPQ2d 1253 (Fed. Cir. 2011) (quotations omitted). However, “there is no general rule as to whether letters or designs will dominate in composite marks; nor is the dominance of letters or design dispositive of the issue.” TMEP § 1207.01(c)(ii) (quoting *In re Electrolyte Labs, Inc.*, 929 F.2d 645, 647, 16 USPQ2d 1239, 1240 (Fed. Cir. 1990)). As you can see “the first word portion is often considered the dominant feature and is accorded greater weight in determining whether marks are confusingly similar, even where the word portion has been disclaimed.” Further, consumers are generally more inclined to focus on the first word, prefix, or syllable in any trademark. See, e.g., *Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondee En 1772*, 396 F.3d 1369, 1372, 73 USPQ2d 1689, 1692 (Fed. Cir. 2005).

The first part of the Applicant's Mark is the abbreviation of GEMS STYLE (GS), which is at the same time the logo of the House Mark. Accordingly, “GS” is most likely to be impressed upon the mind of a purchaser and remembered by consumers when making a purchasing decision regarding Applicant's goods sold under Applicant's Mark. See *Presto Prods., Inc. v. Nice-Pak Prods., Inc.*, 9 USPQ2d 1895, 1897 (TTAB 1988). Moreover, when “a mark consists of two or more words, some of which are disclaimed, the word not disclaimed is generally regarded as the dominant or critical term.” *Citigroup Inc. v. Capital City Bank Group, Inc.*, 637 F.3d 1344, 1351, 98 USPQ2d 1253 (Fed. Cir. 2011). GS GEMS making it stand out from the other words, and are the only words in Applicant's Mark which has not been disclaimed. The word “GEMS” appears in second place, with accompanied with the third word “STYLE” make up the name of the Applicant Corporation “GEMS STYLE Inc.”

In the same way the combination of the first three words that make up the main part of the Applicant's Mark (GS GEMS STYLE) is a House Mark, a Trademark registered in the Principal Register with register No. 5,690,042 of which the applicant owns all right, title and interest in and to the "GS GEMS STYLE" Trademark in International Class 3. As you can see the main part of the Applicant's mark is a house mark following by the inseparable term "Hair Botox," as evidenced by the true and correct printout of associated TSDR records attached as Exhibit F.

8-d) Applicant respectfully contends that the design portion of Applicant's Mark serves to create an overall commercial impression that focuses on the first three words "GS GEMS STYLE" and then in the unique term "Hair Botox" conforming "GS GEMS STYLE HAIR BOTOX" is distinct and different from the Opposer's Marks "BOTOX". See, e.g., *In re Covalinski*, 113 USPQ2d 1166 (TTAB 2014) (holding confusion unlikely between REDNECK RACEGIRL with design and registered mark RACEGIRL, even when used on in-part identical goods). (Exhibit J and J-1)

8-e) Applicant respectfully contends that the fourth and fifth words that make up the last part in the Applicant's Mark should be seen as a unique and inseparable concept "HAIR BOTOX" **because this is the way that it is widely recognized by the general consuming public of the United States and by the social media and the Internet.** If you type the words "hair botox" in the Google Search Engine and press Search you will find that there are about About 58,300,000 results that talk about "Hair Botox". **These results confirm that the terms "Hair Botox" and "Botox" are clearly differentiated and both widely recognized by the general consuming public of the United States, which makes the term "Hair Botox" just as famous as the term "Botox",** as evidenced true and correct printout from the Google websites, showing the result as Exhibit G.

8-f) Applicant respectfully contends that Applicant's Mark "GS GEMS STYLE HAIR BOTOX" should be seen as a unique concept **because this is the way that it is widely recognized by the general consuming public of the United States and by the social media and the Internet.** If you type the words "gs gems style hair botox" in the Google Search Engine and press Search you will find

that there are about About 99,500 results that talk about "GS GEMS STYLE HAIR BOTOX". **These results confirm that the Applicant mark "GS GEMS STYLE HAIR BOTOX" and "Botox injections" are clearly differentiated and both widely recognized by the general consuming public of the United States**, as evidenced true and correct printout from the Google websites, showing the result as Exhibit H.

8-g) The Opposer Allergan, Inc. based her arguments on the fact that a word in Applicant mark (GS GEMS STYLE HAIR BOTOX) is equal to the Opposer's Marks (BOTOX), in fact the last word of the five words that make up the Applicant's Mark. However, according to the Trademark Trial and Appeal Board, as a general rule "rights in the word would not be extended to include protection for that word combined with, for example, other words or a design element." In re White Rock Distilleries, Inc., 92 USPQ2d 1282 (TTAB 2009). Here, Applicant respectfully contends that the standard elements of Applicant's Mark, the additional terms "GS GEMS STYLE" plus the term "HAIR BOTOX," and the differences in sight serve to distinguish the Opposer's Marks from Applicant's Mark. ii) The marks differ in sound. The term "GS GEMS STYLE HAIR BOTOX" sounds noticeably different and is phonetically distinct from the Opposer's Marks, as to create a distinct commercial impression that does not result in a likelihood of confusion or dilution among purchasers.

8-h) Applicant's Mark has five words, "GS GEMS STYLE HAIR BOTOX" while the Opposer's Marks consist of the single term "BOTOX." The Applicant's Mark starts with the sounds created by the term GS, not contained in the Opposer's Marks. Consumers will thus pronounce Applicant's Mark by first stating the words "GS GEMS STYLE" before the combined term "HAIR BOTOX", and will pronounce "HAIR BOTOX" together almost as a single term. Further, while "BOTOX" is a two-syllable word that sounds much different than "HAIR BOTOX". Further, the term "HAIR BOTOX" in Applicant's Mark is combined with the term "HAIR" and "BOTOX" and sound as one term "HAIR-BOTOX." Thus, Applicant's Mark has seven syllables, while the Opposer's Marks contain only two-syllables. Further, in Applicant's Mark, the term "BOTOX" will always followed the

sounds created by the terms “GS GEMS STYLE HAIR,” four words not contained in the Opposer’s Marks. As such, the marks sound little, to nothing alike and have an entirely different phonetic profile, so as not to give rise to a likelihood of confusion or dilution. iii) The marks differ in meaning or connotation. Even the use of identical marks is not likely to cause confusion if the marks convey a sufficiently different commercial impression when applied to the respective parties’ goods or services. TMEP § 1207.01(b)(v); see also, e.g., *In re Sears, Roebuck and Co.*, 2 USPQ2d 1312 (TTAB 1987); *In re British Bulldog, Ltd.*, 224 USPQ 854 (TTAB 1984). The meaning or connotation of a mark must be determined in relation to the named goods or services. Evidence from any competent source, including online sources, suffice to show the relevant public’s understanding of a term. See, e.g., *In re Jonathan Drew, Inc. d/b/a Drew Estate*, 97 USPQ2d 1640 (TTAB 2011) (“It is well settled that evidence of what the relevant public understands a term to mean may be shown not only by direct evidence, such as consumer testimony and surveys, but it may also be inferred from indirect or circumstantial evidence, such as gazetteer entries and third-party websites.”). True and correct printouts from Google Search are attached as Exhibits G and H. Here, the Applicant’s Mark and the Opposer’s Marks share the word BOTOX. The term BOTOX alone has several different meanings, including, without limitation, “a preparation of botulinum toxin.” Botox Definition, <http://unabridged.merriamwebster.com> (last visited March. 14, 2019), submitted herewith as evidenced. The term “BOTOX” is also used to describe the service of administering an injectable drug administered by a medical professional, as shown by the services listed in the following Registrations submitted herewith: SCMS SOUTH COAST MEDSPA, Registration No. 3304171; DR BEAUTIFUL YOUR BEAUTY PRESCRIPTION, Registration No. 3896406; EMPOWER YOUR SKIN, Registration No. 3842058; DERMATIQUE, Registration No. 3808796; WHERE BEAUTY MEETS MEDICINE, Registration No. 2475344. See also TMEP § 1207.01(d)(iii). As used with the Cited Marks, BOTOX evokes the literal meaning of a preparation of botulinum toxin. However, Applicant’s Mark adds the term “GS GEMS STYLE HAIR” to create a unitary phrase “GS GEMS STYLE HAIR BOTOX,” which creates a different connotation and

commercial impression. See *Bells Brewery, Inc. v. Bell Hill Vineyards, LLC*, Opposition No. 91177980 to App. Serial No. 76662206, 2009 WL 5118319, at *4 (TTAB. 2009) [not precedential] (finding “BELL HILL” to create the connotation of a place while the mark “BELL” evokes the meaning of bells). Specifically, in Applicant’s Mark the word HAIR proceeds the term BOTOX, creating an entirely separate commercial impression.² See *In re Skyward IO, Inc.*, Serial No. 86443194, 2017 WL 2876810, at *3 (TTAB 2017) [not precedential] (noting the first part in a mark is likely to be impressed upon the mind of a purchaser and remembered). This is hardly the connotation that the term “BOTOX” alone would generate as applied to Opposer’s pharmaceutical preparations for the treatment of neurological disorders, muscle dystonias, smooth muscle disorders, autonomic nerve disorders, headaches, wrinkles, hyperhidrosis, sports injuries, cerebral palsy, spasms, tremors and pain. See *In re Sydel Lingerie Co., Inc.*, 197 U.S.P.Q. 629, 630 (TTAB 1977) (holding BOTTOMS UP for ladies’ and children’s underwear and BOTTOMS UP for men’s clothing not likely to cause confusion, noting that the wording connotes the drinking phrase “Drink Up” when applied to men’s clothing, but does not have this connotation when applied to ladies’ and children’s underwear); *In re Park Lane Shoes Limited*, Serial No. 79073835, 2011 WL 4517803, at *3 [not precedential] (TTAB 2011) (“The Board in the past has held that even if similar marks are used for the same goods, there may be no confusion as to source if the meanings and/or commercial impressions of the marks are different.”). Therefore, the difference in meaning and connotation further distinguish the marks, and Applicant respectfully contends this alone serves to make the marks not confusingly similar. (Exhibit J) For the more, Applicant is using the BOTOX mark as satire or parody in a fair use. Applicant's mark is a combination of the applicant House Mark "GS GEMS STYLE" with the highly known term "Hair Botox" on “GS GEMS STYLE HAIR BOTOX.” Applicant products have more than 96% acceptance in online stores like Amazon and Ebay in the last years. Therefore there not way that applicant's mark affects the Opposer's marks. (Exhibit H-2)

8-I) The word “BOTOX” in Applicant's Mark is using on the Applicant's goods package in

combination with the generic term “HAIR”, below (house mark) the main Trademark of the Applicant and logo “GS GEMS STYLE”, as evidence attached Exhibit I.

8-J) The overall commercial impression between the marks differs. The marks themselves, as are using in the marketplace, are substantially dissimilar if you look the marks in the commercial context in which consumers are likely to encounter it. In addition the marks have significant differences in the products' logos and packaging that are sufficient to distinguish the marks to the extent that the similarities did not rise to the level of dilution or confusion, as evidenced attached Exhibit J.

8-K) Comparison of the Goods.

As to the relatedness of the goods, the facts of each case are different, and there is no rule that certain goods or services are per se related, such that there must be a likelihood of confusion. TMEP § 1207.01(a)(iv). Applicant's goods are Hair care kits comprising non-medicated hair care preparations; Non-medicated hair straightening preparations; Non-medicated hair shampoos and conditioners; Non-medicated hair coloring preparations; Non-medicated hair spray and hair gels; Non-medicated hair lotions; Non-medicated hair oil; Non-medicated hair conditioners; Non-medicated hair restoration lotions; Non-medicated hair treatment preparations for cosmetic purposes. Opposer's goods include: pharmaceutical preparations for the treatment of several things, including wrinkles. see, e.g., *In re Shell Oil Co.*, 992 F.2d 1204, 26 USPQ2d 1687, 1690 n.4 (Fed. Cir. 1993) (noting that the nature and scope of a party's goods or services must be determined on the basis set forth in the application or registration). The term “pharmaceutical” means “a pharmaceutical preparation: medical drug.” Pharmaceutical Definition, <http://unabridged.merriam-webster.com> (last visited March 14, 2019). Additionally, the differences in the goods, how they are used, and differences in nature and purpose of the goods are relevant. See *In re Donnay International, Societe Anonyme*, 31 USPQ2d 1953 (TTAB 1994); *In re Thor Tech, Inc.*, 113 USPQ2d 1546, 1551 (TTAB 2015). On the face of the Applicant's Mark, and Opposer's Marks, the goods are different in nature because Opposer's goods are limited to medicated products and Applicant's goods are limited to nonmedicated hair products. **Specifically,**

Opposer's goods are not used to treat any condition related to hair. Moreover, a comparison of the identified goods at issue shows the goods serve wholly different purposes.

The following are some evidences to prove that consumers use the term "HAIR BOTOX" to describe a hair conditioning treatment, and that's how it is widely recognized by the general consuming public of the United States and by the social media and the Internet:

1. "When I decided to try **hair botox** on my curly hair, I was a bit apprehensive about one ... My Curls Look More Defined With Plenty Of Bounce." Feb 23, 2019. <https://www.botoxforhair.net> › **Blog**

2. "**Hair Botox definition:** "Hair Botox is actually a deep conditioning treatment that coats hair fibers with a filler, such as keratin. The treatment fills in any broken or thin areas on each hair strand to make hair appear more full and lustrous. ... That helps create the appearance of fuller, smoother hair."" Searched, Feb 23, 2019 <https://www.healthline.com/health/beauty-skin-care/botox-for-hair>

3. "**Hair Botox** contains acidic compounds that make it safe to use without any harmful chemicals that are in common smoothing treatments such as the Keratin treatment." Searched, Feb 23, 2019 <https://softerhair.com/introduction-to-botox-hair-treatment/>

4. "A bad hair day is not just a phrase, it is a living proof that your hair is looking for you to save it. **Hair botox** is the solution to all your hair woes. Feb 23, 2019 www.arabnews.com/news/566901

5. "Ok, so have you heard of **hair botox** treatments and are they all right for curly hair ingredients that will permanently alter your hair structure, meaning make you ..." Searched Feb 23, 2019 <https://curlyhairlounge.com/are-hair-botox-treatments-right-for-curly-hair>

6. "Many people are turning to **hair botox** treatment as a means of revitalizing their hair. We will delve into the what **hair botox** treatment is and then..." Searched Feb 23, 2019

7. “**Hair Botox** is a revolutionary treatment which focuses on restoring lost protein into the hair, strand by strand....” - Uploaded by Alejandra Jim. Searched Feb 23, 2019

<https://www.youtube.com/watch?v=ccKuwx5Mu0M>

For more definitions about “Hair Botox” searched in the internet, Applicant submitted as evidenced Exhibits K-1 through K-5

8-L) The Channels of Trade between the Applicant's Good and Opposer's Goods Differs.

In the introductory paragraph Opposer Allergan, Inc. alleges that Applicant's good and Opposer's goods travel in the same channels of trade to the same consumers. But that is not true. Applicant's goods and Opposer's goods travel in different trade channels. According to the Food and Drug Administration (FDA), Opposer's goods can only be sold by medical prescription at drug stores or supermarkets with pharmaceutical section, and cannot be sold over-the counter. While Applicant's goods are sold over-the-counter and to professional stylists and to beauty salon and to beauty supply stores, and are not sold in drug stores or supermarkets with pharmaceutical sections.

8-M) The Opposer Allergan, Inc. bases its arguments on the fact that there are twenty companies that function as Medspa and Hair Salon together. But the first thing to take into consideration is that in the United States there are currently more than 4,200 Medical Spas and more than 257,000 Hair Salons, according to the reports of The American Med Spa Association (AmSpa) and The Professional Salon Industry Haircare Study Reports - Salon Industry Growth Figures - News - Salon Today, both report from 2017. True and correct printouts from the websites, showing both reports, are attached as Exhibit G-1 and G-2. Secondly, Applicant Gems Style, Inc. submits as evidence, the same twenty third-party medical spas websites presented by Opposer Allergan Inc. as proof that these companies, although owned by the same people and operating in the same premises, both, Medspas and Hair salons work with totally separate management and administration structures.

(Exhibits L-1 through L-20)

8-N) Applicant's goods are sold directly to the Beauty Salon, Beauty Supply Stores and over-the counter and are applied to the consumers by a Certified Hair Stylist to smooth and straighten the hair. To the contrary, Opposer's goods are injected by a Certified Physician to the consumers, and are used to treat medical conditions, including neurological disorders, muscle dystonias, autonomic nerve disorders, headaches, hyperhidrosis, and cerebral palsy, among other medical conditions. **Specifically, Opposer's goods are not used to treat any condition related to hair.** The goods are noncompetitive, differ completely in utility, and have nothing in common with respect to their essential characteristics or sales appeal. See, e.g., *In re Thor Tech, Inc.*, 113 USPQ2d 1546 (TTAB 2015).

9- The Opposer Allergan, Inc. shows a Declaration of Lauren M. Gregory where she states that she has identified twenty third-party medical spas that advertise hair salon products and services as well as injections of the BOTOX Product. The applicant submits these same twenty websites as evidenced to demonstrate that these Medical Spas and Hair Salons despite working under the same owner and in the same premises, both the Medical Spas and the Hair Salons operate with totally different and separate structures. The Hair Salons have their staff of professional stylists with a structure of management and direction totally independent of the Medspas that also have their staff of professional Aestheticians and Physicians with their own structure of administration and direction. True and correct printouts from the following websites (the same twenty websites shown by the Opposer Allergan, Inc.), showing the professional teams of each structures for such Medspas and Hair Salons, are attached collectively as:

Exhibit L-1) <https://oubeauty.com/our-staff/> 1/

Exhibit L-2) <https://esteemmedicalspa.net/meet-the-staff/>

Exhibit L-3) <https://onemedicalspa.com/about-us/>

Exhibit L-4) www.thedejavumedspaandsalon.com/about-us/

Exhibit L-5) www.thecentermedspaandsalon.com/about-us

Exhibit L-6) <https://lejoliespa.com/about/>

Exhibit L-7) <https://revivesalonandspa.com/about-us/>

Exhibit L-8) www.ditadayspa.com/team/

Exhibit L-9) www.oasisspaandsalon.com/med-spa/

Exhibit L-10) <https://lavieenrainey.com/team-med-spa-salon/>

Exhibit L-11) <http://resalonandmedspa.com/med-spa/medical-staff/>

Exhibit L-12) <https://www.sanctuarysalonatlanta.com/about-sanctuary-salon-spa-atlanta/talent/> 2/

Exhibit L-13) <https://dairreds.com/>

Exhibit L-14) www.auradayspaandsalon.com/about-us/

Exhibit L-15) <https://melindadayspa.com/588-2/>

Exhibit L-16) <https://faceandbodyspa.com/about-us/>

Exhibit L-17) <http://marodspa.com/meet-the-providers/>

Exhibit L-18) www.gotoradiance.com/staff/

Exhibit L-19) <https://medspaatvillagio.com/about-us/>

L-20) <https://macmedspa.com/meet-our-staff/>

9-a) Applicant submits a **MEDSPA – HAIR SALON ORGANIZACION CHART** obtained through the twenty websites presented by the Opposer Allergan, Inc. as evidence, and other additional websites, now shown by the Applicant as evidence that proof that both Opposer's marks and Applicants' mark have sophisticated purchasers, who are professionals with a great knowledge of the products and services of their areas and a high degree of care exercised when purchase. (See Exhibits L-1 through L-22.) The Medspa - Hair Salon organizational chart functions as an outline of how the business intends job responsibilities to flow within the levels its internal structure. Some Medspa - Hair Salon have more complex structures, but the following is the basic structure and more frequent in U.S.

Level 1.- Business Owner

The Medspa - Hair Salon owner resides at the head of the organizational chart. While specific day-to-day responsibilities vary based on the individual Medspa - Hair Salon, the owner primarily concerns herself with customer service, human resources and financial details. The Business owner makes hiring, marketing, property, inventory and design decisions, while staying involved in staff licensing and business certification requirements. If the Business owner is a licensed cosmetologist, she/he also serves as a Salon Manager and styles hair and executes other beauty processes for which she/he is appropriately trained. If the Business owner is a Physician, she/he also serves as a Medspa Manager and makes the Aesthetic procedures and executes other processes for which she/he is appropriately trained. Location isn't the only thing Med-Spa - Hair Salon owners have to worry about. Perhaps a greater concern is the host of regulatory issues Medspa - Hair Salon owners must deal with. "There are a number of complex issues," says Charles Engelmann, president and chief executive officer of Radiance Medspa, a franchise company based in Scottsdale, Ariz. "If you're not a physician, it may be illegal in your state to own a med-spa, (that means, that when the owner is a Certified Stylist, she/ he has the obligation to hire a certified doctor to operate the Medspa.) Another thing is understanding the scope of practice, what level of licensure is required for each practitioner to perform each individual treatment modality. Then it's understanding what the med-spa should look like, the licenses that are necessary for the facility, what type of staff is needed, and how to structure the organizational chart," Engelmann adds. For example, services performed by med-spas must be supervised by a medical doctor. The rules about who can do the actual procedures vary from state to state.

Notes:

- 1) In U.S. to operate a Medspa you must have at least one medical doctor to supervise all procedures, and all aesthetic professionals and nurses must be certified. In many states to own a Medspa you must be medical Doctor.
- 2) In U.S. to own a Hair Salon you do not need to be a Certified Stylist, but all Stylists working in the

hair salon must be certified by the State Board.

Level 2.- Hair Salon Manager

Reporting to the Business owner, a salon manager provides orientation to the salon staff, explaining operational procedures and functions, which are based on company policy . The Hair Salon Manager works with staff members to improve performance and ensure quality service while maintaining cleanliness and customer satisfaction. In cooperation with the business owner, the Hair Salon Manager also analyzes personnel records, makes requisition of hair care products, participates in disciplinary procedures and assists in resolving customer complaints in the division of hair salon.

Level 2.- Medspa Manager

Reporting to the Business owner, a Medspa manager provides orientation to the Medspa staff, explaining operational procedures and functions, which are based on company policy, must supervised all services performed in the med-spas division. The Medspa Manager works with staff members to improve performance and ensure quality service while maintaining cleanliness and customer satisfaction. In cooperation with the Business owner, the Medspa Manager also analyzes personnel records, makes requisition of medical products, participates in disciplinary procedures and assists in resolving customer complaints in the division of Medspa.

Level 3.- Certified Stylists and Technicians; Hair Salon Division.

Hairstylists, nail technicians, color specialists, estheticians, trichologists and makeup artists commonly work as peers within a salon, reporting to the hair salon manager, though some organizations have senior and junior-level stylists or technicians, based on experience or tenure. Each performs his own specialty service and recommends the services his peers provide, as his customers require.

Level 3.- Certified Advanced Injectors / Certified Aestheticians / Certified Laser/IPL, Certified Nurses; Medspa Division.

Commonly work as peers within a Medspa, reporting to the Medspa manager, though some

organizations have senior and junior Level 4 Aestheticians or technicians, based on experience or tenure. Each performs his own specialty service and recommends the services his peers provide, as his customers require. The Certified Nurses take care of the customers before and post treatment.

Level 4.- Salon Assistant; Hair Salon Division.

The salon assistant provides additional support to the staff through taking responsibility for laundry, handling retail sales, sterilizing equipment, sweeping floors and even preparing clients for services. Client preparations that a salon assistant may execute without possessing a cosmetology license include offering a salon robe, draping for services or even shampooing the hair. Assistants may report to the manager or to other staff members, such as hairstylists.

Level 4.- Receptionist; can be one for both divisions or one for each division.

A receptionist reports to the salon's manager and/or medspa manager and answers the telephone, schedules appointments, greets customers, explains services to callers and visitors, and operates a cash register. Because the receptionist is usually the first person a customer encounters at the medspa or hair salon, she is responsible for creating a comfortable and welcoming atmosphere. For this reason, she is held accountable for the entire reception area, including its arrangement, organization and cleanliness.

9-b) "SOPHISTICATED PURCHASERS"

As the Board can see, the same evidenced of websites show by the Opposer Allergan, Inc. is prove that Opposer's goods and Applicant's good are "Expensive Product" and have "SOPHISTICATED PURCHASERS": the Certified Physicians and the Certified Stylists. Opposer goods and Applican good both need to be apply by a professional people; the Applicant's Mark needs to be apply by a Certified Hair Stylist at a Beauty Salon while the Opposer's Marks need to be apply by a Certified Physician at an Certified Aesthetic Clinic regardless of whether both businesses are owned by the same owner and operate in the same premises, both operate separately. In most cases the Certified Physician has the Opposer's goods in the Certified Aesthetic Clinic, the consumer do not buy

the Opposer's goods by themselves. In the same way, the Hair Salon has the Applicant's good, the consumers do not buy the Applicant good. Therefore, Applicant respectfully established that there is not be a likelihood of confusion. (See Exhibits L-1 through L-20)

9-c) The degree of care exercised by the purchasers of Applicant's Mark and Opposer's Marks is very high.

The purchasers of both Applicant's Mark and Opposer's Marks are Professional Buyers. The prices of both Applicant good treatment and Opposer goods treatments are very expensive. The buyers of the Applicant's Mark are the Certified Hair Stylists at the Beauty Salon while the buyers of the Opposer's Mark are the Certified Physicians at the Certified Aesthetic Clinic, regardless of whether there are some Med Spa and Hair Salon operating under the same owner and the same premises, those medical spas and hair salons despite working under the same owner and in the same premises, both the Medical Spas and the Hair Salons operate with totally different and separate structures. The Hair Salons have their own staff of Professional Stylists with a structure of management and direction totally independent of the Medspas that also have their own staff of Professional Aestheticians and one or several Professional Physicians with their own structure of administration and direction. (See Exhibits L-1 through L-20)

9-d) The degree of care exercised by the purchasers of Opposer's Marks has been made even higher since the warning made by the FDA, in 2012, alerting the Physicians that Fake Botox injections was being sold in the United States market. Even Physicians are prohibited from purchasing Botox injections at pharmacies outside of the United States even if they are originals Opposer Allergan, Inc. Products. "Buying fake Botox is clearly illegal since it is not FDA-approved, but many physicians still ask- what if I buy the real thing but I purchase the Botox from a company outside of the U.S- is that legal? The answer is no. It is true that Allergan sells Botox to pharmacies outside the U.S., particularly Canada, for a much reduced price. Of course, it is very enticing for physicians to buy the Botox on the cheap from a different country and ship it back to the U.S. However, the U.S. Drug Enforcement

Administration (DEA) makes it illegal to import Botox or any other injectable from another country because the product cannot be properly monitored. Botox must be purchased directly from Allergan in the US where the FDA maintains safety levels not so strictly adhered to in other countries. Importation of cosmetic injectables like Botox from outside of the US can be a felony, subject to one year in prison and \$100,000 in fines.[5]", (Exhibit O) <https://www.americanmedspa.org/news/169394/A-Black-Market-for-Botox.htm>

9-e) When a consumer of the Opposer's Marks wants to get an anti-wrinkles treatment makes an appointment with a Certified Physician and the Certified Physician makes the evaluation to the consumer of Opposer's Marks and give to the consumer the total price to pay for the treatment which includes the medical fees and all materials that need to be use, including the Opposer's Mark. In any case, if the consumer of Opposer's Marks is the one who makes the purchase of the Opposer's goods it does so with a medical prescription and in all cases the person who sold the Opposer's Marks is also a Professional in Pharmacy. For that reason; Applicant contends:

- It's impossible that a Certified Physician, at the moment to make a Opposer's Marks prescription to a client, get confused and make a prescription with the Applicant's Mark.
- It's impossible that a Certified Physician when purchases the Opposer's Marks get confused and buy the Applicant's Mark.
- It's impossible that the Aesthetic Clinic staff, when purchases the Opposer's Marks get confused and buy the Applicant's Mark.
- It's impossible that a consumer go with a prescription to a Drug Store or a Supermarket with Pharmaceutical Section to buy the Opposer's Marks get confused and buy the Applicant's Mark. While Applicant's mark is not sold in any Drug Store or Supermarket with Pharmaceutical Section.
- It's impossible that a Pharmaceutical Specialist get confuse when dispatch the Opposer's Marks

prescription and dispatch the Applicant's Mark, while Applicant's Mark is not sold in any Drug Store or Supermarket with Pharmaceutical Section.

9-f) Therefore, Applicant respectfully established that there is not be likelihood of confusion or dilution because this is a Consumer's Degree of Care. The more sophisticated the potential buyers of the goods or the more costly the goods, the more careful and discriminating the reasonably prudent purchaser exercising ordinary caution may be. In addition to the fact that the purchasers of both Opposer's goods and Applicant's good are professionals with a high academic level and great experience in their respective areas of work. Evidence obtained from the Internet may be used to support a determination under Section 2(d) that goods are related (or are not related). *See, e.g., In re G.B.I. Tile & Stone, Inc.*, 92 USPQ2d 1366, 1371 (TTAB 2009); *In re Paper Doll Promotions, Inc.*, 84 USPQ2d 1660, 1668 (TTAB 2007). The Internet has become integral to daily life in the United States, with Census Bureau data showing approximately three-quarters of American households used the Internet in 2013 to engage in personal communications, to obtain news, information, and entertainment, and to do banking and shopping. *See In re Nieves & Nieves LLC*, 113 USPQ2d 1639, 1642 (TTAB 2015) (taking judicial notice of the following two official government publications: (1) Thom File & Camille Ryan, U.S. Census Bureau, Am. Cmty. Survey Reports ACS-28, *Computer & Internet Use in the United States: 2013* (2014), available at <http://www.census.gov/content/dam/Census/library/publications/2014/acs/acs-28.pdf>, and (2) The Nat'l Telecomms. & Info. Admin. & Econ. & Statistics Admin., *Exploring the Digital Nation: America's Emerging Online Experience* (2013), available at http://www.ntia.doc.gov/files/ntia/publications/exploring_the_digital_nation_-_americas_emerging_online_experience.pdf). Thus, the widespread use of the Internet in the United States suggests that Internet evidence may be probative of public perception in trademark examination." (in fact the Opposer Allergan, Inc. is presenting evidence of the internet as good and

valid to support its arguments.) The Applicant submits the following internet pages as evidence that the term "HAIR BOTOX" in question for being part of Applicant's Mark is widely recognized by the general consuming public of the United States and by the social media and the Internet, which makes the term "Hair Botox" famous, since more than 58 millions of web pages talk about its on the internet, according to Google Search Engine. Since the general consuming public of the United States knows how to differentiate between "Hair Botox" and "Botox injections." Therefore, Applicant respectfully established that there is not be a likelihood of confusion. Due to limited space, Applicant only added 157 pages of more than 58,300,000 that according to the Google Search Engine exist on the Internet that talk about "Hair Botox." (See Exhibit G)

- 1- <https://www.youtube.com/watch?v=iJbmh-70rQM>
- 2- <https://vimeo.com/116860528>
- 3- <https://salonrouge.ca/servicesandproducts/hair-botox/>
- 4- <https://www.healthline.com/health/beauty-skin-care/botox-for-hair>
- 5- <https://www.townandcountrymag.com/style/beauty-products/a20054133/hair-botox/>
- 6- <https://www.botoxforhair.net/products/>
- 7- https://www.google.com/search?q=Hair+Botox&tbm=isch&tbo=u&source=univ&sa=X&ved=0ahUKEwj718jZ4Z_bAhUUFjQIHUWKCQgQsAQItAE&biw=1366&bih=662
- 8- <https://www.amazon.com/Majestic-Hair-1000ml-33-8oz-COMplete/dp/B00Q0NMRFW>
- 9- <https://softerhair.com/introduction-to-botox-hair-treatment/>
- 10- <https://beautifullyalive.org/botox-hair-treatment-pros-cons/>

- 11- <https://www.allthingshair.com/en-uk/hair-care/all-hair-treatments/hair-botox-versus-keratin-treatment/>
- 12- <https://www.nutrafol.com/blog/hair-botox-latest-trend/>
- 13- <https://www.medicalnewstoday.com/articles/320373.php>
- 14- <http://botoxcapilar.org/en/hair-botox-treatment-prices-opinions-and-reviews/>
- 15- <http://www.arabnews.com/news/566901>
- 16- <https://www.marieclaire.com/beauty/hair/a6668/botox-for-hair/>
- 17- <https://primaxusa.com/>
- 18- <https://primaxusa.com/products/primax-capilar-hair-botox-concentrated-x-1-unit-0.5oz-15ml>
- 19- <https://www.stellaluca.com/hair-botox-stella-luca/>
- 20- <http://www.pbbeautylounge.com/new-hair-botox/>
- 21- <https://foreheadcare.com/botox-for-hair/>
- 22- <http://www.beautyundercover.sg/You-Can-Now-Botox-Your-Hair-With-This-Treatment-From-Chez-Vous-Hair-Salon/>
- 23- https://www.groupon.com/deals/a-touch-of-rose-dominican-salon-4?utm_source=google&utm_medium=cpc&utm_campaign=us_dt_sea_ggl_txt_ttt_sr_cbp_ch1_nbr_k*hair%20treatments_m*b_d*miami-RTC-KWService_g*RTC-KWService-a-touch-of-rose-dominican-salon-4-BROAD_c*271553986249_ap*2o1_t*kwd-19158376&loc_physical_ms=9011857&loc_interest_ms=&template=ETA-Long&gclid=CjwKCAjwxZnYBRAVEiwANMTRX_Br3mbgKKXBSjxzcxGDC9rlFeQUCAhk4PU4I

yAMiTOkgY5qVOPPORoC_mQQAyD_BwE

- 24- <https://www.avantgardesalonandspa.com/hair-straightening-services-hair-botox-1>
- 25- <https://www.keratinbeauty.com/blogs/news/tagged/hair-botox>
- 26- https://www.yelp.com/search?find_desc=hair+botox&find_loc=Houston%2C+TX
- 27- <https://www.majestickeratin.com/products/hair-botox/>
- 28- <http://www.vitakercosmetics.com/hair-botox-vs-brazilian-keratin-treatment/>
- 29- <http://www.bellemocha.com/2015/07/why-my-first-hair-botox-experience-was.html>
- 30- <http://www.drseemahairclinic.com/treatments/hair-botox.aspx>
- 31- <https://curlyhairlounge.com/are-hair-botox-treatments-right-for-curly-hair>
- 32- <http://blooutbeauty.com/hair-botox-treatment/>
- 33- https://www.tripadvisor.com/LocationPhotoDirectLink-g147293-d2026744-i109336302-Palmarosa_Spa-Punta_Cana_La_Altigracia_Province_Dominican_Republic.html
- 34- <https://www.aldoramuses.com/hair-botox-fillers-therapy-review/>
- 35- <https://dealgrocer.com/products/benibana-beauty-hub-san-juan-japanese-hair-botox-majirel-loreal-color-5a9d08b42a48182742000060>
- 36- <http://www.brasilybelleza.com/what-is-hair-botox.html?osCsid=mvopphep>
- 37- <https://www.quora.com/What-are-the-benefits-and-side-effects-of-hair-botox-treatment>
- 38- <http://azestylife.co.za/2017/08/20/hair-botox-yes-please/>
- 39- https://www.facebook.com/Rosana-s-hair-Botox-center-771517289550539/?ref=py_c

- 40- <https://uae.souq.com/ae-en/hair-botox/s/>
- 41- <http://livewellnetwork.com/Mirror-Mirror/episodes/Hair-Botox/8386610>
- 42- <https://patch.com/michigan/rochester/local-hair-salon-now-exclusive-distributor-hair-botox>
- 43- <http://shallamarshairsolutions.com/orlando-hair-botox-treatment/>
- 44- <http://www.backstagehair.ca/mississauga/kashmir-hair-botox-system/>
- 45- http://www.sebrasalonspah2o.com/hair_botox.html
- 46- <https://www.gumtree.co.za/s-health-beauty-services/hair+botox/v1c9065q0p1>
- 47- <http://tanglesalonspa.com/hair-botox-treatment/>
- 48- <http://www.heatherhook.com/2017/07/hair-botox-new-thing/>
- 49- <https://www.salonnine28.com/hair-salon-hair-reconstructing-nutley-nj.html>
- 50- <https://www.groupon.com/biz/margate-fl/the-hair-botox-center-north-margate>
- 51- <http://redmarketnyc.com/red-market/hair-botox-revolutionizing-new-treatment/>
- 52- <http://www.glamopolitan.com/detalleServicio.php?id=MTY=>
- 53- <https://www.handsdown.co.za/hair/hair-care/treatment/hhatreino018-inoar-g-hair-botox-treatment-500g>
- 54- <https://www.hsiprofessional.com/blogs/tools/hair-botox>
- 55- <https://www.keratox.net/product/hair-botox-and-keratin-350ml/>
- 56- <https://hairbarnyc.com/diamond-botox/>
- 57- <https://www.naturallycurly.com/curlreading/home/is-ombre-back-from-the-dead-plus-hair->

[botox-and-more-stories-you-missed](#)

- 58- <https://diannesimpressions.com/hair-botox.php>
- 59- <http://www.botoxcapillaire.ca/hair-botox-distribution-1.html>
- 60- <http://runwayriot.com/2016/06/01/i-got-hair-botox-to-condition-my-damaged-hair-and-now-my-hair-is-soft-er-than-a-baby-blanket/>
- 61- <http://www.livecoiffure.com/en/magazine/hair-botox-hair-lifting-what-is-it>
- 62- <https://www.vasudasalon.com/collagen-hair-treatment>
- 63- <https://www.yahoo.com/lifestyle/secrets-behind-hair-botox-beauty-153300269.html>
- 64- <https://www.currentbynese.com/resource/hair-botox/>
- 65- <http://www.diaryofamodernsocialite.com/2018/01/hair-botox/>
- 66- <https://www.pigallesalon.com/services/hair/straightening/hair-botox/>
- 67- <https://www.haireyeambeautybar.com/hair-botox>
- 68- http://www.jamaicaobserver.com/lifestyle/hair-8217-s-to-botox_102554?profile=1241
- 69- <https://www.elle.sg/beauty/hair/this-hair-botox-treatment-will-save-your-strands-8607344>
- 70- https://www.wantitall.co.za/beauty/majestic-hair-botox-125ml-4oz-formaldehyde-free-complete-kit__b013jk2udm
- 71- <http://www.infinitocolors.com/hair-botox/>
- 72- <https://www.postquam.com/en/101-hair-botox#>
- 73- <http://www.msalonbeverlyhills.com/the-magic-of-hair-botox/>

- 74- <https://www.wellnesssuitesweston.com/single-post/2018/03/23/Benefits-Of-Hair-Botox>
- 75- <https://www.usakeratin.com/products/hair-botox>
- 76- <https://www.amazon.in/Majestic-Hair-Botox-1000ml-33-8/dp/B00Q0NMRFW>
- 77- <https://gorjes.com.au/hair-botox-diamond-filler-elixir/>
- 78- <https://pinstraighthair.com/botox-for-hair-treatment/>
- 79- https://www.kijiji.ca/b-grand-montreal/hair-botox/k0l80002?siteLocale=en_CA
- 80- <https://www.kashmirhairsystem.eu/product/hair-botox-restoration-and-rejuvenation-treatment/>
- 81- <https://www.realself.com/question/new-york-ny-hair-botox-treatment-before-breast-reduction-surgery>
- 82- <https://www.styledbykatya.com/blog/2017/11/10/hair-botox-vs-keratin-treatment>
- 83- <http://allenmaysalon.com/services-2/hair-treatments/>
- 84- <http://bebeautyworld.com/hair-care/hair-botox-set/>
- 85- <http://www.carilda.com/carilda-hair-botox-platinum-system-4oz-kit/>
- 86- <https://en-sa.citrusstv.com/hair-botox-treatment.html>
- 87- <http://www.bespokebeautystudio.com/hair-care/>
- 88- <http://maisonbrazil.ca/beautysupply/2018/03/20/what-is-hair-botox/>
- 89- <https://nutreecosmetics.com/index.php?route=pavblog/blogs&tag=hair%20botox>
- 90- <http://www.brazilianhaircarekeratin.co.uk/brazilian-keratin-products/anti-yellow-hair-botox.html>

- 91- <http://zigverve.com/beauty-fashion/beauty/hair-care/hair-botox-everything-you-should-know-about-this-trending-hair-treatment/>
- 92- <https://en.vogue.me/archive/beauty-guide/best-straightening-and-smoothing-techniques-keratin-hair-botox/>
- 93- <http://www.hairdoctors.net/menu>
- 94- <https://www.8days.sg/liveandlearn/vanityandhealth/botox-for-your-hair-anyone-8678262>
- 95- <https://www.wowcher.co.uk/deal/london/6981131/hair-botox-treatment-34>
- 96- <http://www.herworld.com/beauty/beauty-reviews/botox-fillers-hair-keratin-treatment-damaged-hair-singapore-chez-vous-salon>
- 97- <http://icareint.com/product/unex-hair-botox-therapy-100-formaldehyde-free-full-kit/>
- 98- <https://keratincure.com/extracontent/gold-protein-cure-hair-botox-treatment/>
- 99- <http://jdelldhairstudio.com/tag/hair-botox-treatment/>
- 100- <https://thejewishnews.com/tag/hair-botox/>
- 101- <http://www.sheknows.com/best-reviews/hair-botoxes>
- 102- <http://myfashdiary.com/2014/01/treatments-to-try-hair-botox-red-carpet-facial-the-most-effective-pedicure/>
- 103- <https://www.emmespa.com/hair-botox-fillers>
- 104- <https://medium.com/@makeupinindia/what-is-hair-botox-459c15e6a716>
- 105- <http://www.womenstuff.co.za/give-dry-dull-lifeless-hair-a-boost-with-inoar-hair-botox-review/>

- 106- <http://www.bodylinearabia.com/hair-botox.php>
- 107- <http://gloriaegypt.com/service/medium-hair-2/>
- 108- <http://wellingtonfloridahairsalon.com/hair-botox/>
- 109- <http://jenneytpaola.com/uk/hair-botox-treatment/>
- 110- <http://salonsbyjc.com/pembroke-pines/directory/service/hair-botox/>
- 111- <https://www.jodyrobbins.com/botox-for-hair/>
- 112- <https://www.pinterest.com/pin/82401868161202537/>
- 113- https://www.bkhairbeauty.com/keratin-care-hair-botox-set-120ml-xml-352_355-888.html
- 114- <http://tiffanyssalonllc.com/tag/hair-botox/>
- 115- <http://www.womensweekly.com.sg/beauty-style/hair-ideas/tried-hair-botox-filler-treatment-hair-never-looked-better/>
- 116- <http://www.o-fashion.nl/damaged-hair-try-a-hair-botox-treatment/>
- 117- <http://cecispakeybiscayne.com/product/hair-botox/>
- 118- <http://www.telogenhair.com/>
- 119- <https://www.kazemhair.com/brands/newhair/keratin-hairbotox-shampoo.html>
- 120- <http://www.dnaindia.com/lifestyle/report-would-you-try-hair-botox-2006655>
- 121- <https://dubaiinaframe.com/2014/03/23/hair-botox-famous-beauty-spa-salon/>
- 122- <http://www.cartelthesalon.com/products/kashmir-hair-botox>
- 123- <https://www.intercharm.ru/en/Exhibitors/4236357/MaraviBeach/Products/1320038/Hair-Botox->

Collagen-Retake

- 124- https://www.mumsnet.com/Talk/style_and_beauty/2597946-Hair-Botox
- 125- <https://vimeo.com/116860528>
- 126- <https://zizzleblog.com/2016/10/24/brazilian-blowout-vs-hair-botox/>
- 127- <http://www.dealgobbler.com/men-s-haircut-with-hair-keratin-and-botox-from-pavanito-gents-salon-starting-at-aed-250.html#.WweBjUgvzIU>
- 128- <https://www.livingsocial.co.uk/deal/london/6313475/hair-botox-cut-blow-dry-39>
- 129- <http://www.braziliankeratinnyc.com/new-blog-1/2015/6/6/hair-bottox-nyc>
- 130- <http://www.fayelouisehairsalon.co.uk/anti-ageing-hair-treatment-hair-botox/>
- 131- <https://beautybyedge.com/blogs/beauty-by-edge-blog/tagged/hair-botox>
- 132- <http://www.kcareshop.com/products/erayba-k11-hydraker-keratin-hair-botox-100ml>
- 133- <https://www.groupon.ca/deals/bella-3>
- 134- <http://www.thenaturalhavenbloom.com/2014/06/hair-botox-science-or-hogwash.html>
- 135- <https://www.alignable.com/hoboken-nj/telogen-salon-and-hair-restoration-center/hair-botox-smoothing-system>
- 136- <https://pilatoshairsalon.com/service/hair-botox-treatment/>
- 137- <https://dealtoday.com.mt/deal/nika-hair-botox-styling-cut-blow-dry-at-haute-cocoon.html>
- 138- <https://www.expatswoman.com/dubai/forum/dubai-northern-emirates/hair-botox-or-keratin>
- 139- <https://blackhairinformation.com/hair-care-2/hair-treatments-and-recipes/heard-theres-botox->

[hair/](#)

- 140- <https://www.bahrainthisweek.com/dos-and-donts-of-hair-botox/>
- 141- <http://www.ahlanlive.com/treatment-review-loreal-fiberceutic-hair-botox-197453.html>
- 142- <http://www.ahlanlive.com/treatment-review-loreal-fiberceutic-hair-botox-197453.html>
- 143- <https://www.carmelolessi.com/tips/2016-02-29-hair-botox>
- 144- <https://www.fehairandbeauty.com/what-we-do/>
- 145- <https://www.oneshop.com.my/ERAYBA-K11-HYDRAKER-KERATIN-HAIR-BOTOX-100ML>
- 146- <https://gradestack.com/Course-in-Trichology/Hair-Botox/Introduction-to-Hair/16286-3304-10235-study-wtw>
- 147- <https://www.shimmersalon.org/book-online/hair-botox-treatment>
- 148- <https://www.hairprodirect.co.uk/blog/brazilian-keratin-treatment-vs-hair-botox/>
- 149- <https://www.bellezzaspa.com/services/hair/treatments/hair-botox-treatment/>
- 150- <https://www.bellezzaspa.com/services/hair/treatments/hair-botox-treatment/>
- 151- <https://style.pk/homemade-hair-botox-treatment-cream-by-dr-batool/>
- 152- <https://www.hollywoodreporter.com/fash-track/hair-botox-jennifer-aniston-angelina-jolie-carey-mulligan-277081>
- 153- http://mashaebelbeautysalon.com/portfolio_page/hair-keratin-hair-botox/
- 154- <https://www.livebeautyhealth.com/botox-for-hair/>

155- <https://beauty.onehowto.com/article/how-to-maintain-hair-botox-tips-to-make-your-treatment-last-longer-12516.html>

156- <https://beauty.onehowto.com/article/hair-botox-or-keratin-which-is-better-7160.html>

157- <https://www.beaut.ie/beauty/hair-botox-new-craze-give-swish-worthy-locks-87145>

10.- Applicant expressly abandoned U.S. Application Serial No. 87/519,959 on Dec 14, 2017 (show in GREGORY DECLARATION) because it did not make sense to present evidence and arguments to demonstrate the non-existence of likelihood of confusion since there were also two prior pending applications that were using the term "Hair Botox," and with which there was real confusion, they are: Application Serial No. 87/513,156 for "NANO GOLD HAIR BOTOX" and Application Serial No. 87/292,966 for "MAJESTIC HAIR BOTOX" both in International Class 3. On that occasion, if the applicant won the case, it would only benefit one of the two pending applications. See Exhibit E-1 (PRIOR PENDING APPLICATIONS The effective filing dates of pending U.S. Application Serial Nos. 87-292966 and 87-404321 precede applicant's filing date. See attached referenced applications. If one or more of the marks in the referenced applications register, applicant's mark may be refused registration under Trademark Act Section 2(d) because of a likelihood of confusion with the registered mark(s). See 15 U.S.C. §1052(d); 37 C.F.R. §2.83; TMEP §§1208 et seq. Therefore, upon receipt of applicant's response to this Office action, action on this application may be suspended pending final disposition of the earlier-filed referenced applications.)

10.a) Likewise, Applicant Gems Style Inc. believes in and relies on the competence, experience and honesty of the USPTO examining attorneys and all other attorneys and paralegals of the USPTO and TTAB. since they have the necessary tools, technology and experience to determine when there is or not likelihood of confusion or dilution between an applicant mark and any registered trademarks or pending marks, and being consistent with this, when on October 11, 2017 the examining attorney issued an Office Action refusing registration of the mark ("BOTOX" in international class 3) that was

the subject of U.S. Application Serial No. 87/519,959, The Applicant Gems Style Inc. immediately proceeded expressly abandoned said Application. Similarly, when on October 29, 2018 the examining attorney called me and told me that he had found two registered trademarks with which there was likelihood of confusion with the subject of U.S. Application Serial No. 88/131,038, ("PRO-TECHS KERATIN TREATMENT" in international class 3) The Applicant Gems Style Inc. immediately proceeded expressly abandoned said Application, in the same call, with the help of the examining attorney. In the same call the examining attorney gave me the good news that the other two applications that I had were good for approval and publication.

10.b) As the Applicant Gems Style, Inc. accepts the decisions of the Examining Attorneys that are not favorable to the applicant, Applicant Gems Style, Inc. also accepts the decisions of the examiners that are favorable to the applicant, as is the case of this Application that is being subject to opposition by the Opposer Allergan, Inc. who in this Motion for Summary Judgment accepts as good and valid the decisions of the examining attorneys that refused the Application Serial No. 87/519,959 and used it as evidenced but in this same Motion rejects the decision of the examining attorney that determined that in the case of the Application Serial No. 87/681,252 (for mark: GS GEMS STYLE HAIR BOTOX) there is no likelihood of confusion or dilution. In this way, the Opposer Allergan, Inc. presents throughout its arguments how satisfied it is with the decisions of the examining attorneys that have been favorable to her and presents them here as evidence of facts, as following "The Trademark Examiner issued an Office Action refusing registration of the mark that was the subject of U.S. Application Serial No. 87/519,959 on October 11, 2017 based on a likelihood of confusion with the marks subject to, inter alia, Opposer's Registrations. [Gregory Decl. at 3 and Ex.B.]" But in this same Motion For Summary Judgment and in The Notice of Opposition No.91241842 the Opposer Allergan, Inc. Opposer Allergan Inc. disapproves the decision of the Examiner Attorney that determined regarding the Application Serial No. 87 / 681,252, as following; "The trademark examining attorney has searched the Office's database of registered and pending marks and has found no conflicting marks

that would bar registration under Trademark Act Section 2(d). TMEP §704.02; see 15 U.S.C. §1052(d)." as evidenced by the true and correct printout of associated TSDR records attached as Exhibit M.

I. RESPONSE TO “STATEMENT OF UNDISPUTED MATERIAL FACTS”

The Applicant Gems Style. Inc. wants to establish in this Response that when Applicant admitted the content of paragraphs 1, 2, 3, 4 and 5 of the Notice of Opposition No.91241842, Applicant did it based on the rights that Opposer has over the trademark "BOTOX" in International Class 5. But the Applicant has not admitted that Opposer has the same rights in International Class 3 or any other International Class, beside International Class 5, as already the Applicant stated earlier in this response.

The Applicant has also submitted the same evidence of the Opposer affidavits, as evidence showing that there are genuine issues as to material fact and that the moving party is not entitled to a summary judgment as a matter of law. Whereby the applicant respectfully requests to the Board that this petition of summary judgment be dismissed and the Opposition No. 91241842 be dismissed as well, since the Opposer has not been able to present any real evidence in its arguments, despite the fact that the Applicant's mark has been commercialized in the United States market for more than four years.

I-1. Opposer’s goods are injected by a Professional Physician to the consumers, and are used to treat medical conditions, including neurological disorders, muscle dystonias, autonomic nerve disorders, headaches, hyperhidrosis, and cerebral palsy, among other medical conditions. **Specifically, Opposer’s goods are not used to treat any condition related to hair.** The goods are noncompetitive, differ completely in utility, and have nothing in common with respect to their essential characteristics or sales appeal. See, e.g., In re Thor Tech, Inc., 113 USPQ2d 1546 (TTAB 2015).

I-2. Opposer has continuously marketing MEDICATED products under the trademark "BOTOX" in the United States since 1990. Applicant has continuously marketing a NON-

MEDICATED hair conditioning under the mark "GS GEMS STYLE HAIR BOTOX" in the United States since 2014. The term "Hair Botox" is more recognized by the general consuming public of the United States and by the social media and the Internet, than the term "Botox Injections." As evidenced Exhibits G and G-3.

I-3. On March 12, 2004, Allergan, Limited filed U.S. Application Serial No.79/002,971 for registration of the mark "BOTOX" in International Class 3 for "Cosmetics, face creams and lotions; skin creams and lotions," as evidenced by the true and correct printout of associated TSDR records attached as Exhibit A. On Oct 11, 2004, the Trademark Examiner issued an Office Action refusing registration of the mark that was the subject of U.S. Application Serial No.79/002,971, as evidenced by the true and correct printout of associated TSDR records attached as Exhibit B.

I-4. On December 02, 2004, Allergan Limited transferred to Opposer Allergan, Inc. the ownership of the Application Serial No. 79 / 002,971 for the mark "BOTOX" in International Class 3, in a strategic action to try to obtain registration Of the mark "BOTOX" in International Class 3, as evidenced by the true and correct printout of associated TSDR records attached as Exhibit C.

I-5. On Feb 02, 2006, the Trademark Examining Attorney issued an Office Action with a Final – Deceptive refusing registration of the mark BOTOX in International Class 3 that was subject of U.S. Application Serial No.79/002,971, as evidenced by the true and correct printout of associated TSDR records attached as Exhibit D. On Jul 06, 2006, Opposer Allergan, Inc. Expressly abandoned U.S. Application Serial No.79/002,971, for the mark BOTOX in International Class 3, as evidenced by the true and correct printout of associated TSDR records attached as Exhibit E. **Therefore, Opposer Allergan, Inc. does not owns right to the BOTOX mark in International Class 3.**

I-6. Applicant admits Opposer Allergan, Inc. owns right to the BOTOX mark in International Class 5, Registration No. 1,692,384, but Applicant denies Opposer Allergan, Inc. owns right to the BOTOX mark in International Class 3, since On Jul 06, 2006, Opposer Allergan, Inc. Expressly

abandoned U.S. Application Serial No.79/002,971, for the mark BOTOX in International Class 3.
(Exhibit E.)

I-7. Applicant admits Opposer Allergan, Inc. owns right to the BOTOX mark in International Class 5, Registration No. 1,709,160, but Applicant denies Opposer Allergan, Inc. owns right to the BOTOX mark in International Class 3, since On Jul 06, 2006, Opposer Allergan, Inc. Expressly abandoned U.S. Application Serial No.79/002,971, for the mark BOTOX in International Class 3.

I-8. Applicant admits Opposer Allergan, Inc. owns right to the BOTOX mark in International Class 5, Registration No. 2,510,675, but Applicant denies Opposer Allergan, Inc. owns right to the BOTOX mark in International Class 3, since On Jul 06, 2006, Opposer Allergan, Inc. Expressly abandoned U.S. Application Serial No.79/002,971, for the mark BOTOX in International Class 3.

I-9. U.S. Registration Nos. 1,692,384, 1,709,160, and 2,510,675 (collectively “Opposer's Registrations”) give right to Opposer to the mark BOTOX in International Class 5. But the Expressly abandone of U.S. Application Serial No.79/002,971, for the mark BOTOX in International Class 3, shows that Opposer Allergan, Inc. does not owns right to the “BOTOX” mark in International Class 3. True and correct printout of associated TSDR records attached as Exhibit E.

I-10.The goods between the marks differs: Applicant's goods are Non-Medicated Hair Treatment Conditioning in International Class 3, Opposer's goods are (Medicated) pharmaceutical preparations for the treatment of the wrinkles and several things else, in International Class 5, but do not include any treatment for hair. On the face of the Applicant's Mark, and Opposer's Marks, the goods are different in nature because Opposer's goods are limited to medicated products and Applicant's goods are limited to nonmedicated products. Moreover, a comparison of the identified goods at issue shows the goods serve wholly different purposes. Applicant's goods must be applied to the consumer by a professional stylist to smooth and straighten the hair. To the contrary, Opposer's goods must be injected by medical professionals, and are used to treat medical conditions, including

neurological disorders, muscle dystonias, autonomic nerve disorders, headaches, hyperhidrosis, and cerebral palsy, among other medical conditions. Specifically, Opposer's goods are not used to treat any condition related to hair. The goods are noncompetitive, differ completely in utility, and have nothing in common with respect to their essential characteristics or sales appeal. Applicant respectfully contends that the goods at issue are dissimilar, and do not support a finding of a likelihood of confusion or dilution.

I-11. Opposer establishes that the BOTOX mark has become famous for Opposer's Goods. Applicant has presented hereby evidence that the term "Hair Botox" is widely recognized by the general consuming public of the United States. According to Google Search Engine more than 58,300,000 web pages talk about "Hair Botox", (See Exhibit G) While 52,200,000 talk about "Botox Injections." (See Exhibit G-3) Therefore, the internet evidences presented by the Applicant demonstrate that the term "Hair Botox" is more famous than the term "Botox injections."

I-12, I-13 and I-14. In these three points, Opposer show as evidence the application Serial No. 87/519,959 for registration of mark "BOTOX" in International Class 3, that was refusing by the Trademark Examiner Attorney and then expressly abandoned for the Applicant Gems Style, Inc. To the same way, Applicant show as evidence the application Serial No. 79/002,971 for registration of mark "BOTOX" in International Class 3, that was refusing by the Trademark Examiner Attorney and then expressly abandoned for the Opposer Allergan, Inc. (See Exhibits A, B, C, D and E)

Applicant Gems Style Inc. reaffirms that believes in and relies on the competence, experience and honesty of the USPTO examining attorneys and all other attorneys and paralegals of the USPTO and TTAB. since they have the necessary tools, technology and experience to determine when there is or not likelihood of confusion between an applicant mark and any regitered trademarks or pending marks.

Throughout these years, some of our applications have been rejected, others have been

approved and published; of those published some have achieved registration without opposition, and others like the subject here has received the opposition of Allergan, Inc. This is the Trademark Law Accomplishment, but Applicant are standing presenting evidence and arguments that shows that the Opposer Allergan, Inc. is not right in the Opposition No.91241842 claims, since there is no likelihood of confusion or dilution in the use of the mark "GS GEMS STYLE HAIR BOTOX" in International Class 3. Applicant is using the BOTOX mark as satire or parody in a fair use. Applicant's mark is a combination of the applicant House Mark "GS GEMS STYLE" with the highly known term "Hair Botox" on "GS GEMS STYLE HAIR BOTOX." Applicant products have more than 96% acceptance in online stores like Amazon and Ebay in the last years. Therefore there not way that applicant's mark affects the Opposer's marks.(Exhibit H-2)

II. RESPONSE TO “ARGUMENT”

A. Response to “Summary Judgment Standard”

Applicant has demonstrated in this Response that there is genuine dispute of material fact that must be resolved at trial. The same evidences and the affidavit presented by the Opposer Allergan, Inc. have been presented by the Applicant Gems Style, Inc. against the arguments of the Opposer:

First, The Opposer shows as evidence the application Serial No. 87/519,959 for registration of mark “BOTOX” in International Class 3, that was refusing by the Trademark Examiner Attorney and then expressly abandoned for the Applicant Gems Style, Inc. (DECLARATION OF LAUREN M. GREGORY) **The same way, Applicant shows as evidenced the application Serial No.79/002,971 for registration of mark “BOTOX” in International Class 3, that was refusing by the Trademark Examiner Attorney and then expressly abandoned for the Opposer Allergan, Inc. (as applicant.)** (See Exhibits A, B, C, D and E)

Second, The Opposer Allergan, Inc. shows a Declaration of Lauren M. Gregory where she states that she has identified twenty third-party medical spas that advertise hair salon products and

services as well as injections of the BOTOX Product. The applicant submits these same twenty websites as evidenced to demonstrate that these Medical Spas and Hair Salons despite working under the same owner and in the same premises, both the Medical Spas and the Hair Salons operate with totally different and separate structures. The Hair Salons have their own staff of Professional Stylists with a structure of management and direction totally independent of the Medspas that also have their own staff of Professional Aesthetics and Physicians with their own structure of administration and direction. Therefore, the Channels of Trade between the Applicant's Good and Opposer's Goods Differs. Applicant's goods and Opposer's goods travel in different trade channels. According to the Food and Drug Administration (FDA), Opposer's goods can only be sold by medical prescription at drug stores or supermarkets with pharmaceutical section, and cannot be sold over-the counter. While Applicant's goods are sold over-the-counter and to professional stylists and to beauty salon and to beauty supply stores, and are not sold in drug stores or supermarkets with pharmaceutical sections. True and correct printouts of the staff from the same websites of the Declaration of Lauren M. Gregory, showing the professional Teams of each structures for such Medspas and Hair Salons, are attached as Exhibits L-1 through L-20.

Third, Applicant submits the same twenty third-party medical spas and hair salons websites shows in the DECLARATION OF LAUREN M. GREGORY as evidence and prove that the Opposer's Goods and the Applicant's Goods are "SOPHISTICATED" goods that need to be apply by Professional people; the Applicant's Goods needs to be apply by a Certify Hair Stylist at a Beauty Salon while the Opposer's Goods need to be apply by a Certify Physician at an Aesthetic Clinic. Therefore, Applicant respectfully established that there is not be a likelihood of confusion or dilitation. (See Exhibit L-1 through L-20)

Fourth, Applicant submits the same twenty thirld-party medical spas and hair salons websites shows in the DECLARATION OF LAUREN M. GREGORY as evidenced and prove that Opposer's

goods/services and Applicant's goods/services are "Expensive goods/services" and have "SOPHISTICATED PURCHASERS", in addition, the Board can also see that all the staff of these Med Spas with Hair Salons is composed of professionals in each of their areas. Therefore, the degree of care exercised by the purchasers of Applicant's Mark and Opposer's Marks is very high. The purchasers of both Applicant's good and Opposer's goods are Professional Buyers. The prices of both Applicant good treatment and Opposer goods treatments are very expensive. The buyers of the Applicant's Mark are the Certify Hair Stylists at the Beauty Salon while the buyers of the Opposer's Mark are the Certify Physicians at the Aesthetic Clinic, regardless of whether there are some Med Spa and Hair Salon operating under the same owner and the same premises, those medical spas and hair salons despite working under the same owner and in the same premises, both the Medical Spas and the Hair Salons operate with totally different and separate structures. The Hair Salons have their own staff of Professional Stylists with a structure of management and direction totally independent of the Medspas that also have their own staff of Professional Aesthetics and one or several Professional Physicians with their own structure of administration and direction. (See "About us" or "our team" in the twenty third-party websites show in DECLARATION OF LAUREN M. GREGORY as evidenced Exhibit L1-through L-20.) When circumstances suggesting care in purchasing may tend to minimize the likelihood of confusion. *See, e.g., In re N.A.D., Inc.*, 754 F.2d 996, 999-1000, 224 USPQ 969, 971 (Fed. Cir. 1985) (concluding that, because only sophisticated purchasers exercising great care would purchase the relevant goods, there would be no likelihood of confusion merely because of the similarity between the marks NARCO and NARKOMED); *In re Homeland Vinyl Prods., Inc.*, 81 USPQ2d 1378, 1380, 1383 (TTAB 2006). The case of EDS versus EDS. In that case, one company that used the EDS mark opposed another company's registration of the mark EDS. Identical trademarks. Sales to the same customers. But no conflict. One reason for the result was that goods/services provided by the respective companies were sold in different channels of trade to different purchasers. Another reason is that the customers that purchased the goods/services of each company were sophisticated purchasers.

Electronic Design & Sales, Inc. (“Electronic Design”) filed an application to register the mark E.D.S. for power supplies or battery chargers. Electronic Data System Corp. (“Electronic Data”) opposed Electronic Design’s trademark application for E.D.S in *Electronic Design & Sales, Inc. v. Electronic Data Systems Corp.*, 954 F.2d 713 (Fed. Cir. 1992). The chance of conflict (i.e. “a likelihood of confusion”) between two trademarks is reduced where the goods are expensive and purchased after careful consideration. Sophisticated consumers may be expected to exercise greater care in making purchasing decisions. When a purchaser exercises greater care in making purchasing decisions it is more likely the purchaser will notice differences between the respective marks, the respective goods, and the respective sources of those goods. Likewise, evidence shown in this Response by the Applicant Gems Style, Inc. shows that the evaluation process used by customers to select Opposer's goods and Applicant's goods require significant knowledge and control. In this case conflict is avoided because the parties' goods are usually purchased after careful consideration by persons who were highly knowledgeable about the goods and their source.

B. Response to “It is Undisputed That Opposer Has Standing and Priority.”

The Opposer alleges that "Opposer has standing to bring its claims based on its pleaded registrations and prior use of an allegedly confusingly similar mark," but for this to be right the goods or services of the prior marks must be substantially identical to the goods or services of the Applicant's mark. See, e.g., *Big Blue Products Inc. v. International Business Machines Corp.*, 19 USPQ2d 1072 (TTAB 1991) (In other words, if the tacking of the use of one mark onto the use of a second mark is permitted only when the marks are legal equivalents or indistinguishable, the tacking of the use of a mark for certain goods or services onto the use of the same mark for other goods or services should be permitted only when the two sets of goods or services are substantially identical.) Therefore, in this case the Opposer's alleged does not apply, since Applicant’s goods are not substantially identical to Opposer's goods. Applicant’s goods are Hair care kits comprising non-medicated hair care

preparations; Non-medicated hair straightening preparations; Non-medicated hair shampoos and conditioners; Non-medicated hair coloring preparations; Non-medicated hair spray and hair gels; Non-medicated hair lotions; Non-medicated hair oil; Non-medicated hair conditioners; Non-medicated hair restoration lotions; Non-medicated hair treatment preparations for cosmetic purposes in International Class 3. While Opposer's goods include: pharmaceutical preparations for the treatment of several things, including wrinkles, in International Class 5, but Specifically, Opposer's goods are not used to treat any condition related to hair. In view of the foregoing, Applicant has established that there is genuine issue of material fact that it has to be elucidated at Trial.

C. Response to "Registration of Applicant's Mark Would Result in a Likelihood of Consumer Confusion."

1) Applicant wants to remind here the conclusion of the Examiner Attorney in relation to the registration of the Applicant's mark "GS GEMS STYLE HAIR BOTOX," the examiner says: "**The trademark examining attorney has searched the Office's database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d). TMEP §704.02; see 15 U.S.C. §1052(d).**" as evidenced by the true and correct printout of associated TSDR records attached as Exhibit M. The issue is not whether the respective marks themselves, or the goods or services offered under the marks, are likely to be confused but, rather, whether there is a likelihood of confusion as to the source or sponsorship of the goods or services because of the marks used thereon. See, e.g., *Paula Payne Prods. Co. v. Johnson's Publ'g Co.*, 473 F.2d 901, 902, 177 USPQ 76, 77 (C.C.P.A. 1973) ("The question is not whether people will confuse the marks, but rather whether the marks will confuse people into believing that the goods they identify emanate from the same source."); *In re Majestic Distilling Co.*, 315 F.3d 1311, 1316, 65 USPQ2d 1201, 1205 (Fed. Cir. 2003) ("[T]he . . . mistaken belief that [a good] is manufactured or sponsored by the same entity [as another good] . . . is precisely the mistake that §2(d) of the Lanham Act seeks to

prevent."); In re Shell Oil Co., 992 F.2d 1204, 1207, 26 USPQ2d 1687, 1689 (Fed. Cir. 1993) ("The degree of 'relatedness' must be viewed in the context of all the factors, in determining whether the services are sufficiently related that a reasonable consumer would be confused as to source or sponsorship."); In re Binion, 93 USPQ2d 1531, 1534, 1535 (TTAB 2009); In re Ass'n of the U.S. Army, 85 USPQ2d 1264, 1267-68, 1270 (TTAB 2007) ; Hilson Research Inc. v. Soc'y for Human Res. Mgmt., 27 USPQ2d 1423, 1429 (TTAB 1993) ("Although confusion, mistake or deception about source or origin is the usual issue posed under Section 2(d), any confusion made likely by a junior user's mark is cause for refusal; likelihood of confusion encompasses confusion of sponsorship, affiliation or connection."). A determination of likelihood of confusion between two marks is determined on a case by case basis. In re Dixie Restaurants Inc., 41 USPQ2d 1531, 1533 (Fed. Cir. 1997). The thirteen factors set out in In re E.I. DuPont DeNemours & Co., 476 F.2d 1357, 1361, 177 USPQ 563, 567 (CCPA 1973) are applied to make the determination.

2) Neither the mark of the applicant, nor its logo, nor its label, nor its packaging, nor its advertising have been designed with the intention of confusing the consumer. The fact that the first part and main part of the mark of the applicant is the house mark and at the same time the name of the corporation of the applicant shows that there is no interest in making believe that the Applicant's mark or the Applicant's goods come from another source that is not the real one, Gems Style, Inc. The evidences presented here in this Response by the applicant prove it.

3) A Likelihood of confusion of marks is determined by the goods description as stated in the application and registration at issue, not by how the marks are actually used. See Stone Lion Capital Partners, LP v. Lion Capital LLP, 746 F.3d 1317, 1323, 110 USPQ2d 1157, 1162 (Fed. Cir. 2014) (quoting Octocom Sys. Inc. v. Hous. Computers Servs. Inc., 918 F.2d 937, 942, 16 USPQ2d 1783, 1787 (Fed. Cir. 1990)). The use of a term in another mark in part of a junior user's mark does not automatically create a likelihood of confusion. See, e.g., In re Product Innovations Research LLC,

Serial No. 77912065, 2014 WL 343260, at *5 (TTAB 2014) [not precedential] (citing *In re Sears, Roebuck and Co.*, 2 USPQ2d 1312 (TTAB 1987); *In British Bulldog, Ltd.*, 224 USPQ 854 (TTAB 1984); *In re Sydel Lingerie Co., Inc.*, 197 USPQ 629 (TTAB 1977)). The proper test is not whether the marks can be “distinguished when subjected to a side-by-side comparison, but rather whether the marks are sufficiently similar in terms of their overall commercial impression so that confusion” as to the source of the goods offered under the marks is likely to result. *In re Gila River Gaming Enterprises, Inc.*, Serial No. 7669982, 2012 WL 1424425, at *1 (TTAB 2012) [not precedential] (citing *San Fernando Electric Mfg. Co. v. JFD Electronics Components Corp.*, 565 F.2d 683, 196 USPQ 1, 3 (CCPA 1997)). “[A] mark should not be dissected and considered piecemeal; rather, it must be considered as a whole in determining likelihood of confusion.” *Juice Generation, Inc. v. GS Enterprises LLC*, 794 F.3d 1334, 1340, 115 USPQ2d 1671 (Fed. Cir. 2015) (quotations omitted). While more or less weight may be afforded “to particular components of a mark for appropriate reasons,” the mark must still be viewed “as a whole.” *Id.* at 1341, 115 USPQ2d 1671.

4) Applicant respectfully contends that, when comparing the Applicant's Mark with the Opposer's Marks in their entirety, the difference between them is pronounced, and consumers are unlikely to experience any confusion as between them. Accordingly, applying the anti-dissection rule, Applicant respectfully submits that the marks in their entirety are dissimilar as to appearance, sound, connotation and commercial impression created on an ordinary prospective buyer, so as not to lead to a likelihood of commercial confusion. (See Exhibit J)

5) Applicant's mark “GS GEMS STYLE HAIR BOTOX” and Opposer's marks “BOTOX” are distinctly different in sight, as evidenced see Exhibit J. Applicant's Mark literally looks different because Applicant's Mark consists of five words “GS GEMS STYLE HAIR BOTOX” and the Opposer's Marks consist of the one word, “BOTOX.” See TMEP § 1201.01(b)(iii) (“Additions or deletions to marks may be sufficient to avoid a likelihood of confusion.”). As a general rule, a “particular feature of a mark may be more obvious or dominant.” *Citigroup Inc. v. Capital City Bank*

Group, Inc., 637 F.3d 1344, 1351, 98 USPQ2d 1253 (Fed. Cir. 2011) (quotations omitted). However, “there is no general rule as to whether letters or designs will dominate in composite marks; nor is the dominance of letters or design dispositive of the issue.” TMEP § 1207.01(c)(ii) (quoting *In re Electrolyte Labs, Inc.*, 929 F.2d 645, 647, 16 USPQ2d 1239, 1240 (Fed. Cir. 1990)). As you can see “the first word portion is often considered the dominant feature and is accorded greater weight in determining whether marks are confusingly similar, even where the word portion has been disclaimed.” Further, consumers are generally more inclined to focus on the first word, prefix, or syllable in any trademark. See, e.g., *Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondee En 1772*, 396 F.3d 1369, 1372, 73 USPQ2d 1689, 1692 (Fed. Cir. 2005).

6) The first part of the Applicant's Mark is the abbreviation of GEMS STYLE (GS), which is at the same time the logo of the House Mark. Accordingly, “GS” is most likely to be impressed upon the mind of a purchaser and remembered by consumers when making a purchasing decision regarding Applicant’s goods sold under Applicant’s Mark. See *Presto Prods., Inc. v. Nice-Pak Prods., Inc.*, 9 USPQ2d 1895, 1897 (TTAB 1988). Moreover, when “a mark consists of two or more words, some of which are disclaimed, the word not disclaimed is generally regarded as the dominant or critical term.” *Citigroup Inc. v. Capital City Bank Group, Inc.*, 637 F.3d 1344, 1351, 98 USPQ2d 1253 (Fed. Cir. 2011). GS GEMS making it stand out from the other words, and are the only words in Applicant’s Mark which has not been disclaimed. The word “GEMS” appears in second place, with accompanied with the third word “STYLE” make up the name of the Applicant Corporation “GEMS STYLE Inc.” In the same way the combination of the first three words that make up the main part of the Applicant's Mark (GS GEMS STYLE) is a House Mark, a Trademark registered in the Principal Register with register No. 5,690,042 of which the applicant owns all right, title and interest in and to the "GS GEMS STYLE" Trademark in International Class 3. As you can see the main part of the Applicant's mark is a house mark following by the inseparable term “Hair Botox,” as evidenced by the true and correct printout of associated TSDR records attached as Exhibit F.

7) Applicant respectfully contends that the design portion of Applicant's Mark serves to create an overall commercial impression that focuses on the first three words "GS GEMS STYLE" and then in the unique term "Hair Botox" conforming "GS GEMS STYLE HAIR BOTOX" is distinct and different from the Opposer's Marks "BOTOX". See, e.g., *In re Covalinski*, 113 USPQ2d 1166 (TTAB 2014) (holding confusion unlikely between REDNECK RACEGIRL with design and registered mark RACEGIRL, even when used on in-part identical goods). (Exhibit J and J-1)

8) Applicant respectfully contends that the fourth and fifth words that make up the last part in the Applicant's Mark should be seen as a unique and inseparable concept "HAIR BOTOX" because this is the way that it is widely recognized by the general consuming public of the United States and by the social media and the Internet. If you type the words "hair botox" in the Google Search Engine and press Search you will find that there are about About 58,300,000 results that talk about "Hair Botox". These results confirm that the terms "Hair Botox" and "Botox" are clearly differentiated and both widely recognized by the general consuming public of the United States, which makes the term "Hair Botox" just as famous as the term "Botox", as evidenced true and correct printout from the Google websites, showing the result as Exhibit G.

9) Applicant respectfully contends that Applicant's Mark "GS GEMS STYLE HAIR BOTOX" should be seen as a unique concept because this is the way that it is widely recognized by the general consuming public of the United States and by the social media and the Internet. If you type the words "gs gems style hair botox" in the Google Search Engine and press Search you will find that there are about About 99,500 results that talk about "GS GEMS STYLE HAIR BOTOX". These results confirm that the Applicant mark "GS GEMS STYLE HAIR BOTOX" and "Botox injections" are clearly differentiated and both widely recognized by the general consuming public of the United States, as evidenced true and correct printout from the Google websites, showing the result as Exhibit H.

10) The Opposer Allergan, Inc. based its arguments on the fact that a word in Applicant mark (GS GEMS STYLE HAIR BOTOX) is equal to the Opposer's Marks (BOTOX), in fact the last word of

the five words that make up the Applicant's Mark. However, according to the Trademark Trial and Appeal Board, as a general rule “rights in the word would not be extended to include protection for that word combined with, for example, other words or a design element.” In re White Rock Distilleries, Inc., 92 USPQ2d 1282 (TTAB 2009). Here, Applicant respectfully contends that the standard elements of Applicant’s Mark, the additional terms “GS GEMS STYLE” plus the term “HAIR BOTOX,” and the differences in sight serve to distinguish the Opposer’s Marks from Applicant’s Mark. ii) The marks differ in sound. The term “GS GEMS STYLE HAIR BOTOX” sounds noticeably different and is phonetically distinct from the Opposer’s Marks, as to create a distinct commercial impression that does not result in a likelihood of confusion or dilution among purchasers.

11) Applicant’s Mark has five words, “GS GEMS STYLE HAIR BOTOX” while the Opposer’s Marks consist of the single term “BOTOX.” The Applicant’s Mark starts with the sounds created by the term GS, not contained in the Opposer’s Marks. Consumers will thus pronounce Applicant’s Mark by first stating the words “GS GEMS STYLE” before the combined term “HAIR BOTOX”, and will pronounce “HAIR BOTOX” together almost as a single term. Further, while “BOTOX” is a two-syllable word that sounds much different than “HAIR BOTOX”. Further, the term “HAIR BOTOX” in Applicant’s Mark is combined with the term “HAIR” and “BOTOX” and sound as one term “HAIR-BOTOX.” Thus, Applicant’s Mark has seven syllables, while the Opposer’s Marks contain only two-syllables. Further, in Applicant’s Mark, the term “BOTOX” will always followed the sounds created by the terms “GS GEMS STYLE HAIR,” four words not contained in the Opposer’s Marks. As such, the marks sound little, to nothing alike and have an entirely different phonetic profile, so as not to give rise to a likelihood of confusion or dilution. iii) The marks differ in meaning or connotation. Even the use of identical marks is not likely to cause confusion if the marks convey a sufficiently different commercial impression when applied to the respective parties’ goods or services. TMEP § 1207.01(b) (v); see also, e.g., In re Sears, Roebuck and Co., 2 USPQ2d 1312 (TTAB 1987); In re British Bulldog, Ltd., 224 USPQ 854 (TTAB 1984). The meaning or connotation of a mark must be determined in

relation to the named goods or services. Evidence from any competent source, including online sources, suffice to show the relevant public's understanding of a term. See, e.g., *In re Jonathan Drew, Inc. d/b/a Drew Estate*, 97 USPQ2d 1640 (TTAB 2011) ("It is well settled that evidence of what the relevant public understands a term to mean may be shown not only by direct evidence, such as consumer testimony and surveys, but it may also be inferred from indirect or circumstantial evidence, such as gazetteer entries and third-party websites."). True and correct printouts from Google Search are attached as Exhibits G and H. Here, the Applicant's Mark and the Opposer's Marks share the word BOTOX. The term BOTOX alone has several different meanings, including, without limitation, "a preparation of botulinum toxin." Botox Definition, <http://unabridged.merriamwebster.com> (last visited March. 14, 2019), submitted herewith as evidenced. The term "BOTOX" is also used to describe the service of administering an injectable drug administered by a medical professional, as shown by the services listed in the following Registrations submitted herewith: SCMS SOUTH COAST MEDSPA, Registration No. 3304171; DR BEAUTIFUL YOUR BEAUTY PRESCRIPTION, Registration No. 3896406; EMPOWER YOUR SKIN, Registration No. 3842058; DERMATIQUE, Registration No. 3808796; WHERE BEAUTY MEETS MEDICINE, Registration No. 2475344. See also TMEP § 1207.01(d)(iii). As used with the Cited Marks, BOTOX evokes the literal meaning of a preparation of botulinum toxin. However, Applicant's Mark adds the term "GS GEMS STYLE HAIR" to create a unitary phrase "GS GEMS STYLE HAIR BOTOX," which creates a different connotation and commercial impression. See *Bells Brewery, Inc. v. Bell Hill Vineyards, LLC*, Opposition No. 91177980 to App. Serial No. 76662206, 2009 WL 5118319, at *4 (TTAB. 2009) [not precedential] (finding "BELL HILL" to create the connotation of a place while the mark "BELL" evokes the meaning of bells). Specifically, in Applicant's Mark the word HAIR proceeds the term BOTOX, creating an entirely separate commercial impression.² See *In re Skyward IO, Inc.*, Serial No. 86443194, 2017 WL 2876810, at *3 (TTAB 2017) [not precedential] (noting the first part in a mark is likely to be impressed upon the mind of a purchaser and remembered). This is hardly the connotation that the term "BOTOX"

alone would generate as applied to Opposer's pharmaceutical preparations for the treatment of neurological disorders, muscle dystonias, smooth muscle disorders, autonomic nerve disorders, headaches, wrinkles, hyperhidrosis, sports injuries, cerebral palsy, spasms, tremors and pain. See *In re Sydel Lingerie Co., Inc.*, 197 U.S.P.Q. 629, 630 (TTAB 1977) (holding BOTTOMS UP for ladies' and children's underwear and BOTTOMS UP for men's clothing not likely to cause confusion, noting that the wording connotes the drinking phrase "Drink Up" when applied to men's clothing, but does not have this connotation when applied to ladies' and children's underwear); *In re Park Lane Shoes Limited*, Serial No. 79073835, 2011 WL 4517803, at *3 [not precedential] (TTAB 2011) ("The Board in the past has held that even if similar marks are used for the same goods, there may be no confusion as to source if the meanings and/or commercial impressions of the marks are different."). Therefore, the difference in meaning and connotation further distinguish the marks, and Applicant respectfully contends this alone serves to make the marks not confusingly similar. (Exhibit J) For the more, Applicant is using the BOTOX mark as satire or parody in a fair use. Applicant's mark is a combination of the applicant House Mark "GS GEMS STYLE" with the highly known term "Hair Botox" on "GS GEMS STYLE HAIR BOTOX." Applicant products have more than 96% acceptance in online stores like Amazon and Ebay in the last years. Therefore there not way that applicant's mark affects the Opposer's marks. (Exhibit H-2 and H-3) The word "BOTOX" in Applicant's Mark is using on the Applicant's goods package in combination with the generic term "HAIR", below (house mark) the main Trademark of the Applicant and logo "GS GEMS STYLE", as evidence attached Exhibit I.

12) The overall commercial impression between the marks differs. The marks themselves, as are using in the marketplace, are substantially dissimilar if you look the marks in the commercial context in which consumers are likely to encounter it. In addition the marks have significant differences in the products' logos and packaging that are sufficient to distinguish the marks to the extent that the similarities did not rise to the level of dilution or confusion, as evidenced attached Exhibit J.

13) As to the relatedness of the goods, the facts of each case are different, and there is no rule

that certain goods or services are per se related, such that there must be a likelihood of confusion. TMEP § 1207.01(a)(iv). Applicant's goods are Hair care kits comprising non-medicated hair care preparations; Non-medicated hair straightening preparations; Non-medicated hair shampoos and conditioners; Non-medicated hair coloring preparations; Non-medicated hair spray and hair gels; Non-medicated hair lotions; Non-medicated hair oil; Non-medicated hair conditioners; Non-medicated hair restoration lotions; Non-medicated hair treatment preparations for cosmetic purposes. Opposer's goods include: pharmaceutical preparations for the treatment of several things, including wrinkles. see, e.g., *In re Shell Oil Co.*, 992 F.2d 1204, 26 USPQ2d 1687, 1690 n.4 (Fed. Cir. 1993) (noting that the nature and scope of a party's goods or services must be determined on the basis set forth in the application or registration). The term "pharmaceutical" means "a pharmaceutical preparation: medical drug." Pharmaceutical Definition, <http://unabridged.merriam-webster.com> (last visited March 14, 2019). Additionally, the differences in the goods, how they are used, and differences in nature and purpose of the goods are relevant. See *In re Donnay International, Societe Anonyme*, 31 USPQ2d 1953 (TTAB 1994); *In re Thor Tech, Inc.*, 113 USPQ2d 1546, 1551 (TTAB 2015). On the face of the Applicant's Mark, and Opposer's Marks, the goods are different in nature because Opposer's goods are limited to medicated products and Applicant's goods are limited to nonmedicated hair products. Specifically, Opposer's goods are not used to treat any condition related to hair. Moreover, a comparison of the identified goods at issue shows the goods serve wholly different purposes. The evidence and argument presented by the Applicant throughout this Response proves that there is no risk of likelihood of confusion between Applicant's mark and Opposer's marks. Applicant contends that the evidence and argument presented by the Applicant throughout this Response proves that there is no risk of likelihood of confusion between Applicant's mark and Opposer's marks.

1. RESPONSE TO "Opposer's BOTOX Mark is Famous"

The Opposer has made clear in its arguments that "Applicant's admission comports with prior decisions of this Board, which has concluded on more than one occasion that the BOTOX Mark is

famous **for pharmaceutical products** with a cosmetic indication," and the Applicant wants enfasy in this "BOTOX mark is FAMOUS **for PHARMACEUTICAL PRODUCTS,**" **but not for hair products.**

Regarding Trademark Law it is not as simple as saying my mark is famous and that is. The Supreme Court has made clear that a plaintiff seeking to take advantage of the broad rights granted under the FTDA must show, as an essential element of an FTDA claim, "current dilution, rather than a likelihood of dilution." *Moseley v. V. Secret Catalog, Inc.*, 537 U.S. 418, 433, 123 S.Ct 1115, 155 L.Ed.2d 1 (2003).

The Applicant contends that the case between Applicant's mark "GS GEMS STYLE HAIR BOTOX" and Opposer's marks "BOTOX" is identical to the case *Starbucks Corp. v. Wolfe's Borough Coffee, Inc.*, (See *Starbucks Corp. v. Wolfe's Borough Coffee, Inc.*, 559 F. Supp. 2d 472 (S.D.N.Y. 2008)), and the case *Savin Corp. v. Savin Group*, (See *Savin Corp. v. Savin Group*, 02 Civ. 9377, 2003 WL 22451731 (S.D.N.Y. Oct.24, 2003)). In *Starbucks Corp. v. Wolfe's Borough Coffee, Inc.*, 559 F. Supp. 2d 472 (S.D.N.Y. 2008), the famous coffee maker filed a lawsuit against a coffee shop in New Hampshire that was using the trade name "Mr. Charbucks" in a coffee blend sold in store and online. The original case was submitted under the existing dilution law prior to TRDA. The court determined that Starbucks had not demonstrated the existence of a true dilution. When the Congress approved the TDRA this case was pending in the Second Circuit, leading the court to annul the sentence and refer the case to a larger court. The district court found that the trademark "Starbucks" was both famous and distinctive, but argued that the applicant had not demonstrated a probability of dilution. The court also found that the trademarks, as used in the market, were not substantially similar, that the trademark "Mr. Charbucks" was "playfully different" to the "Starbucks" trademark. The court found "strong similarity" between "Starbucks" and "Charbucks", but noted the importance of looking at the junior brand in the commercial context in which consumers are likely to find it. The court determined that the addition of "Mr" to the brand, together with significant differences in the logos and packaging of the products, they were sufficient to distinguish brands to the extent that the similarities do not reach the level of dilution.

The court also found that the coffee shop intended to create an association with the “Starbucks” mark, but that such association was not likely to impair the mark’s distinctiveness. Indeed, the court felt that “Mr. Charbucks” was designed to signal that the product was a very dark roast and unlike the other products sold by defendant. However, given that the marks were not, in the court’s view, substantially similar, such an intended association was not found to be “indicative of bad faith or of an association likely to cause dilution by blurring.” The court cited Fourth Circuit authority for the proposition that where a junior mark parodies a famous mark but does not communicate that it is the senior mark, no blurring exists. (See *Starbucks Corp. v. Wolfe's Borough Coffee, Inc.*, 559 F. Supp. 2d 472 (S.D.N.Y. 2008.))

In the case *Savin Corp. v. Savin Group*, the District Court concluded that Plaintiff’s claim of a violation of the FTDA had to be dismissed as well, because, the court found, Plaintiff had “failed to raise a material issue of fact with regard to an essential prong of the dilution test.” *Id.* at *15. The court found, in particular, that Plaintiff had failed to produce any evidence of actual dilution, an essential element of a claim of a violation of the FTDA, other than that Defendants had used a junior mark that was identical to Plaintiff’s senior mark. Thus, the court held, Plaintiff had failed to produce sufficient evidence for a rational jury to find that actual dilution had occurred. *Id.* at *14. See *Savin Corp. v. Savin Group*, 02 Civ. 9377, 2003 WL 22451731 (S.D.N.Y. Oct. 24, 2003). Because Plaintiff’s marks are not, as a matter of law, merely descriptive marks. It cannot be overstated, however, that for the presumption of dilution to apply, the marks must be identical. In other words, a mere similarity in the marks — even a close similarity — will not suffice to establish per se evidence of actual dilution. Further, “where the marks at issue are not identical, the mere fact that consumers mentally associate the junior user’s mark with a famous mark is not sufficient to establish actionable dilution.” *Moseley*, 537 U.S. At 433, 123 S.Ct. 1115 “[S]uch mental association will not necessarily reduce the capacity of the famous mark to identify the goods of its owner, the statutory requirement for dilution under the FTDA.” *Id.* Strictly enforcing the identity requirement comports well with the purposes of the FTDA and with the principle

previously elucidated by this Court that the class of parties protected by the federal dilution statute is narrow indeed. See TCPIP Holding Co., 244 F.3d at 95 ("The [FTDA] further differs from traditional trademark law in that the class of entities for whose benefit the law was created is far narrower.").

"Savin" is a famous mark and today coexists with 6 more marks without any conflict. They are: Reg. 4660224 SAVIN PREMIUM, Reg. 4564714 LONE SAVIN, Reg. 4237174 MAVEN OF SAVIN, Reg. 3823057 SAVIN' MAVENS, Reg. 1174900 SAVIN, Reg. 1041981JIMMIES OF SAVIN ROCK, and Reg. 0836540 SAVIN.

A famous mark like "BOTOX" is widely recognized by the general consuming public of the United States, especially by the Examining Attorney that reviewed the application for the registration of the mark "GS GEMS STYLE HAIR BOTOX," and the USPTO Revision Team that reviewed the approved application before publicated it. Therefore, the Applicant again brings to the consideration of the Board the conclusion reached by the Examiner Attorney: **"The trademark examining attorney has searched the Office's database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2 (d) .TMEP §704.02; 15 USC §1052 (d).**" The Examining Attorney knows of the existence of the Famous Marks "BOTOX." The Examining Attorney is an experienced and trained professional from the USPTO. The Examining Attorney searches and searches the USPTO database and concludes that "... has found no conflicting marks ..." and the examiner is speaking in a general sense, that is, of all the marks, not only of the no Famous marks, So by logic it can also be inferred that the Examining Attorney is saying that there is no conflict between Applicant's Mark "GS GEMS STYLE HAIR BOTOX" and the famous marks "BOTOX." Likewise, it is not only the examining attorney who has determined this, but the USPTO professionals who reviewed the applications approved for publication, before being published, also accepted this conclusion that "has found no conflicting marks." That is, according to the Examiner Attorney there are no Trademarks in the United States, famous or not, that present any conflict that prevents the registration of Applicant's mark "GS GEMS STYLE HAIR BOTOX."

Applicant contends that should be stressed the importance of evaluating the marks in the context in which they are typically seen by consumers. Opposer's marks "BOTOX" is a pharmaceutical product only sold in pharmacy under medical prescription and must to be apply by a certified physician at a Aesthetic clinic, while Applicant's mark "GS GEMS STYLE HAIR BOTOX" is a non-medicated hair conditioning sold over the counter and to the beauty salon and must be apply by a Certified Stylist at a Beauty Salon. In the case of Starbucks the Court found that the marks must be extremely similar for a dilution claim to prevail, noting the TDRA's emphasis on "the extent to which the marks are nearly identical and the strength of the senior mark." Starbucks Corp. v. Wolfe's Borough Coffee, Inc., 559 F. Supp. 2d 472 (S.D.N.Y. 2008). Also, given that the Applicant's mark "GS GEMS STYLE HAIR BOTOX" and Opposer's marks "BOTOX" are not substantially similar, such an intended association is not found to be "indicative of bad faith or of an association likely to cause dilution by blurring." "... where a junior mark parodies a famous mark but does not communicate that it is the senior mark, no blurring exists. (See Starbucks Corp. v. Wolfe's Borough Coffee, Inc., 559 F. Supp. 2d 472 (S.D.N.Y. 2008) The Opposer has not been able to present real evidence that demonstrates the mental association of consumers of the marks that leads to a dilution in the commercial context, completely dissimilar, in which these marks are found in the U.S. Marketplace.

The Applicant makes an analysis of the case "GS GEMS STYLE HAIR BOTOX" and "BOTOX" marks, within the context of the Trademark Law call " Trademark Dilution Revision Act of 2006 "(TDRA-2006): The Trademark Dilution Revision Act of 2006 "(TDRA-2006) says: [“(B) For purposes of paragraph (1), ‘dilution by blurring’ is association arising from the similarity between a mark or trade name and a famous mark that impairs the distinctiveness of the famous mark. In determining whether a mark or trade name is likely to cause dilution by blurring, the court may consider all relevant factors, including the following:

“(i) The degree of similarity between the mark or trade name and the famous mark.]

The applicant presents, in this Response, evidence that shows the dissimilarity between Opposer's

marks and Applicant's mark, they are; 1) Applicant's Mark is Different in Sight, Sound and Connotation from the Opposer's Marks.[See point 8-c, Response], 2) The overall commercial impression between the marks differs. [See point 8-J, Response], 3) Comparison of the Goods: Opposer's goods are pharmaceutical products, Applicant's goods are non-medicated hair conditioning. [See point 8-K, Response], 4) The Channels of Trade between the Applicant's Good and Opposer's Goods Differs.[See point 8-L, Response], 5) Opposer's goods and Applicant's good are "Expensive Product" and have "Sophisticated Purchasers." [See point 9-a, Response] , 6) The degree of care exercised by the purchasers of Applicant's Mark and Opposer's Marks is very high. [See point 9-b, Response], 7) Both products need to be applied by a professional person; Opposer's mark needs to be applied by a Certified Physician in an Aesthetic Clinic, and Applicant's mark needs to be applied by a Certified Hair Stylist in a beauty salon. In light of the above, these factors weigh heavily in Applicant's favor.

“(ii) The degree of inherent or acquired distinctiveness of the famous mark.

"BOTOX" is a famous mark because it is widely recognized by the general consuming public of the United States. However, Applicant has presented, in this Response, evidence of internet that proves that "HAIR BOTOX" is more recognized by the general consuming public of the United States and by the social media and the Internet. (See Exhibits G and G-3.) The Applicant has also submitted evidence from the internet proving that the general consuming public of the United States knows the difference between "BOTOX injections" and "Hair Botox." (See point 8-K; Comparison of the Goods, sub-points 1 to 7, Response, and Exhibits K-1 through K-5)

“(iii) The extent to which the owner of the famous mark is engaging in substantially exclusive use of the mark. Opposer's mark “BOTOX” is used exclusively in (medicated) pharmaceutical products. Specially, Opposer's marks do not include any product related to hair care. Applicant's mark is used exclusively in non-medicated hair care products.

" (iv) The degree of recognition of the famous mark.”

The term "Botox Hair" is more recognized than the term "Botox injections." A search of the term "Hair Botox" in Google Search Engine showed About 58,300,000 results, (See Exhibit G), while searching for the term "BOTOX injections" in the same searcher showed 52,200,000 results, (See Exhibit G-3), more than 6 million results in favor of "Hair Botox". Applicant contends that both marks are widely recognized by the general consuming public of the United States, therefore, there is no possibility of Likelihood of confusion or dilution.

" (V) Whether the user of the mark or trade name intended to create an association with the famous mark. " and "(vi) Any actual association between the mark or trade

name and the famous mark. Applicant Gems Style, Inc. has no intention of creating an association either with the Opposer's marks or with the source of the marks. Precisely this is demonstrated by the fact that the main part of Applicant's mark is the name of the company of the applicant Gems Style, Inc. which is also the House mark combined with the logo. All the products and trademarks of the applicant have as their main part of the logotype and the House Mark. Our mark is widely recognized on the internet and by the stylists of beauty salons, as one of the best hair care lines. In five years we have achieved an extraordinary position in the minds of our consumers which makes us proud. We are not interested in that associate with no other company that today could be very big but not tomorrow. We are proud of the quality of our products and that is why we stand up for them, all our containers have GS GEMS STYLE on their front and on the top. (Search our products on ebay.com and amazon.com to check). "GS GEMS STYLE HAIR BOTOX" and "BOTOX" are not substantially similar marks, "where a junior mark parodies a famous mark but does not communicate that it is the senior mark, no blurring exists.(See Starbucks Corp. v. Wolfe's Borough Coffee, Inc., 559 F. Supp. 2d 472 (S.D.N.Y. 2008)

2. RESPONSE TO "Applicant's Mark is Similar to Opposer's Famous BOTOX mark"

a) Applicant's Mark (GS GEMS STYLE HAIR BOTOX) and Opposer's Mark (BOTOX), themselves are sufficiently dissimilar such that confusion or dilution is highly unlikely. Specifically, the

marks differ substantially in appearance, meaning, connotation, and commercial impression such that there is no likelihood of dilution or confusion.

b) The Opposer Allergan, Inc. based her arguments on the fact that a word in Applicant mark (GS GEMS STYLE HAIR BOTOX) is equal to the Opposer's Marks (BOTOX), in fact the last word of the five words that make up the Applicant's Mark. However, according to the Trademark Trial and Appeal Board, as a general rule “rights in the word would not be extended to include protection for that word combined with, for example, other words or a design element.” In re White Rock Distilleries, Inc., 92 USPQ2d 1282 (TTAB 2009). Here, Applicant respectfully contends that the standard elements of Applicant’s Mark, the additional terms “GS GEMS STYLE”(applicant house mark) plus the term “HAIR BOTOX,” and the differences in sight, sound, appearance, meaning, connotation, and commercial impression serve to distinguish the Opposer’s Marks from Applicant’s Mark. The marks differ in sound. The term “GS GEMS STYLE HAIR BOTOX” sounds noticeably different and is phonetically distinct from the Opposer’s Marks, as to create a distinct commercial impression that does not result in similarity of marks.

c) Applicant’s Mark has five words, “GS GEMS STYLE HAIR BOTOX” while the Opposer’s Marks consist of the single term “BOTOX.” The Applicant’s Mark starts with the sounds created by the term GS (Applicant logo), not contained in the Opposer’s Marks. Consumers will thus pronounce Applicant’s Mark by first stating the words “GS GEMS STYLE” (house mark) before the combined term “HAIR BOTOX”, and it will pronounce “HAIR-BOTOX” together almost as a single term because that is the way that is widely recognized by the general consuming public of the United States and by the social media and the internet. Further, while “BOTOX” is a two-syllable word that sounds much different than “HAIR-BOTOX”. Further, the term “HAIR-BOTOX” in Applicant’s Mark is combined with the term “HAIR” and “BOTOX” and sound as one term “HAIR-BOTOX.” Thus, Applicant’s Mark has seven syllables, while the Opposer’s Marks contain only two-syllables. Further, in Applicant’s Mark, the term “BOTOX” will always followed the sounds created by the terms “GS

GEMS STYLE HAIR,” four words not contained in the Opposer’s Marks. As such, the marks sound little, to nothing alike and have an entirely different phonetic profile, so as not to give rise to a likelihood of confusion or dilution. The marks differ in meaning or connotation. Even the use of identical marks is not likely to cause confusion if the marks convey a sufficiently different commercial impression when applied to the respective parties’ goods or services. TMEP § 1207.01(b)(v); see also, e.g., *In re Sears, Roebuck and Co.*, 2 USPQ2d 1312 (TTAB 1987); *In re British Bulldog, Ltd.*, 224 USPQ 854 (TTAB 1984). The meaning or connotation of a mark must be determined in relation to the named goods or services. Evidence from any competent source, including online sources, suffice to show the relevant public’s understanding of a term. See, e.g., *In re Jonathan Drew, Inc. d/b/a Drew Estate*, 97 USPQ2d 1640 (TTAB 2011) (“It is well settled that evidence of what the relevant public understands a term to mean may be shown not only by direct evidence, such as consumer testimony and surveys, but it may also be inferred from indirect or circumstantial evidence, such as gazetteer entries and third-party websites.”). True and correct printouts from Google Search are attached as Exhibits G and H. Here, the Applicant’s Mark and the Opposer’s Marks share the word BOTOX. The term BOTOX alone has several different meanings, including, without limitation, “a preparation of botulinum toxin.” Botox Definition, <http://unabridged.merriamwebster.com> (last visited March. 14, 2019), submitted herewith as evidenced. The term “BOTOX” is also used to describe the service of administering an injectable drug administered by a medical professional, as shown by the services listed in the following Registrations submitted herewith: SCMS SOUTH COAST MEDSPA, Registration No. 3304171; DR BEAUTIFUL YOUR BEAUTY PRESCRIPTION, Registration No. 3896406; EMPOWER YOUR SKIN, Registration No. 3842058; DERMATIQUE, Registration No. 3808796; WHERE BEAUTY MEETS MEDICINE, Registration No. 2475344. See also TMEP § 1207.01(d)(iii). As used with the Cited Marks, BOTOX evokes the literal meaning of a preparation of botulinum toxin. However, Applicant’s Mark adds the term “GS GEMS STYLE HAIR” to create a unitary phrase “GS GEMS STYLE HAIR BOTOX,” which creates a different connotation and

commercial impression. See *Bells Brewery, Inc. v. Bell Hill Vineyards, LLC*, Opposition No. 91177980 to App. Serial No. 76662206, 2009 WL 5118319, at *4 (TTAB. 2009) [not precedential] (finding “BELL HILL” to create the connotation of a place while the mark “BELL” evokes the meaning of bells). Specifically, in Applicant’s Mark the word HAIR proceeds the term BOTOX, creating an entirely separate commercial impression.² See *In re Skyward IO, Inc.*, Serial No. 86443194, 2017 WL 2876810, at *3 (TTAB 2017) [not precedential] (noting the first part in a mark is likely to be impressed upon the mind of a purchaser and remembered). This is hardly the connotation that the term “BOTOX” alone would generate as applied to Opposer’s pharmaceutical preparations for the treatment of neurological disorders, muscle dystonias, smooth muscle disorders, autonomic nerve disorders, headaches, wrinkles, hyperhidrosis, sports injuries, cerebral palsy, spasms, tremors and pain. See *In re Sydel Lingerie Co., Inc.*, 197 U.S.P.Q. 629, 630 (TTAB 1977) (holding BOTTOMS UP for ladies’ and children’s underwear and BOTTOMS UP for men’s clothing not likely to cause confusion, noting that the wording connotes the drinking phrase “Drink Up” when applied to men’s clothing, but does not have this connotation when applied to ladies’ and children’s underwear); *In re Park Lane Shoes Limited*, Serial No. 79073835, 2011 WL 4517803, at *3 [not precedential] (TTAB 2011) (“The Board in the past has held that even if similar marks are used for the same goods, there may be no confusion as to source if the meanings and/or commercial impressions of the marks are different.”). Therefore, the difference in meaning and connotation further distinguish the marks, and Applicant respectfully contends this alone serves to make the marks not confusingly similar. (Exhibit J) For the more, Applicant is using the BOTOX mark as satire or parody in a fair use. Applicant's mark is a combination of the applicant House Mark "GS GEMS STYLE" with the highly known term "Hair Botox" on “GS GEMS STYLE HAIR BOTOX.” Applicant products have more than 96% acceptance in online stores like Amazon and Ebay in the last years. Therefore there not way that applicant's mark affects the Opposer's marks. (Exhibit H-2)

The process of applying "Hair Botox" treatment, consisting of 4 steps, as following:

1st. step.- Wash the hair with "GS GEMS STYLE CLARIFYING SHAMPOO" 2 or 3 times, to eliminate the impurities and chemical residues left by the chemical processes. Blow the hair up to 100% dry. **2nd. Step.-** Divide hair into small sections and apply "GS GEMS STYLE HAIR BOTOX" treatment with brush or comb evenly. Let the treatment work for about 45 minutes, then remove about 80% with water and style the hair as usual. Curly hair still curly but if you want straight hair, after blow dry it, Flat iron the hair section by section 4 to 6 times. After 3 days; (in the house or in the Hair Salon):

3rd. step.- Wash the hair with "GS GEMS STYLE DAILY SHAMPOO" & **4th. step.-** Apply "GS GEMS STYLE DAILY CONDITIONER" on the hair, then remove with water and style the hair as usual. As the Board can see, the process of "Hair Botox" treatment consists of 4 products / steps: 1) "GS GEMS STYLE" Clarifying Shampoo, 2) "GS GEMS STYLE" Hair Botox, 3) "GS GEMS STYLE" Daily Shampoo and 4) "GS GEMS STYLE" Daily Conditioner. The four products / steps are under the applicant's house mark "GS GEMS STYLE" and only the second step adds the Opposer's mark as parody, without intention of establishing association with the Opposer's marks or with the source of the Opposer's marks. "where a junior mark parodies a famous mark but does not communicate that it is the senior mark, no blurring exists.(See Starbucks Corp. v. Wolfe's Borough Coffee, Inc., 559 F. Supp. 2d 472 (S.D.N.Y. 2008))

d) The overall commercial impression between the marks differs. The marks themselves, as are using in the marketplace, are substantially dissimilar if you look the marks in the commercial context in which consumers are likely to encounter it. In addition the marks have significant differences in the products' logos and packaging that are sufficient to distinguish the marks to the extent that the similarities did not rise to the level of dilution or confusion, as evidenced attached Exhibit J.

e) As to the relatedness of the goods, the facts of each case are different, and there is no rule that certain goods or services are per se related, such that there must be a likelihood of confusion. TMEP § 1207.01(a)(iv). Applicant's goods are Hair care kits comprising non-medicated hair care preparations; Non-medicated hair straightening preparations; Non-medicated hair shampoos and conditioners; Non-

medicated hair coloring preparations; Non-medicated hair spray and hair gels; Non-medicated hair lotions; Non-medicated hair oil; Non-medicated hair conditioners; Non-medicated hair restoration lotions; Non-medicated hair treatment preparations for cosmetic purposes. Opposer's goods are pharmaceutical preparations for the treatment of several things, including wrinkles. see, e.g., *In re Shell Oil Co.*, 992 F.2d 1204, 26 USPQ2d 1687, 1690 n.4 (Fed. Cir. 1993) (noting that the nature and scope of a party's goods or services must be determined on the basis set forth in the application or registration). The term "pharmaceutical" means "a pharmaceutical preparation: medical drug." Pharmaceutical Definition, <http://unabridged.merriam-webster.com> (last visited March 14, 2019). Additionally, the differences in the goods, how they are used, and differences in nature and purpose of the goods are relevant. See *In re Donnay International, Societe Anonyme*, 31 USPQ2d 1953 (TTAB 1994); *In re Thor Tech, Inc.*, 113 USPQ2d 1546, 1551 (TTAB 2015). On the face of the Applicant's Mark, and Opposer's Marks, the goods are different in nature because Opposer's goods are limited to medicated products and Applicant's goods are limited to nonmedicated hair products. **Specifically, Opposer's goods are not used to treat any condition related to hair.** Moreover, a comparison of the identified goods at issue shows the goods serve wholly different purposes.

3. RESPONSE TO "Applicant's Goods are Related to Goods Marketed Under Opposer's Famous BOTOX Mark"

a) The Opposer Allergan, Inc. based her arguments on the fact that a word in Applicant's mark is equal to the Opposer's Marks, in fact the last word of the five words that make up the Applicant's Mark. However, according to the Trademark Trial and Appeal Board, as a general rule "rights in the word would not be extended to include protection for that word combined with, for example, other words or a design element." *In re White Rock Distilleries, Inc.*, 92 USPQ2d 1282 (TTAB 2009). Here, Applicant respectfully contends that the standard elements of Applicant's Mark, the additional terms "GS GEMS STYLE" plus the term "HAIR BOTOX," and the differences in sight serve to distinguish the Opposer's Marks from Applicant's Mark. The marks differ in sound. The term "GS GEMS STYLE HAIR

BOTOX” sounds noticeably different and is phonetically distinct from the Opposer’s Marks, as to create a distinct commercial impression that does not result in a likelihood of confusion or dilution among purchasers.

b) As to the relatedness of the goods, the facts of each case are different, and there is no rule that certain goods or services are per se related, such that there must be a likelihood of confusion. TMEP § 1207.01(a)(iv). Applicant’s goods are Hair care kits comprising non-medicated hair care preparations; Non-medicated hair straightening preparations; Non-medicated hair shampoos and conditioners; Non-medicated hair coloring preparations; Non-medicated hair spray and hair gels; Non-medicated hair lotions; Non-medicated hair oil; Non-medicated hair conditioners; Non-medicated hair restoration lotions; Non-medicated hair treatment preparations for cosmetic purposes. Opposer’s goods include: pharmaceutical preparations for the treatment of several things, including wrinkles. see, e.g., *In re Shell Oil Co.*, 992 F.2d 1204, 26 USPQ2d 1687, 1690 n.4 (Fed. Cir. 1993) (noting that the nature and scope of a party’s goods or services must be determined on the basis set forth in the application or registration). The term “pharmaceutical” means “a pharmaceutical preparation: medical drug.” Pharmaceutical Definition, <http://unabridged.merriam-webster.com> (last visited March 14, 2019). Additionally, the differences in the goods, how they are used, and differences in nature and purpose of the goods are relevant. See *In re Donnay International, Societe Anonyme*, 31 USPQ2d 1953 (TTAB 1994); *In re Thor Tech, Inc.*, 113 USPQ2d 1546, 1551 (TTAB 2015). On the face of the Applicant’s Mark, and Opposer’s Marks, the goods are different in nature because Opposer’s goods are limited to medicated products and Applicant’s goods are limited to nonmedicated hair products. Specifically, Opposer’s goods are not used to treat any condition related to hair. Moreover, a comparison of the identified goods at issue shows the goods serve wholly different purposes.

c) The Applicant Gems Style, Inc. showed the same evidenced of the twenty third-party Medspas-Hair Salons websites showed by the Opposer Allergan, Inc. as prove that Opposer’s goods and Applicant’s good are "EXPENSIVE PRODUCTS" and have "SOPHISTICATED PURCHASERS."

Opposer's goods and Applicant's good both need to be apply by a professional people; the Applicant's Mark needs to be apply by a Certify Hair Stylist at a Beauty Salon while the Opposer's Marks need to be apply by a Certify Physician at an Aesthetic Clinic regardless of whether both businesses are owned by the same owner and operate in the same premises, both operate separately. In most cases the Certify Physician has the Opposer's goods in the Aesthetic Clinic, the consumer do not buy the Opposer's goods by themselves. In the same way, the Hair Salon has the Applicant's good, the consumers do not buy the Applicant's good. The chance of conflict (i.e. "a likelihood of confusion") between two trademarks is reduced where the goods are expensive and purchased after careful consideration. Sophisticated consumers may be expected to exercise greater care in making purchasing decisions. See *Savin Corp. v. Savin Group*, 02 Civ. 9377, 2003 WL 22451731 (S.D.N.Y. Oct.24, 2003). *Electronic Design & Sales, Inc. v. Electronic Data Systems Corp.*, 954 F.2d 713 (Fed. Cir. 1992).

d) The degree of care exercised by the purchasers of Applicant's Mark and Opposer's Marks is very high. The purchasers of both Applicant's Mark and Opposer's Marks are professional buyers. The prices of both Applicant's good treatment and Opposer's goods treatments are very expensive. The buyers of the Applicant's Mark are the Certify Hair Stylists at the Beauty Salon while the buyers of the Opposer's Mark are the Certify Physicians at the Aesthetic Clinic, regardless of whether there are some Med Spa and Hair Salon operating under the same owner and the same premises, those medical spas and hair salons despite working under the same owner and in the same premises, both the Medical Spas and the Hair Salons operate with totally different and separate structures. The Hair Salons have their own staff of Professional Stylists with a structure of management and direction totally independent of the Medspas that also have their own staff of Professional Aesthetics and one or several Professional Physicians with their own structure of administration and direction. The chance of conflict (i.e. "a likelihood of confusion") between two trademarks is reduced when exist degree of care exercised by the purchasers, the products are expensive, and sofisticaded purchasers see *Savin Corp. v. Savin Group*, 02 Civ. 9377, 2003 WL 22451731 (S.D.N.Y. Oct.24, 2003). *Electronic Design & Sales, Inc. v.*

Electronic Data Systems Corp., 954 F.2d 713 (Fed. Cir. 1992).

e) A product whose use entails as much care and delicacy as injections of Botox, which must only be sold in pharmacies through a medical prescription and that must be applied by a certified Physician or by a certified Aesthetician, and even more, than the Aesthetic Clinic and its professional team must be certified directly by the Opposer Allergan, Inc. How anyone can believe that one of these professional physicians will confuse it with a hair conditioner, that is not sold in pharmacies? As well as none of these professional physicians will believe that a hair conditioner comes from an emporium like Allergan. Likewise, Allergan, Inc. has a professional sales and marketing team, who keep in touch with this Physicians and Estheticians every day.

f) Applicant contends that when a purchaser exercises greater care in making purchasing decisions it is more likely the purchaser will notice differences between the respective marks, the respective goods/services, and the respective sources of those goods/services. Therefore it is less likely the purchaser will be confused to believe that the Applicant's goods (under the mark "GS GEMS STYLE HAIR BOTOX") originate from the Opposer Allergan, Inc.

4. RESPONSE TO “The Trade Channels and Purchasers For The Parties' Identified Goods Overlap”

a) The channels of trade between the marks differs. Applicant's goods and Opposer's goods travel in different trade channels. Applicant's goods are sold over-the-counter and to professional stylists and to beauty salon and to beauty supply stores, and are not sold in drug stores or supermarkets with pharmaceutical sections. To the contrary, Opposer's goods can only be purchased with medical prescription at drug stores or supermarkets with pharmaceutical section, and cannot be sold over-the-counter. Therefore, Applicant respectfully contends that the goods at issue are dissimilar, and do not support a finding of a likelihood of confusion or dilution.

b) In the introductory paragraph Opposer Allergan, Inc. alleges that Applicant's good and

Opposer's goods travel in the same channels of trade to the same consumers. But that is not true.

The Channels of Trade between the Applicant's Good and Opposer's Goods Differs. Applicant's goods and Opposer's goods travel in different trade channels. According to the Food and Drug Administration (FDA), Opposer's goods can only be sold by medical prescription at drug stores or supermarkets with pharmaceutical section, and cannot be sold over-the counter. While Applicant's goods are sold over-the-counter and to professional stylists and to beauty salon and to beauty supply stores, and are not sold in drug stores or supermarkets with pharmaceutical sections.

c) The Opposer Allergan, Inc. bases its arguments on the fact that there are twenty third-party that function as Medspa and Hair Salon together. But the first thing to take into consideration is that in the United States there are currently more than 4,200 Medical Spas and more than 257,000 Hair Salons, according to the reports of The American Med Spa Association (AmSpa) and The Professional Salon Industry Haircare Study Reports - Salon Industry Growth Figures - News - Salon Today, both report from 2017. True and correct printouts from the websites, showing both reports, are attached as Exhibit G-1 and G-2. Secondly, Applicant Gems Style, Inc. submits as evidence, the same twenty third-party medical spas websites presented by Opposer Allergan Inc. as proof that these companies, although owned by the same people and operating in the same premises, both, Medspas and Hair salons work with totally separate management and administration structures. (Exhibits L-1 through L-20)

d) Applicant's goods are sold directly to the Hair Stylists, Beauty Salon, Beauty Supply Stores and over-the counter and are applied to the consumers by a Professional Hair Stylist to smooth and straighten the hair. To the contrary, Opposer's goods must to be injected by a Certify Physician or Certify Aesthetician to the consumers, and are used to treat medical conditions, including neurological disorders, muscle dystonias, autonomic nerve disorders, headaches, hyperhidrosis, and cerebral palsy, among other medical conditions. **Specifically, Opposer's goods are not used to treat any condition related to hair.** The goods are noncompetitive, differ completely in utility, and have nothing in common with respect to their essential characteristics or sales appeal. See, e.g., In re Thor Tech, Inc.,

e) The Opposer Allergan, Inc. shows a Declaration of Lauren M. Gregory where she states that she has identified twenty third-party medical spas that advertise hair salon products and services as well as injections of the BOTOX Product. The applicant submits these same twenty websites as evidence to demonstrate that these Medical Spas and Hair Salons despite working under the same owner and in the same premises, both the Medical Spas and the Hair Salons operate with totally different and separate structures. The Hair Salons have their staff of professional stylists with a structure of management and direction totally independent of the Medspas that also have their staff of professional Aesthetics and Physicians with their own structure of administration and direction. True and correct printouts from the same websites, showing the professional teams of each structures for such Medspas and Hair Salons, are attached in Exhibits L-1 through L-20.

f) Applicant contends regardless of whether there are twenty or thirty common buyers (out of more than 200,000 buyers) between both marks, the reality is that all those buyers, the common and the non-common, are professionals with a very high degree of care exercised at the moment of purchase. The prices of both, Applicant's good and Opposer goods are very expensive. The buyers of the Applicant's Mark are the Certified Hair Stylists at the Beauty Salon while the buyers of the Opposer's Mark are the Certified Physicians at the Aesthetic Clinic. No Physician is going to buy a hair conditioner "GS GEMS STYLE HAIR BOTOX" instead of "BOTOX injection Botulinum Toxin" even if they are sold in the same place. Likewise, no Certify Hair Stylist is going to buy a "BOTOX injection Botulinum Toxin" instead of a hair conditioner "GS GEMS STYLE HAIR BOTOX" even if they are sold in the same place. But the fact is that "BOTOX injection Botulinum Toxin" is only sold at pharmacy under medical precription while the hair conditioner "GS GEMS STYLE HAIR BOTOX" is sold by the counter and to the beauty salon and is not sold in pharmacy. In such a way, there are some common consumers but there is no common Trade Channel.

Doing a bit of History;

The antitrust law of the United States is a set of federal and state government laws that regulate the conduct and organization of commercial corporations, generally to promote fair competition for the benefit of consumers. (The concept is called competition law in other English-speaking countries). The main statutes are the Sherman Act of 1890, the Clayton Act of 1914 and the Federal Trade Commission Act of 1914. These Laws, first, restrict the formation of cartels and prohibit other collusive practices considered as a trade restriction. Second, they restrict the actions, mergers and acquisitions of organizations that could substantially reduce competition. Third, they prohibit the creation of a monopoly and the abuse of monopoly power. See Thibault Schrepel, A New Structured Rule of Reason Approach for High-Tech Markets, *Suffolk University Law Review*, Vol. 50, No. 1, 2017 at <https://ssrn.com/abstract=2908838>

The Federal Trade Commission, the U.S. Department of Justice, state governments and private parties who are sufficiently affected may all bring actions in the courts to enforce the antitrust laws. The scope of antitrust laws, and the degree to which they should interfere in an enterprise's freedom to conduct business, or to protect smaller businesses, communities and consumers, are strongly debated. One view, mostly closely associated with the "Chicago School of economics" suggests that antitrust laws should focus solely on the benefits to consumers and overall efficiency, while a broad range of legal and economic theory sees the role of antitrust laws as also controlling economic power in the public interest. See generally Herbert Hovenkamp, 'Chicago and Its Alternatives' (1986) 6 *Duke Law Journal* 1014–1029, and RH Bork, *The Antitrust Paradox* (Free Press 1993.)

Every agreement concerning trade, every regulation of trade, restrains. To bind, to restrain, is of their very essence. The true test of legality is whether the restraint imposed is such as merely regulates and perhaps thereby promotes competition or whether it is such as may suppress or even destroy competition. To determine that question, the court must ordinarily consider the facts peculiar to the

business to which the restraint is applied, its condition before and after the restraint was imposed, the nature of the restraint, and its effect, actual or probable. See [Board of Trade of the City of Chicago v. United States, 246 U.S. 231, 244 (1918)]

The applicant brings all of this together because on February 9, 2018 the applicant received a letter signed by Mr. Kenneth L. Wilton, representing Opposer Allergan, Inc., of which we are going to rewrite the last three paragraphs:

"While we appreciate your company's attempt to move away from a mark containing the identical mark "BOTOX" in its entirety, Allergan remains concerned about the similarities in sight, sound, and meaning between its BOTOX trademark and the mark BOTO SMART. Consumers are still likely to become confused and to assume that Allergan is affiliated with or sponsors the BOTO SMART products when that is not in fact the case.

In order to avoid this problem, we ask that you adopt a new mark that does not contain the letters "BOTO" in sequence, or any other combination that looks and sound similar to BOTOX.

We look forward to receiving written confirmation on or before February 23, 2018 that Gems Style has discontinued all promotion and sale of HAIR-BOTOX and/or BOTO SMART products as well as destroyed any unsold units." as evidenced see Exhibit N.

As the Board can see, Opposer Allergan, Inc. is claiming **"monopoly right"** in a part of the alphabet, when it says: "... we ask that you adopt a new mark **that does not contain the letters "BOTO" in sequence, or any other combination** that looks and sound similar to BOTOX.

However, Applicant Gems Style, Inc. owns two prior registrations in United States under the Principal Register; Reg. No. 5508530 Trademark "Brazilian Legend Boto Cor de Rosa Formaldehyde Free Hair Treatment" in International Class 3, and Reg. No. 5508577 Trademark "BRAZILIAN SMART BOTOS HAIR TREATMENT FORMALDEHYDE FREE" in International Class 3, which include the word "BOTO" and "BOTOS" and they have not caused any Confusion or Dilution with the

Opposer's Marks "BOTOX", since in more than two years in use in the market of the United States the Opposer has not presented any claim.

Also, there are six more "BOTO" trademarks Registered in United States under the Principal Register; they are: 1) "BOTO" reg. No. 2248066, registered since May 25, 1999, 2) "BOTO" reg. No. 2404468, registered since Nov 14, 2000, 3) "BOTO" reg. No. 3616309, registered since May 5, 2009, 4) "BUY ONE. TRY ONE. BOTO 11" reg. No. 4452142, registered since Dec 17, 2013, 5) "BOTO" reg. No. 4301176, registered since March 12, 2013, 6) "BOTO" reg. No. 5100080, registered since Dec 13, 2016. The Applicant submits that if in twenty years of use that they bear these trademarks registered in the United States market, they have not caused any confusion, dilution, conflict, or damage with the Opposer or with the Opposer's Marks, nor the Applicant's Mark will cause it.

Applicant was surprised that despite these arguments of the Opposer Allergan, Inc., The Applicant Gems Style, Inc. has made application No. 88 / 026,610 for "BOTO SMART" in International Class 3, and application Serial No. 87 / 681,252 for "GS GEMS STYLE HAIR BOTOX" in International Class 3 and two different Examiner Attorneys have approved both marks without objection. Both Examiner Attorneys conclude that "The trademark examining attorney has searched the USPTO's database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d). TMEP §704.02; see 15 U.S.C. §1052(d)." So that these experienced examining attorneys with all the technology at their reach, have not been able to find any element of conflict, or likelihood of confusion or dilution between these two marks and the Opposer's marks, as the opposer does.

III.- RESPONSE TO Opposer's "CONCLUSION"

The applicant has shown in this Response that there are sufficient material issues of fact to be tried. Opposer has shown in its Motion for Summary Judgment request that Opposer has no real evidence to support its claim of likelihood of confusion. The evidence presented by the Opposer has

not weight in favor of its claim. The Opposer says erroneously, ["In fact, consumers often encounter the products at issue sold together through the same source."], referring to the third-party Medspa that are at the same time Hair Salon (presented as evidence by the Opposer) , but the reality is that neither the Medspas nor the Hair Salon sell the products at issue to their consumers. The Medspas do not sell "BOTOX injections" to their consumers, in the same way the Hair Salons do not sell "GS GEMS STYLE HAIR BOTOX" to their consumers. Both businesses sell the application service of these treatments to their consumers which includes the product in its price. Even, very little or none of these businesses accept that the consumer carries the product that they want the Hair Stylist or Aestheticians/Physician apply to them. These businesses are very careful with the products they use in their consumers. According to the FDA, BOTOX injections must be only sold at pharmacy and under medical prescription. Applicant's mark does not sell at pharmacy. When a consumer of the Opposer's Marks wants to get an anti-wrinkles treatment makes an appointment with a Certified Physician and the Certified Physician makes the evaluation to the consumer of Opposer's Marks and gives to the consumer the total price to pay for the treatment which includes the medical fees and all materials that need to be used, including the Opposer's good. In any case, if the consumer of Opposer's Marks is the one who makes the purchase of the Opposer's goods it does so with a medical prescription at a pharmacy. When a consumer of the Applicant's Marks wants to get a Hair Botox treatment makes an appointment with a Certified Stylist and the Certified Stylist gives to the consumer the total price to pay for the treatment which includes the labor and all materials that need to be used, including the Applicant's good. In any case, if the consumer of Applicant's Marks is the one who makes the purchase of the Applicant's goods it does not so at a pharmacy. Applicant showed evidence that the goods identified in the respective registrations and application are, as a matter of law, not related. Applicant's Mark is Different in Sight, Sound and Connotation from the Opposer's Marks. The overall commercial impression between the marks differs. The Channels of Trade between the Applicant's Good and Opposer's Goods Differ. Opposer's goods and Applicant's good are "Expensive Products" and have

"SOPHISTICATED PURCHASERS": the Certified Physicians and the Certified Stylists.

CONCLUSION

Whereas, opposer has not presented any weighty evidence that demonstrates the existence of likelihood of confusion or dilution.

Whereas, The evidence and the affidavits presented by the opposer are weighing more against her claim than in her favor. Since the Applicant presented the same evidence to demonstrate that the trade channels between the marks are differs, and that the buyers of both goods are sophisticated and take great care when exercising the purchases of both products at issue. Also, Applicant demonstrated with the same evidence that despite there are Medspas - Hair Salon with the same owner and working in the same premises, both Medspas and Hair Salon have their own structure and management independent. (See Exhibit L-1 through L-22)

Whereas, The Opposer has confused the trade channels, for mistake or with intent to confuse the Board. Opposer Allergan, Inc. is putting Medspas and Hair Salons as sellers of the products at issue, to their consumers, when in fact they are the final users of these products . Medspas and Hair Salon buying the Applicant and Opposer products to apply them to their consumers, not to sell them to their consumers. Medspas - Hair Salons only sell the post treatment products. In the case of the Medspa, the physician does not sells the "BOTOX injections to their consumers, she/he applies them to their consumers and charge the consumers for the service of application of the Botox injections. Likewise, In the case of the Hair Salon, the Hair Stylist only sells the maintenance products: daily shampoo and daily conditioner, which help the treatment effect to last longer in the hair (3rd and 4th steps / products that can be done at home or at the Hair Salon), the Clarifying Shampoo and the "Hair Botox" treatment (step 1 and 2) must to be apply by a certified Stylist. But the shampoo and conditioner for maintenance are not sold under Applicant's mark "GS GEMS STYLE HAIR BOTOX,"

they are sold under the House mark of the applicant "GS GEMS STYLE." (See Gems Style products at ebay.com and amazon.com). As the Board can see, both businesses, Hair Salon and Medspa although functions together or separately, they do not sell the products / treatments at issue to their consumers, they sell the service of application of these products / treatments.

Whereas, The applicant has presented, in this Response, evidence that shows the dissimilarity between Opposer's marks and Applicant's mark, among them; 1) Applicant's Mark is Different in Sight, Sound and Connotation from the Opposer's Marks. [See point 8-c, at this Response], 2) The overall commercial impression between the marks differs. [See point 8-J, at this Response], 3) Comparison of the Goods: Opposer's goods are pharmaceutical products, Applicant's goods are non-medicated hair conditioning [See point 8-K, at this Response], 4) The Channels of Trade between the Applicant's Good and Opposer's Goods Differs [See point 8-L, at this Response], 5) Opposer's goods and Applicant's good are "Expensive Product" and have "Sophisticated Purchasers." [See point 9-a, at this Response], 6) The degree of care exercised by the purchasers of Applicant's Mark and Opposer's Marks is very high. [See point 9-b, at this Response], 7) Both products need to be applied by a professional people; Opposer's marks need to be applied by a Certified Physician in an Aesthetic Clinic, and Applicant's mark need to be applied by a Certified Hair Stylist in a beauty salon. In light of the above, these factors weighs heavily in Applicant's favor.

Whereas, that the Examining Attorney conclusion was "The trademark examining attorney has searched the Office's database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2 (d) .TMEP §704.02; 15 USC §1052 (d).

WHEREFORE, Applicant prays for judgment to dismiss this Motion of Summary Judgment and dismiss the Opposition No.91241842 in its entirety and issue a registration on the Principal Register to Applicant for the mark as set forth in Application Serial No. 87/681,252.

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing has been served on
kwilton@seyfarth.com, lgregory@seyfarth.com, mcardona@seyfarth.com, ttabdocket@seyfarth.com,
matthew.brady@allergan.com, hinchey_susan@allergan.com on this 9th day of April, 2019.

By: /JUAN DE LA CRUZ/
JUAN DE LA CRUZ, President
GEMS STYLE, INC.
6465 W 24TH AVE., SUITE 201
HIALEAH, FL 33016
juanraul89@yahoo.com
305-305-1840

OPPOSITION No. 91241842

RESPONSE TO MOTION FOR SUMMARY JUDGMENT

EXHIBITS


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Word Mark	BOTOX
Goods and Services	(ABANDONED) IC 003. US 001 004 006 050 051 052. G & S: Cosmetics, face creams and lotions; skin creams and lotions
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	79002971
Filing Date	March 12, 2004
Current Basis	66A
Original Filing Basis	66A
International Registration Number	0826203
Owner	(APPLICANT) ALLERGAN, INC. Incorporated company UNITED KINGDOM 2525 Dupont Drive Irvine, California 92612 UNITED STATES
Priority Date	March 8, 2004
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	DEAD
Abandonment Date	March 13, 2014

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UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 79/002971

APPLICANT: Allergan Limited

CORRESPONDENT ADDRESS:
Carpmaels & Ransford
43 Bloomsbury Square
London, WC1A 2RA UNITED KINGDOM

79002971

RETURN ADDRESS:
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

MARK: BOTOX

CORRESPONDENT'S REFERENCE/DOCKET NO : N/A

CORRESPONDENT EMAIL ADDRESS:

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

OFFICE ACTION

TO AVOID ABANDONMENT, WE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF OUR MAILING OR E-MAILING DATE.

Serial Number 79/002971

The assigned trademark examining attorney has reviewed the referenced application filed on March 12, 2004, and has determined the following.

Section 2(d) - Likelihood of Confusion Refusal

Registration of the proposed mark is refused because of a likelihood of confusion with the marks in U.S. Registration Nos. 1692384, 1709160, 2510673, 2510675, and 2792928. Trademark Act Section 2(d), 15 U.S.C. §1052(d); TMEP §§1207.01 *et seq.* See the enclosed registrations.

The examining attorney must analyze each case in two steps to determine whether there is a likelihood of confusion. First, the examining attorney must look at the marks themselves for similarities in appearance, sound, connotation and commercial impression. *In re E. I. DuPont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973). Second, the examining attorney must compare the goods or services to determine if they are related or if the activities surrounding their marketing are such that confusion as to origin is likely. *In re August Storck KG*, 218 USPQ 823 (TTAB 1983); *In re International Telephone and Telegraph Corp.*, 197 USPQ 910 (TTAB 1978); *Guardian Products Co., v. Scott Paper Co.*, 200 USPQ 738 (TTAB 1978). TMEP §§1207.01 *et seq.*

The applicant applied to register BOTOX for "cosmetics, face creams and lotions, skin creams and lotions."

The registered mark is BOTOX for various pharmaceutical preparations. The cited marks are all owned by the same registrant.

The marks are highly similar in that both marks contain BOTOX. The examining attorney must look at the marks in their entirety under Section 2(d). Nevertheless, one feature of a mark may be recognized as more significant in creating a commercial impression. Greater weight is given to that dominant feature in determining whether there is a likelihood of confusion. *In re National Data Corp.*, 224 USPQ 749 (Fed. Cir. 1985); *Tektronix, Inc. v. Daktronics, Inc.*, 534 F.2d 915, 189 USPQ 693 (C.C.P.A. 1976). *In re J.M. Originals Inc.*, 6 USPQ2d 1393 (TTAB 1988). TMEP §1207.01(b)(viii). BOTOX is clearly the dominant element in both marks. The wording in U.S. Registration No. 2792928 simply modifies the prominent word BOTOX.

With regard to the design mark(s), when a mark consists of a word portion and a design portion, the word portion is more likely to be impressed upon a purchaser's memory and to be used in calling for the goods or services. *In re Appetito Provisions Co.*, 3 USPQ2d 1553 (TTAB 1987); *Amoco Oil Co. v. Amerco, Inc.*, 192 USPQ 729 (TTAB 1976). Thus, the word portion, and not the design portion of the mark(s) will be most likely impressed upon purchasers memory and used by purchasers in calling for the goods.

The goods/services of the parties need not be identical or directly competitive to find a likelihood of confusion. They need only be related in some manner, or the conditions surrounding their marketing be such, that they could be encountered by the same purchasers under circumstances that could give rise to the mistaken belief that the goods/services come from a common source. *In re Martin's Famous Pastry Shoppe, Inc.*, 748 F.2d 1565, 223 USPQ 1289 (Fed. Cir. 1984); *In re Corning Glass Works*, 229 USPQ 65 (TTAB 1985); *In re Rexel Inc.*, 223 USPQ 830 (TTAB 1984); *Guardian Products Co., Inc. v. Scott Paper Co.*, 200 USPQ 738 (TTAB 1978); *In re International Telephone & Telegraph Corp.*, 197 USPQ 910 (TTAB 1978). TMEP §1207.01(a)(i).

Both of the marks are used to identify cosmetics/lotions/creams or pharmaceutical preparations. Please see the attached X-Search evidence, which illustrates that the same marks identify both cosmetics and pharmaceutical preparations. The same consumers will be exposed to the goods/services identified with both of the marks. The similarities among the marks and the goods/services of the parties are so great as to create a likelihood of confusion. The examining attorney must resolve any doubt as to the issue of likelihood of confusion in favor of the registrant and against the applicant who has a legal duty to select a mark, which is totally dissimilar to trademarks already being used. *Burroughs Wellcome Co. v. Warner-Lambert Co.* 203 USPQ 191 (TTAB 1979).

Although the examining attorney has refused registration, the applicant may respond to the refusal to register by submitting evidence and arguments in support of registration.

The applicant should also note the following additional ground for refusal.

Section 2(e)(1) - Descriptive Refusal

Registration is refused because the proposed mark merely describes a feature or the use of applicant's goods and/or services. Trademark Act Section 2(e)(1), 15 U.S.C. §1052(e)(1); TMEP §§1209 *et seq.*

A mark is merely descriptive under Trademark Act Section 2(e)(1), 15 U.S.C. §1052(e)(1), if it describes an ingredient, quality, characteristic, function, feature, purpose or use of the relevant goods/services. *In re Gyulay*, 820 F.2d 1216, 3 USPQ2d 1009 (Fed. Cir. 1987); *In re Bed & Breakfast Registry*, 791 F.2d 157, 229 USPQ 818 (Fed. Cir. 1986); *In re MetPath Inc.*, 223 USPQ 88 (TTAB 1984); *In re Bright-Cres Ltd.*, 204 USPQ 591 (TTAB 1979); TMEP §1209.01(b).

The proposed mark, BOTOX, describes the goods which are for use with BOTOX treatment. Please see the attached Nexis® evidence which illustrates that cosmetics, lotions, and creams are used in connection with botox treatment.

Although the examining attorney has refused registration, the applicant may respond to the refusal to register by submitting evidence and arguments in support of registration.

Fee Increase

Fee increase effective January 1, 2003

Effective January 1, 2003, the fee for filing an application for trademark registration will be increased to **\$335.00** per International Class. The USPTO will not accord a filing date to applications that are filed on or after that date that are not accompanied by a minimum of \$335.00.

Additionally, the fee for amending an existing application to add an additional class or classes of goods/services will be \$335.00 per class for classes added on or after January 1, 2003.

NOTICE: TRADEMARK OPERATION RELOCATING OCTOBER AND NOVEMBER 2004

The Trademark Operation is relocating to Alexandria, Virginia, in October and November 2004. Effective October 4, 2004, all Trademark-related paper mail (except documents sent to the Assignment Services Division for recordation, certain documents filed under the Madrid Protocol, and requests for copies of trademark documents) must be sent to:

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Applicants, registration owners, attorneys and other Trademark customers are strongly encouraged to correspond with the USPTO online via the

NEW HOLDER/REPRESENTATIVE OF AN INTERNATIONAL REGISTRATION

SERIAL NUMBER: 79002971

The table below presents the data as entered.

Input Field	Entered
OVERVIEW	
INTERNATIONAL REGISTRATION NUMBER	0826203
EFFECTIVE DATE OF MODIFICATION	10/08/2004
NOTIFICATION DATE	12/02/2004
DESIGNATED CORRESPONDENT	
CLIENT IDENTIFIER	528801
NAME	Susan J Hinchey, Corporate Trade Mark Manager, Allergan, Inc.
ADDRESS	2525 Dupont Drive Irvine, California 92612
COUNTRY	United States of America
HOLDER DETAILS	
CLIENT IDENTIFIER	528795
NOTIFICATION LANGUAGE	ENGLISH
NAME	ALLERGAN, INC.
ADDRESS	2525 Dupont Drive Irvine, California 92612
COUNTRY	United States of America
ENTITLEMENT NATIONALITY OF APPLICANT/TRANSFeree/HOLDER	United States of America
LEGAL NATURE	Incorporated company
LEGAL NATURE: PLACE INCORPORATED	Delaware, USA
PREVIOUS HOLDER DETAILS	
CLIENT IDENTIFIER	522625
NAME	Allergan Limited
ADDRESS	Coronation Road, Cressex Industrial Estate, High Wycombe, Bucks HP12 3SH
COUNTRY	United Kingdom
MISCELLANEOUS INFORMATION	
IB DOCUMENT ID	281424801
OFFICE REFERENCE	79002971
TRANSACTION TYPE	TRN - TRANSFER

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 79/002971

APPLICANT: ALLERGAN, INC.

CORRESPONDENT ADDRESS:

Susan J Hinchey,
Corporate Trade Mark Manager,
2525 Dupont Drive
Irvine, California 92612
United States of America

79002971

RETURN ADDRESS:
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

MARK: BOTOX

CORRESPONDENT'S REFERENCE/DOCKET NO : N/A

CORRESPONDENT EMAIL ADDRESS:

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

OFFICE ACTION

RESPONSE TIME LIMIT: TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE MAILING OR E-MAILING DATE.

MAILING/E-MAILING DATE INFORMATION: If the mailing or e-mailing date of this Office action does not appear above, this information can be obtained by visiting the USPTO website at <http://tarr.uspto.gov/>, inserting the application serial number, and viewing the prosecution history for the mailing date of the most recently issued Office communication.

Serial Number 79/002971

The assigned examining attorney has reviewed the applicant's response and determined the following.

FINAL - Deceptive

The refusal to register is made FINAL because the mark consists of or comprises deceptive matter in relation to the identified goods. Trademark Act Section 2(a), 15 U.S.C. §1052(a). See *In re Budge Mfg. Co.*, 857 F.2d 773, 8 USPQ2d 1259 (Fed. Cir. 1988), *aff'd* 8 USPQ2d 1790 (TTAB 1987); *In re Perry Mfg. Co.*, 12 USPQ2d 1751 (TTAB 1989); *In re Shapely, Inc.*, 231 USPQ 72 (TTAB 1986); TMEP §§1203.02 *et seq.* The examining attorney has considered the applicant's arguments carefully but found them unpersuasive.

Despite the applicant's arguments, the proposed mark BOTOX misdescribes the content of the applicant's goods because it does not contain botox. Consumers are likely to believe this misdescription, and it will likely affect their decision to select or use the goods of applicant because botox is a **medicated** anti-wrinkle product, which is known to effectively reduce wrinkles because of its medicated content.

A mark is deceptive if:

- the proposed mark consists of or contains a term that misdescribes the character, quality, function, composition, or use of the goods or services of applicant;
- prospective customers are likely to believe that the misdescription actually describes the goods or services; and
- the misdescription is likely to affect the decision to select or use the goods or services of applicant.

Trademark Act Section 2(a), 15 U.S.C. §1052(a); *In re Budge Mfg. Co.*, 857 F.2d 773, 775, 8 USPQ2d 1259, 1260 (Fed. Cir. 1988); *aff'd* 8 USPQ2d 1790 (TTAB 1987).

Where goods serving the same function as applicant's (misdescribed) goods can and do possess the quality, function, composition or use that applicant's mark misdescribes, it is reasonable to infer that purchasers will believe the misdescription. *In re Budge Mfg. Co.*, 857 F.2d 773, 8

USPQ2d 1259 (Fed. Cir. 1988), *aff'd* 8 USPQ2d 1790 (TTAB 1987).

The proposed mark, BOTOX, misdescribes the cosmetics, lotions, and creams because these goods do not contain botox. Applicant has stated “[t]his product would be **non-medicated** and help to smooth out wrinkles.” Please see the previously attached Nexis® evidence which refers to botox as an anti-wrinkle treatment and a way to smooth wrinkles and the Nexis® evidence, which illustrates that botox stands for “botulinum toxin” and is regulated by the Food and Drug Administration (FDA).

Applicant asserts that BOTOX is a registered trademark; Examining Attorney does not dispute that BOTOX has been registered for International Class 5 goods. However, the registration of the term BOTOX in International Class 5 does not preclude the term from standing for botulinum toxin. The evidence previously attached by the Examining Attorney indicates that “botox” stands for “botulinum toxin.”

Applicant states:

The Class 3 product would be called, for example BOTOX Complimentary Cream or BOTOX Supporting Cream. Consumers will know, based upon the name of the product and associated promotional materials, that the product does not contain Botulinum Toxin Type A but is used to support and compliment their BOTOX® treatments.

However, the proposed mark is BOTOX alone. Moreover, applicant offers no evidence supporting applicant’s assertion regarding consumers reaction to such products.

Applicant further states:

Attached are a few results from a Google search showing that BOTOX® is referred to as a product name and does not stand for “botulinum toxin.” In addition, botulinum toxin is also sold under the trademarks DYSPORT, XEOMIN, MYOBLOC, among others.

Once again, Examining Attorney acknowledges that BOTOX is registered for certain International Class 5 goods. Please see previously attached Nexis® evidence which illustrates that “botox” stands for “botulinum toxin,” and that “botox” is widely used and a well known name for “botulinum toxin.” Additionally, the fact that botulinum toxin is sold under other registered marks is irrelevant.

Applicant’s goods are classified in International Class 3 and, therefore, are non-medicated cosmetics, lotions, and creams. ^[1] Moreover, applicant has affirmatively stated that the goods are **non-medicated**. Therefore, the proposed mark necessarily misdescribes the applicant’s goods.

Accordingly, the refusal to register is made FINAL.

Proper Response to Final Action

Please note that the only appropriate responses to a final action are either (1) compliance with the outstanding requirements, if feasible, or (2) filing of an appeal to the Trademark Trial and Appeal Board. 37 C.F.R. §2.64(a). If the applicant fails to respond within six months of the mailing date of this refusal, this Office will declare the application abandoned. 37 C.F.R. §2.65(a).

/Carol Spils/
Trademark Attorney
Law Office 104
Phone: 571-272-9226

HOW TO RESPOND TO THIS OFFICE ACTION:

- **ONLINE RESPONSE:** You may respond formally using the Office’s Trademark Electronic Application System (TEAS) Response to Office Action form (visit <http://www.uspto.gov/teas/index.html> and follow the instructions, but if the Office Action has been issued via email, you must wait 72 hours after receipt of the Office Action to respond via TEAS).
- **REGULAR MAIL RESPONSE:** To respond by regular mail, your response should be sent to the mailing return address above and include the serial number, law office number and examining attorney’s name in your response.

STATUS OF APPLICATION: To check the status of your application, visit the Office’s Trademark Applications and Registrations Retrieval (TARR) system at <http://tarr.uspto.gov>.

VIEW APPLICATION DOCUMENTS ONLINE: Documents in the electronic file for pending applications can be viewed and downloaded online at <http://portal.uspto.gov/external/portal/tow>.

GENERAL TRADEMARK INFORMATION: For general information about trademarks, please visit the Office’s website at

<http://www.uspto.gov/main/trademarks.htm>

FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINING ATTORNEY SPECIFIED ABOVE.

Request for Express Abandonment

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	79002971
LAW OFFICE ASSIGNED	LAW OFFICE 104
PUBLISH FOR OPPOSITION DATE	00/00/0000
MARK SECTION	
MARK	BOTOX
REQUEST FOR EXPRESS ABANDONMENT SECTION	
STATEMENT	The applicant hereby expressly abandons the application for trademark registration made under the serial number identified above.
SIGNATURE SECTION	
SIGNATURE	/SUSAN J. HINCHEY/
SIGNATORY NAME	Susan J. Hinchey
SIGNATORY DATE	07/06/2006
FILING INFORMATION SECTION	
SUBMIT DATE	Thu Jul 06 17:37:19 EDT 2006
TEAS STAMP	USPTO/REA-XXX.XXX.XX.XX-2 0060706173719983402-79002 971-2502ad8def826c1d91a40 439a822415d12f-N/A-N/A-20 060706173652337028

Request for Express Abandonment

To the Commissioner for Trademarks:

MARK: BOTOX

SERIAL NUMBER: 79002971

By submission this request, the applicant hereby expressly abandons the application for trademark registration made under the serial number identified above. Except as provided in 37 C.F.R Section 2.135 (concerning the commencement of an opposition, concurrent use, or interference proceeding), the fact that an application has been expressly abandoned shall not, in any proceeding in the United State Patent and Trademark Office, affect any right that the applicant may have in the mark which is the subject of the abandoned application.

Signature: /SUSAN J. HINCHEY/ Date: 07/06/2006

Signatory's Name: Susan J. Hinchey

Serial Number: 79002971

Internet Transmission Date: Thu Jul 06 17:37:19 EDT 2006

TEAS Stamp: USPTO/REA-XXX.XXX.XX.XX-2006070617371998

3402-79002971-2502ad8def826c1d91a40439a8

22415d12f-N/A-N/A-20060706173652337028

To: Gems Style Inc. (423@b3comm.com)
Subject: U.S. TRADEMARK APPLICATION NO. 87519959 - BOTOX - N/A
Sent: 10/11/2017 2:41:55 PM
Sent As: ECOM107@USPTO.GOV

Attachments: [Attachment - 1](#)
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UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION

U.S. APPLICATION
SERIAL NO. 87519959

MARK: BOTOX

87519959

CORRESPONDENT
ADDRESS:
GEMS STYLE INC.
3191 NW 95TH
TERRACE
MIAMI, FL 33147

**CLICK HERE TO RESPOND TO THIS
LETTER:**

http://www.uspto.gov/trademarks/teas/response_forms.jsp

[VIEW YOUR APPLICATION FILE](#)

APPLICANT: Gems
Style Inc.

**CORRESPONDENT'S
REFERENCE/DOCKET
NO:**

N/A

**CORRESPONDENT
E-MAIL ADDRESS:**
423@b3comm.com

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW. A RESPONSE TRANSMITTED THROUGH THE TRADEMARK ELECTRONIC APPLICATION SYSTEM (TEAS) MUST BE RECEIVED BEFORE MIDNIGHT EASTERN TIME OF THE LAST DAY OF THE RESPONSE PERIOD.

ISSUE/MAILING DATE: 10/11/2017

The assigned examining attorney has reviewed the referenced application and determined the following.

SECTION 2(d) REFUSAL – LIKELIHOOD OF CONFUSION

Registration of the applied-for mark is refused because of a likelihood of confusion with the marks in U.S. Registration Nos. 1692384, 1814396, 1709160, 2510673, and 2510675. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* See the attached registrations.

Applicant's mark is BOTOX for "Hair care preparations; Hair conditioners; Hair lotion; Hair shampoos and conditioners; Hair sprays and hair gels; Hair styling preparations; Hair waving lotion; Non-medicated hair treatment preparations for cosmetic purposes; Styling sprays for curly hair, color-treated hair, weak hair, brittle hair" in Class 3.

The registered marks all owned by the same registrant are:

BOTOX for "pharmaceutical preparations; namely, ophthalmic muscle relaxants" in Class 5 (Reg. No. 1692384).

BOTOX for "fluid injection needles for medical use [medical kits containing fluid injection needles and pharmaceuticals; namely, preparations for the treatment of neurological disorders and ophthalmic muscle relaxants; and transportable battery-operated electromyogram machines and amplifiers for same] in Class 10 (Reg. No. 1814396).

BOXTOX for "pharmaceutical preparations for the treatment of neurologic disorders" in Class 5 (Reg. No. 1709160).

BOTOX with a design element for "Pharmaceutical preparations for the treatment of neurological disorders, muscle dystonias, smooth muscle disorders, autonomic nerve disorders, headaches, wrinkles, hyperhidrosis, sports injuries, cerebral palsy, spasms, tremors and pain" in Class 5 (Reg. No. 2510673).

BOTOX in typed characters for "Pharmaceutical preparations for the treatment of neurological disorders, muscle dystonias, smooth muscle disorders, autonomic nerve disorders, headaches, wrinkles, hyperhidrosis, sports injuries, cerebral palsy, spasms, tremors and pain" in Class 5 (Reg. No. 2510675).

Trademark Act Section 2(d) bars registration of an applied-for mark that so resembles a registered mark that it is likely a potential consumer would be confused, mistaken, or deceived as to the source of the goods and/or services of the applicant and registrant. *See* 15 U.S.C. §1052(d). A determination of likelihood of confusion under Section 2(d) is made on a case-by-case basis and the factors set forth in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973) aid in this determination. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d 1344, 1349, 98 USPQ2d 1253, 1256 (Fed. Cir. 2011) (citing *On-Line Careline, Inc. v. Am. Online, Inc.*, 229 F.3d 1080, 1085, 56 USPQ2d 1471, 1474 (Fed. Cir. 2000)). Not all the *du Pont* factors, however, are necessarily relevant or of equal weight, and any one of the factors may control in a given case, depending upon the evidence of record. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d at 1355, 98 USPQ2d at 1260; *In re Majestic Distilling Co.*, 315 F.3d 1311, 1315, 65 USPQ2d 1201, 1204 (Fed. Cir. 2003); *see In re E. I. du Pont de Nemours & Co.*, 476 F.2d at 1361-62, 177 USPQ at 567.

In this case, the following factors are the most relevant: similarity of the marks, similarity and nature of the goods, and similarity of the trade channels of the goods. *See In re Viterro Inc.*, 671 F.3d 1358, 1361-62, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012); *In re Dakin's Miniatures Inc.*, 59 USPQ2d 1593, 1595-96 (TTAB 1999); TMEP §§1207.01 *et seq.*

SIMILARITY OF THE MARKS

Marks are compared in their entireties for similarities in appearance, sound, connotation, and commercial impression. *Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 1321, 110 USPQ2d 1157, 1160 (Fed. Cir. 2014) (quoting *Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondée En 1772*, 396 F.3d 1369, 1371, 73 USPQ2d 1689, 1691 (Fed. Cir. 2005)); TMEP §1207.01(b)-(b)(v). "Similarity in any one of these elements may be sufficient to find the marks confusingly similar." *In re Davia*, 110 USPQ2d 1810, 1812 (TTAB 2014) (citing *In re 1st USA Realty Prof'ls, Inc.*, 84 USPQ2d 1581, 1586 (TTAB 2007)); *In re White Swan Ltd.*, 8 USPQ2d 1534, 1535 (TTAB 1988)); TMEP §1207.01(b).

In this instance, the proposed mark and the registrant's marks are identical. Therefore, the issue of confusion between the marks is obvious. Where the marks of the respective parties are identical or virtually identical, as in this case, the degree of similarity or relatedness between the goods needed to support a finding of likelihood of confusion declines. *See In re i.am.symbolic, llc*, 116 USPQ2d 1406, 1411 (TTAB 2015)

(citing *In re Shell Oil Co.*, 992 F.2d 1204, 1207, 26 USPQ2d 1687, 1689 (Fed. Cir. 1993)); TMEP §1207.01(a).

SIMILARITY OF THE GOODS

Applicant's goods are: " Hair care preparations; Hair conditioners; Hair lotion; Hair shampoos and conditioners; Hair sprays and hair gels; Hair styling preparations; Hair waving lotion; Non-medicated hair treatment preparations for cosmetic purposes; Styling sprays for curly hair, color-treated hair, weak hair, brittle hair" in Class 3.

Registrant's goods include" "Pharmaceutical preparations for the treatment of....wrinkles" in Class 5.

The goods of the parties need not be identical or even competitive to find a likelihood of confusion. See *On-line Careline Inc. v. Am. Online Inc.*, 229 F.3d 1080, 1086, 56 USPQ2d 1471, 1475 (Fed. Cir. 2000); *Recot, Inc. v. Becton*, 214 F.3d 1322, 1329, 54 USPQ2d 1894, 1898 (Fed. Cir. 2000) ("[E]ven if the goods in question are different from, and thus not related to, one another in kind, the same goods can be related in the mind of the consuming public as to the origin of the goods."); TMEP §1207.01(a)(i).

The respective goods need only be "related in some manner and/or if the circumstances surrounding their marketing are such that they could give rise to the mistaken belief that [the goods and/or services] emanate from the same source." *Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1369, 101 USPQ2d 1713, 1722 (Fed. Cir. 2012) (quoting *7-Eleven Inc. v. Wechsler*, 83 USPQ2d 1715, 1724 (TTAB 2007)); TMEP §1207.01(a)(i).

The attached Internet evidence establishes that the same entity commonly produces the relevant goods and markets the goods under the same mark. See attached evidence from www.dclskincare.com, <https://dermae.com>, <http://drdennisgross.com>, <http://shop.mercola.com>, <http://www.neutrogena.com>, and <http://www.rxsystemspsf.com>. This evidence establishes that entities that produce anti-wrinkle products also produce hair care products.

Therefore, applicant's and registrant's goods are considered related for likelihood of confusion purposes. See, e.g., *In re Davey Prods. Pty Ltd.*, 92 USPQ2d 1198, 1202-04 (TTAB 2009); *In re Toshiba Med. Sys. Corp.*, 91 USPQ2d 1266, 1268-69, 1271-72 (TTAB 2009).

Evidence obtained from the Internet may be used to support a determination under Section 2(d) that goods are related. See, e.g., *In re G.B.I. Tile & Stone, Inc.*, 92 USPQ2d 1366, 1371 (TTAB 2009); *In re Paper Doll Promotions, Inc.*, 84 USPQ2d 1660, 1668 (TTAB 2007). The Internet has become integral to daily life in the United States, with Census Bureau data showing approximately three-quarters of American households used the Internet in 2013 to engage in personal communications, to obtain news, information, and entertainment, and to do banking and shopping. See *In re Nieves & Nieves LLC*, 113 USPQ2d 1639, 1642 (TTAB 2015) (taking judicial notice of the following two official government publications: (1) Thom File & Camille Ryan, U.S. Census Bureau, Am. Cmty. Survey Reports ACS-28, *Computer & Internet Use in the United States: 2013* (2014), available at <http://www.census.gov/content/dam/Census/library/publications/2014/acs/acs-28.pdf>, and (2) The Nat'l Telecomms. & Info. Admin. & Econ. & Statistics Admin., *Exploring the Digital Nation: America's Emerging Online Experience* (2013), available at http://www.ntia.doc.gov/files/ntia/publications/exploring_the_digital_nation_-_americas_emerging_online_experience.pdf). Thus, the widespread use of the Internet in the United States suggests that Internet evidence may be probative of public perception in trademark examination.

The trademark examining attorney has attached evidence from the USPTO's X-Search database consisting of a representative sample of third-party marks registered for use in connection with the same or similar goods as those of both applicant and registrant in this case. This evidence shows that the goods listed therein, namely hair care preparations and pharmaceutical preparations for skin wrinkles, are of a kind that may emanate from a single source under a single mark. See *In re Aquamar, Inc.*, 115 USPQ2d 1122, 1126 n.5 (TTAB 2015) (citing *In re Mucky Duck Mustard Co.*, 6 USPQ2d 1467, 1470 n.6 (TTAB 1988)); *In re Albert Trostel & Sons Co.*, 29 USPQ2d 1783, 1785-86 (TTAB 1993); TMEP §1207.01(d)(iii).

Therefore, since these goods commonly originate from the same sources, these goods are related for likelihood of confusion purposes.

Thus, as the marks are similar and the goods are related, there is a likelihood of confusion between the marks. Therefore, registration is refused pursuant to Section 2(d) of the Trademark Act.

The overriding concern is not only to prevent buyer confusion as to the source of the goods and/or services, but to protect the registrant from adverse commercial impact due to use of a similar mark by a newcomer. See *In re Shell Oil Co.*, 992 F.2d 1204, 1208, 26 USPQ2d 1687, 1690 (Fed. Cir. 1993). Therefore, any doubt regarding a likelihood of confusion determination is resolved in favor of the registrant. TMEP §1207.01(d)(i); see *Hewlett-Packard Co. v. Packard Press, Inc.*, 281 F.3d 1261, 1265, 62 USPQ2d 1001, 1003 (Fed. Cir. 2002); *In re Hyper Shoppes (Ohio), Inc.*, 837 F.2d 463, 464-65, 6 USPQ2d 1025, 1026 (Fed. Cir. 1988).

Although applicant's mark has been refused registration, applicant may respond to the refusal(s) by submitting evidence and arguments in support of registration.

PRIOR PENDING APPLICATIONS

The effective filing dates of pending U.S. Application Serial Nos. 87-292966 and 87-404321 precede applicant's filing date. See attached referenced applications. If one or more of the marks in the referenced applications register, applicant's mark may be refused registration under Trademark Act Section 2(d) because of a likelihood of confusion with the registered mark(s). See 15 U.S.C. §1052(d); 37 C.F.R. §2.83; TMEP §§1208 *et seq.* Therefore, upon receipt of applicant's response to this Office action, action on this application may be suspended pending final disposition of the earlier-filed referenced applications.

In response to this Office action, applicant may present arguments in support of registration by addressing the issue of the potential conflict

between applicant's mark and the marks in the referenced applications. Applicant's election not to submit arguments at this time in no way limits applicant's right to address this issue later if a refusal under Section 2(d) issues.

RESPONDING

If applicant has questions regarding this Office action, please telephone or e-mail the assigned trademark examining attorney. All relevant e-mail communications will be placed in the official application record; however, an e-mail communication will not be accepted as a response to this Office action and will not extend the deadline for filing a proper response. See 37 C.F.R. §§2.62(c), 2.191; TMEP §§304.01-.02, 709.04-.05. Further, although the trademark examining attorney may provide additional explanation pertaining to the refusal(s) and/or requirement(s) in this Office action, the trademark examining attorney may not provide legal advice or statements about applicant's rights. See TMEP §§705.02, 709.06.

For this application to proceed further for the full list of applicant's goods, applicant must explicitly address each refusal and/or requirement raised in this Office action. If the action includes a refusal, applicant may provide arguments and/or evidence as to why the refusal should be withdrawn and the mark should register. Applicant may also have other options specified in this Office action for responding to a refusal and should consider such options carefully. To respond to requirements and certain refusal response options, applicant should set forth in writing the required changes or statements. For more information and general tips on responding to USPTO Office actions, response options, and how to file a response online, see "[Responding to Office Actions](#)" on the USPTO's website.

TEAS PLUS OR TEAS REDUCED FEE (TEAS RF) APPLICANTS – TO MAINTAIN LOWER FEE, ADDITIONAL REQUIREMENTS MUST BE MET, INCLUDING SUBMITTING DOCUMENTS ONLINE: Applicants who filed their application online using the lower-fee TEAS Plus or TEAS RF application form must (1) file certain documents online using TEAS, including responses to Office actions (see TMEP §§819.02(b), 820.02(b) for a complete list of these documents); (2) maintain a valid e-mail correspondence address; and (3) agree to receive correspondence from the USPTO by e-mail throughout the prosecution of the application. See 37 C.F.R. §§2.22(b), 2.23(b); TMEP §§819, 820. TEAS Plus or TEAS RF applicants who do not meet these requirements must submit an additional processing fee of \$125 per class of goods and/or services. 37 C.F.R. §§2.6(a)(1)(v), 2.22(c), 2.23(c); TMEP §§819.04, 820.04. However, in certain situations, TEAS Plus or TEAS RF applicants may respond to an Office action by authorizing an examiner's amendment by telephone or e-mail without incurring this additional fee.

/Midge F. Butler/
Trademark Attorney
Law Office 107
571 272 9137
midge.butler@uspto.gov

TO RESPOND TO THIS LETTER: Go to http://www.uspto.gov/trademarks/teas/response_forms.jsp. Please wait 48-72 hours from the issue/mailling date before using the Trademark Electronic Application System (TEAS), to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

All informal e-mail communications relevant to this application will be placed in the official application record.

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at TrademarkAssistanceCenter@uspto.gov or call 1-800-786-9199. For more information on checking

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Mark: GS GEMS STYLE

GS GEMS STYLE

US Serial Number: 88032691

Application Filing Date: Jul. 10, 2018

US Registration Number: 5690042

Registration Date: Mar. 05, 2019

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Trademark

TM5 Common Status

LIVE/REGISTRATION/Issued and Active

Descriptor:



The trademark application has been registered with the Office

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

Status Date: Mar. 05, 2019

Publication Date: Dec. 18, 2018

Mark Information

Goods and Services

Basis Information (Case Level)

Current Owner(s) Information

Attorney/Correspondence Information

Prosecution History

TM Staff and Location Information

Assignment Abstract Of Title Information - Click to Load

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Dianne's Impressions Salon

4.4 (16) · Beauty Salon

Main Street Shopping Center
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Closed · Opens 9AM Tue

Their website mentions **hair botox**

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Infinito Colors

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 "have previously bought keratin and **Botox** from other manufacturers ..."

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 More places

Hair Botox treatment smooths the curls and makes them much more manageable, but this treatment won't completely straighten the hair. Brazilian keratin ...

botox for hair growth

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Medical Spa Industry Overview

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Revenues are forecasted to grow at an 8% average annual pace from 2017 to 2022.

AVERAGE MEDICAL SPA REVENUE

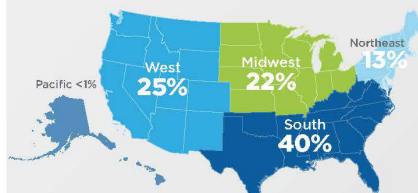
\$945,000

The average medical spa generated \$945,000 in total revenues in 2016, up 6.9% from 2015.

TOP 3 REVENUE-GENERATING TREATMENTS

- Botulinum Toxin A Injections/
Facial Fillers
- Aesthetician Services
- Laser Hair Removal

MEDICAL SPAS BY REGION*

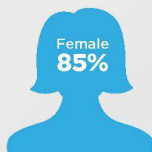


*Percentages from 4,192 medical spas reporting locations.

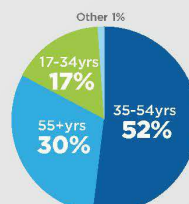
STATES WITH THE MOST MEDICAL SPAS



CLIENT PROFILE



More than 85% of a medical spa's clients are female. However, the share of male customers may well be on the increase, as medical spas are starting to specialize in marketing to men and making their facilities more male-friendly.



Most medical spa clients are middle-aged, 52% between 35 and 54 years old. Another nearly 30% are 55 years old or older, generally considered the Baby Boomer generation. A respectable 17% of clients fall into the 18- to 34-year-old class, the Millennials.

For more information, contact info@americanmedspa.org or 312-981-0993.

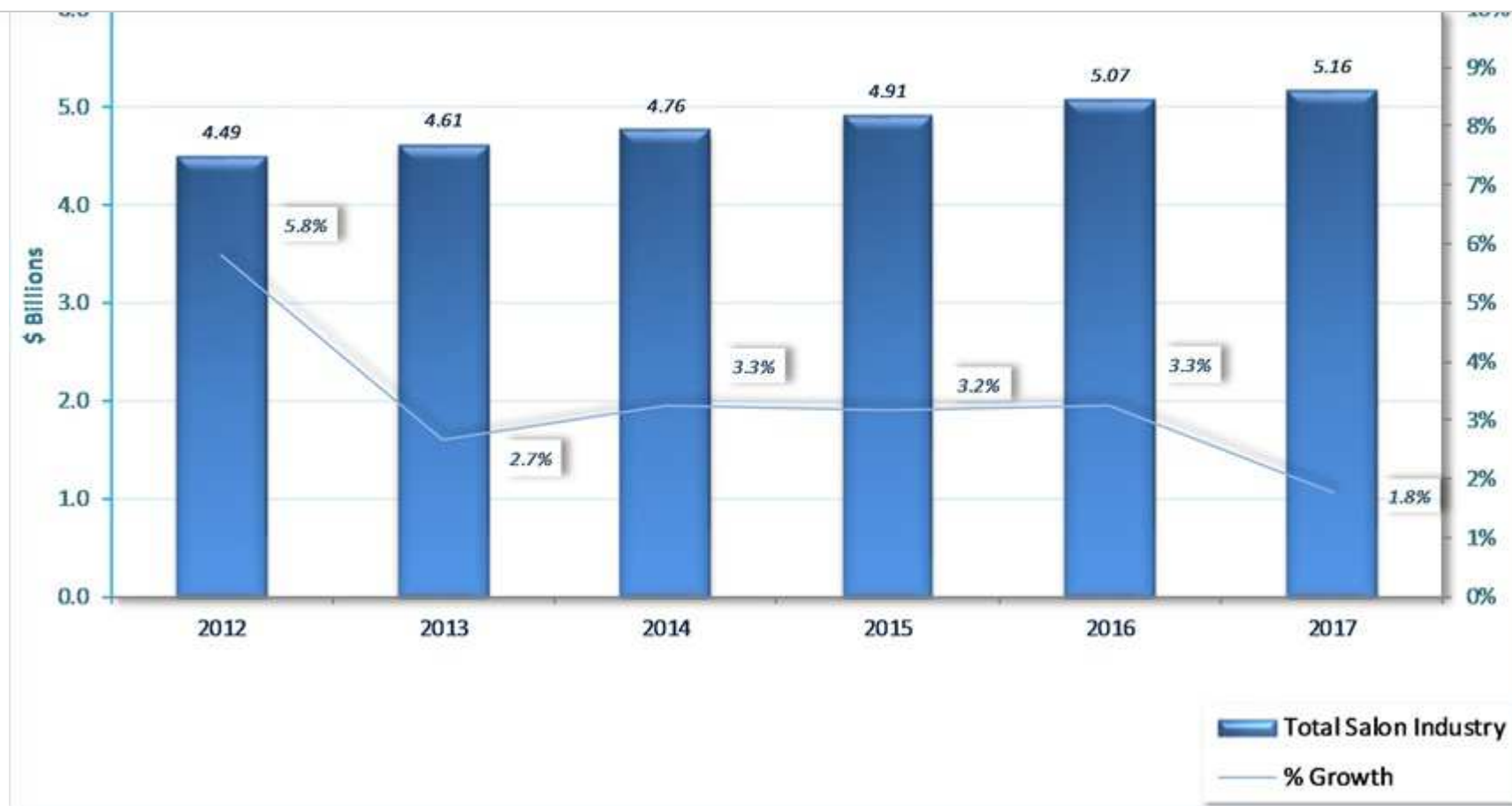
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Salon Business News

2017 Professional Salon Industry Haircare Study Reports Salon Industry Growth Figures

March 2, 2018 | 12:54 PM

salon today



Overall revenues for all salon industry services (hair, skin, nails) plus salon retail grew only 2%, per the new **2017 Professional Salon Industry Haircare Study** from **Professional Consultants & Resources**, the leading salon industry consultants and premier data source. Total U.S. salon services and salon retail sales grew by 2% to \$63 billion. Nearly 257,000 salons and barbershops in the United States use and sell salon hair care products. However, the salon count declined by 5%, as many traditional, commission-based salons closed, and

salon today

“The state of our salon industry is weak and in a very low growth mode, due to multiple factors,” says **Cyrus Bulsara, president of Professional Consultants & Resources**. “The salon suites tsunami has resulted in salon retail moving to Ulta, Amazon, online sales and mass-retail diversion sales. Haircolor in salons has slowed, due to high costs and lower salon visit frequencies, plus a growing number of women embracing their natural gray, silver or white. Many women opted for cheaper cuts at family-economy chains like Great Clips and styled their hair at home. More men went to Sport Clips and sports-themed barbershops. Family-economy salons grew robustly. Sales of haircolor, shampoos, conditioners, hair sprays, hair styling products and specialty products all increased, but at much lower rates. Major M&A activity at Coty and Henkel created down-stocking and realignments. With the U.S. economy trending up, future growth is expected. New, high-performance care products; new haircolor lines; large, swanky salon suites; and new management at top manufacturers will drive sales.”

Haircoloring remains a vital anchor service at U.S. salons, attracting clients for all other services like cuts, styles, perms and straighteners. Haircoloring services grew only 2.6%, primarily from Boomers needing gray-coverage and young adults’ demands for fashion haircolor like blonding, highlights, baby-lights, balayage, sombrés and shadow roots. Vibrants, vivids and pastels slowed. Keratin straightening services grew slightly. Cutting and styling grew at a low 2.3%, as client visit frequencies decreased, and more heads were done at lower prices at family-economy chains and rentals. Blow-Dry Bars grew very strongly at a rate of 25% in both revenues and number of locations.

salon today

- Men's haircolor grew strongly. The study offers a detailed analysis of men's salon services and product sales.
- Traditional salons and mall chains continued to close, giving way to family-economy chains and salon suites, plus high-end barbershops. This huge, dynamic market trend is quantified and analyzed in detail. Detailed salon counts for every chain are included.
- At top distributors, Beauty Systems Group/CosmoProf sales grew 1.7%; L'Oréal's SalonCentric grew 3% due to Redken and partner brands.
- Sally Beauty store sales were flat, due, in part, to adverse weather events, like hurricanes and floods, in Texas, Florida and Puerto Rico.
- Chic independent salons, plus A and B class rentals, drove full-service sales at CosmoProf, SalonCentric and other distributor stores.
- Salon suites like Sola, Salon Plaza, Salon Lofts, Salon Republic, Solera, Phenix, Salons by JC and Salon Concepts continued to grow rapidly.
- Sales at Regis are finally stabilizing, as they divested and franchised nearly 858 mall-based salons and reconfigured the SmartStyle value brand.
- Great Clips registered 4.5% growth and Sport Clips grew 10.2%. Both family-economy chains took market share from traditional salons.
- Salon retail haircare grew primarily due to products for haircolor protection, and new types of oils, hair/scalp masks and treatments.

salon today

- Specialty products, including oils and those for hair thinning and loss, shine and thermal protection, grew at mid-single digits.
- Sales of shampoos and conditioners grew at very low single-digits. Women are shampooing less often and using cheaper mass brands.
- At Ulta, salon product sales grew at about 15% due to very aggressive promotions and special offers with deep discounts.
- Redken and John Paul Mitchell Systems were the only two major companies with mid-single-digit growth, due to solid new launches.
- Direct sales at Wella, Aveda and Bumble grew at lower rates.
- Market shares are detailed for every company, with L'Oréal Professional, Coty Professional and John Paul Mitchell Systems, respectively, ranked as the top three manufacturers. Henkel vaulted into fourth place with Schwarzkopf, Sexy Hair, Kenra, Alterna and Pravana. (The company acquired Joico and Zotos from Shiseido at the end of 2017.) Estée Lauder with Aveda and Bumble ranks next. Unilever (TIGI and Alberto-Culver), Revlon Professional (American Crew/Roux) and KAO (Goldwell/KMS) followed. Luxury Brand Partners, Keune Haircosmetics North America and Kevin Murphy all achieved double-digit growth.

New study sections detail cut, color and style trends; data analysis of barbershops and men's services/products; ingredient issues; leading manufacturers' reps; plus, sales data for AG Hair, Aloxxi,

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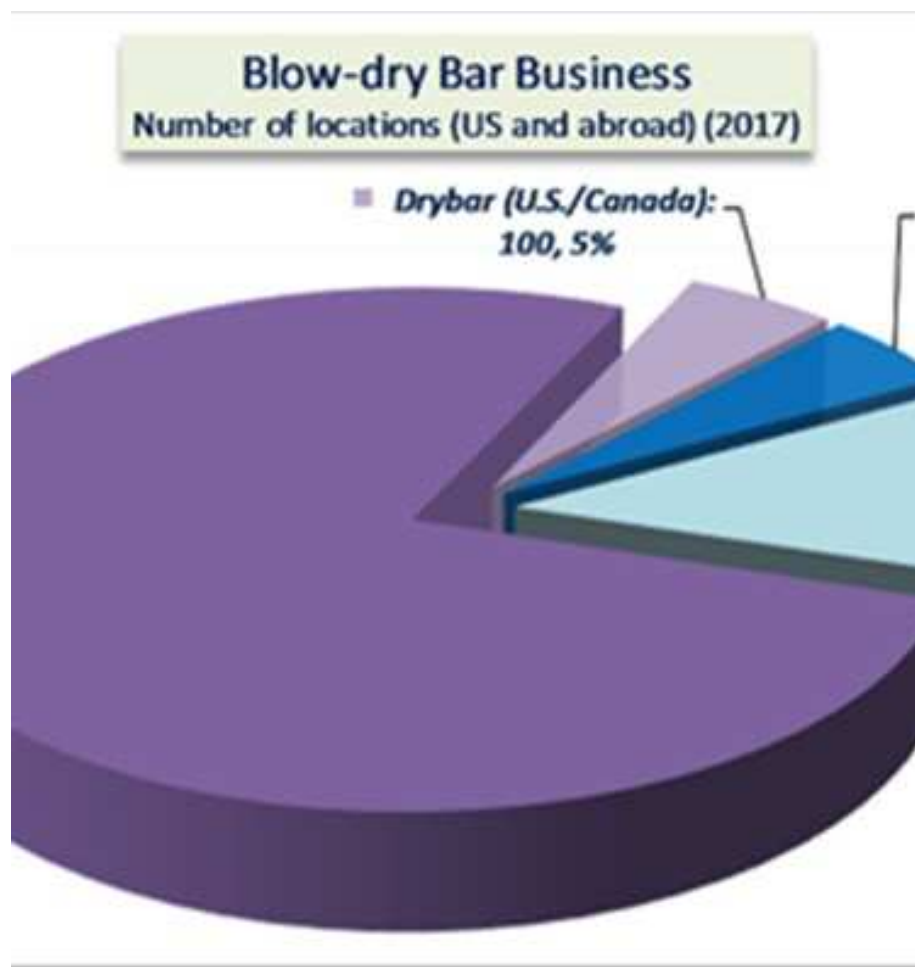


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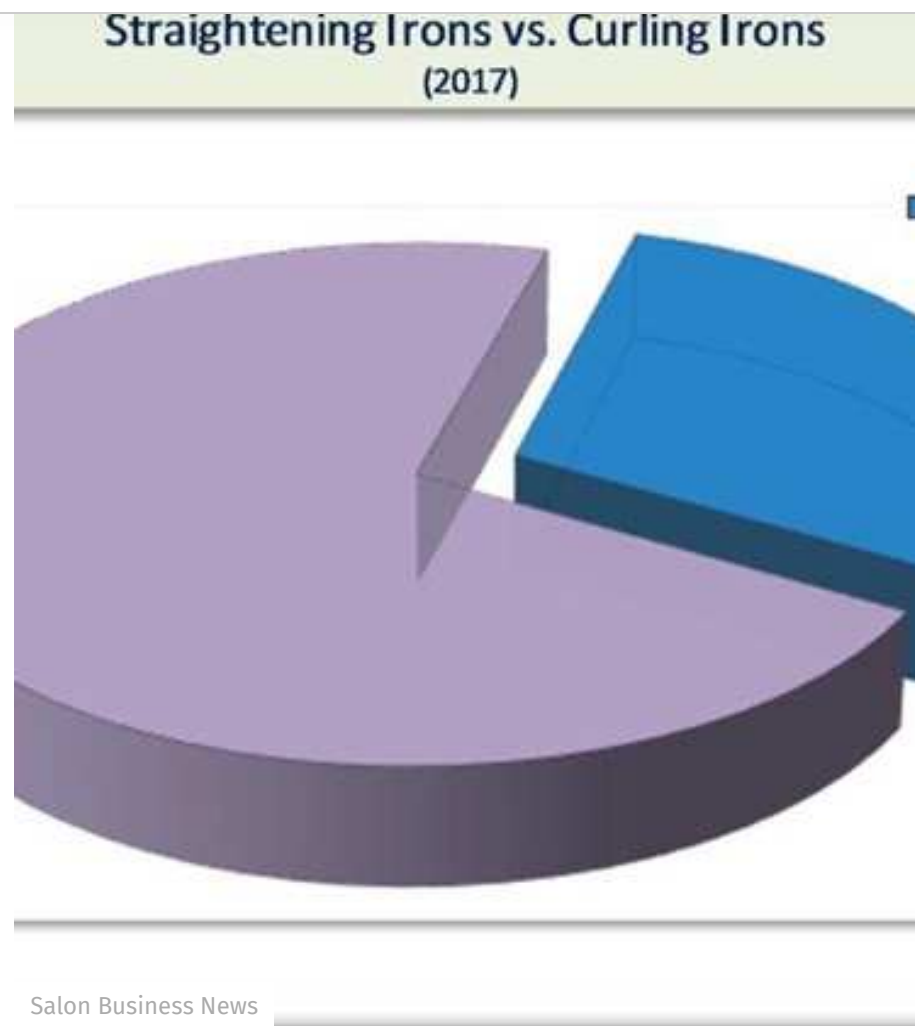
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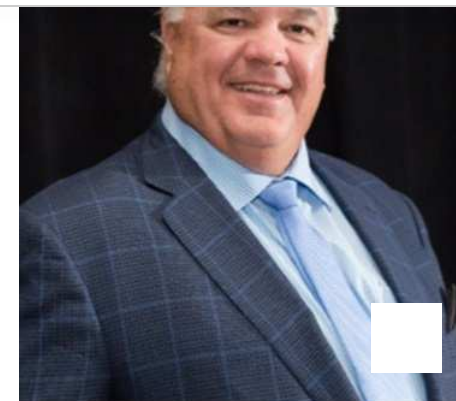
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H. R. 683

One Hundred Ninth Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Tuesday,
the third day of January, two thousand and six*

An Act

To amend the Trademark Act of 1946 with respect to dilution by blurring or
tarnishment.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the “Trademark
Dilution Revision Act of 2006”.

(b) REFERENCES.—Any reference in this Act to the Trademark
Act of 1946 shall be a reference to the Act entitled “An Act to
provide for the registration and protection of trademarks used in
commerce, to carry out the provisions of certain international
conventions, and for other purposes”, approved July 5, 1946 (15
U.S.C. 1051 et seq.).

SEC. 2. DILUTION BY BLURRING; DILUTION BY TARNISHMENT.

Section 43 of the Trademark Act of 1946 (15 U.S.C. 1125)
is amended—

(1) by striking subsection (c) and inserting the following:
“(c) DILUTION BY BLURRING; DILUTION BY TARNISHMENT.—

“(1) INJUNCTIVE RELIEF.—Subject to the principles of equity,
the owner of a famous mark that is distinctive, inherently
or through acquired distinctiveness, shall be entitled to an
injunction against another person who, at any time after the
owner’s mark has become famous, commences use of a mark
or trade name in commerce that is likely to cause dilution
by blurring or dilution by tarnishment of the famous mark,
regardless of the presence or absence of actual or likely confu-
sion, of competition, or of actual economic injury.

“(2) DEFINITIONS.—(A) For purposes of paragraph (1), a
mark is famous if it is widely recognized by the general con-
suming public of the United States as a designation of source
of the goods or services of the mark’s owner. In determining
whether a mark possesses the requisite degree of recognition,
the court may consider all relevant factors, including the fol-
lowing:

“(i) The duration, extent, and geographic reach of
advertising and publicity of the mark, whether advertised
or publicized by the owner or third parties.

“(ii) The amount, volume, and geographic extent of
sales of goods or services offered under the mark.

“(iii) The extent of actual recognition of the mark.

“(iv) Whether the mark was registered under the Act of March 3, 1881, or the Act of February 20, 1905, or on the principal register.

“(B) For purposes of paragraph (1), ‘dilution by blurring’ is association arising from the similarity between a mark or trade name and a famous mark that impairs the distinctiveness of the famous mark. In determining whether a mark or trade name is likely to cause dilution by blurring, the court may consider all relevant factors, including the following:

“(i) The degree of similarity between the mark or trade name and the famous mark.

“(ii) The degree of inherent or acquired distinctiveness of the famous mark.

“(iii) The extent to which the owner of the famous mark is engaging in substantially exclusive use of the mark.

“(iv) The degree of recognition of the famous mark.

“(v) Whether the user of the mark or trade name intended to create an association with the famous mark.

“(vi) Any actual association between the mark or trade name and the famous mark.

“(C) For purposes of paragraph (1), ‘dilution by tarnishment’ is association arising from the similarity between a mark or trade name and a famous mark that harms the reputation of the famous mark.

“(3) EXCLUSIONS.—The following shall not be actionable as dilution by blurring or dilution by tarnishment under this subsection:

“(A) Any fair use, including a nominative or descriptive fair use, or facilitation of such fair use, of a famous mark by another person other than as a designation of source for the person’s own goods or services, including use in connection with—

“(i) advertising or promotion that permits consumers to compare goods or services; or

“(ii) identifying and parodying, criticizing, or commenting upon the famous mark owner or the goods or services of the famous mark owner.

“(B) All forms of news reporting and news commentary.

“(C) Any noncommercial use of a mark.

“(4) BURDEN OF PROOF.—In a civil action for trade dress dilution under this Act for trade dress not registered on the principal register, the person who asserts trade dress protection has the burden of proving that—

“(A) the claimed trade dress, taken as a whole, is not functional and is famous; and

“(B) if the claimed trade dress includes any mark or marks registered on the principal register, the unregistered matter, taken as a whole, is famous separate and apart from any fame of such registered marks.

“(5) ADDITIONAL REMEDIES.—In an action brought under this subsection, the owner of the famous mark shall be entitled to injunctive relief as set forth in section 34. The owner of the famous mark shall also be entitled to the remedies set forth in sections 35(a) and 36, subject to the discretion of the court and the principles of equity if—

“(A) the mark or trade name that is likely to cause dilution by blurring or dilution by tarnishment was first used in commerce by the person against whom the injunction is sought after the date of enactment of the Trademark Dilution Revision Act of 2006; and

“(B) in a claim arising under this subsection—

“(i) by reason of dilution by blurring, the person against whom the injunction is sought willfully intended to trade on the recognition of the famous mark; or

“(ii) by reason of dilution by tarnishment, the person against whom the injunction is sought willfully intended to harm the reputation of the famous mark.

“(6) OWNERSHIP OF VALID REGISTRATION A COMPLETE BAR TO ACTION.—The ownership by a person of a valid registration under the Act of March 3, 1881, or the Act of February 20, 1905, or on the principal register under this Act shall be a complete bar to an action against that person, with respect to that mark, that—

“(A)(i) is brought by another person under the common law or a statute of a State; and

“(ii) seeks to prevent dilution by blurring or dilution by tarnishment; or

“(B) asserts any claim of actual or likely damage or harm to the distinctiveness or reputation of a mark, label, or form of advertisement.

“(7) SAVINGS CLAUSE.—Nothing in this subsection shall be construed to impair, modify, or supersede the applicability of the patent laws of the United States.”; and

(2) in subsection (d)(1)(B)(i)(IX), by striking “(c)(1) of section 43” and inserting “(c)”.

SEC. 3. CONFORMING AMENDMENTS.

(a) MARKS REGISTRABLE ON THE PRINCIPAL REGISTER.—Section 2(f) of the Trademark Act of 1946 (15 U.S.C. 1052(f)) is amended—

(1) by striking the last two sentences; and

(2) by adding at the end the following: “A mark which would be likely to cause dilution by blurring or dilution by tarnishment under section 43(c), may be refused registration only pursuant to a proceeding brought under section 13. A registration for a mark which would be likely to cause dilution by blurring or dilution by tarnishment under section 43(c), may be canceled pursuant to a proceeding brought under either section 14 or section 24.”.

(b) OPPOSITION.—Section 13(a) of the Trademark Act of 1946 (15 U.S.C. 1063(a)) is amended in the first sentence by striking “as a result of dilution” and inserting “the registration of any mark which would be likely to cause dilution by blurring or dilution by tarnishment”.

(c) CANCELLATION.—Section 14 of the Trademark Act of 1946 (15 U.S.C. 1064) is amended, in the matter preceding paragraph (1) by striking “, including as a result of dilution under section 43(c),” and inserting “, including as a result of a likelihood of dilution by blurring or dilution by tarnishment under section 43(c),”.

(d) MARKS FOR THE SUPPLEMENTAL REGISTER.—The second sentence of section 24 of the Trademark Act of 1946 (15 U.S.C. 1092) is amended to read as follows:

H. R. 683—4

“Whenever any person believes that such person is or will be damaged by the registration of a mark on the supplemental register—

“(1) for which the effective filing date is after the date on which such person’s mark became famous and which would be likely to cause dilution by blurring or dilution by tarnishment under section 43(c); or


“(2) on grounds other than dilution by blurring or dilution by tarnishment, such person may at any time, upon payment of the prescribed fee and the filing of a petition stating the ground therefor, apply to the Director to cancel such registration.”.

(e) DEFINITIONS.—Section 45 of the Trademark Act of 1946 (15 U.S.C. 1127) is amended by striking the definition relating to the term “dilution”.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

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What is Botox for hair and what does it do?

By Rachel Nall, RN, BSN, CCRN | Last reviewed Wed 20 December 2017

Reviewed by Cynthia Cobb, APRN

What is Botox for hair? How does Botox for hair work? Risks and considerations Other treatment options Outlook

Botox for hair is a cosmetic treatment that is designed to enhance the strength and appearance of hair.

There are two types of Botox for hair treatments that are currently available, and understanding how these work can help a person decide whether they are suitable.

What is Botox for hair?

Botox has been advertised for use in creating more beautiful hair. Two types of Botox treatments exist.

The first is Botox for hair, which does not contain Botox at all. Instead, it is a topical application designed to "fill in" damaged hair, making it shinier and healthier-looking.

The other application involves injecting Botox into the scalp. This is an off-label use of the Botox product, meaning that the United States Food and Drug Administration (FDA) have not approved it for this purpose.

Botox is a compound made from botulinum toxin, a substance that is known to cause muscle paralysis.

While botulinum toxin can be toxic in large quantities, doctors use it in smaller amounts for several beneficial purposes. These can include reducing sweating, migraine headaches, lazy eye, and swallowing difficulties, as well as for cosmetic purposes.

Who might use Botox for hair?

Topical applications of products marketed as Botox for hair are usually recommended for those who have brittle, damaged, or frizzy hair. People whose hair has been damaged by heat styling and coloring may also benefit from hair smoothing and strengthening treatments.



Two types of Botox treatment exist for hair: Botox for hair and injecting botox into the scalp.

Botox injections for the scalp are marketed to people who sweat excessively because sweating can cause hair to appear stringy and unclean quickly.

People who get the injections may be able to leave their hair for longer periods between washes. Botox scalp injections are also rumored to boost hair growth, but this has not been proven.

How does Botox for hair work?

The idea of Botox for hair comes from the theory that topical treatments can fill in damaged portions of hair, making the hair appear smoother and healthier. The same is true for Botox that is injected into the face to reduce the appearance of lines and wrinkles.

A person may not sweat as much when Botox is injected into the scalp.

Some of the products that are marketed as Botox for hair include L'Oreal Professionel's Fiberceutic. This product contains a compound that the company calls "Intra-Cyclane," which is intended to smooth and plump the hair.

Other companies and hair salons may market a combination of products — such as vitamins, essential oils, and collagen — as Botox for hair.

Repair lotions and treatments for hair are available for purchase online.

When Botox is injected into the scalp, it reduces the work of the eccrine or sweat glands. As a result, a person may not experience such high amounts of sweat.

Botox injections can result in fewer incidences of frizz and the ability to go longer without washing the hair. One of the nicknames for this approach to Botox for hair is "Blotox," because the injections are reported to extend the life of a blowout.

Risks and considerations

While topical Botox for hair injections are intended to strengthen the hair and improve its appearance, sometimes the opposite occurs.

Most stylists do not recommend using these treatments more than three to four times a year. Otherwise, hair breakage, thinning, and dullness can occur.

There is also a chance that these treatments will not work, and they are very expensive.

Botox injections into the scalp may be a short-term solution to frizz or greasy hair. In the end, the body absorbs the Botox into the system, which means that a person may start seeing less of an effect about 2 to 3 months after the initial Botox injections.

Like topical treatments, Botox injections can be costly. Some treatments can cost more than a \$1,000.

Other treatment options

Botox is just one of many treatments available to people who want to enhance the appearance of their hair.

The use of heat on the hair should be reduced to strengthen the hair, as heat styling may weaken and damage it.

Beauty experts consider keratin treatments similar to Botox for hair. These treatments involve applying a special solution to the hair to smooth and strengthen it. Some of the ingredients include keratin and amino acids.

However, some keratin treatments have been investigated because they contain ingredients such as methylene glycol or formalin. These are preservatives that become the compound formaldehyde when heated.

Formaldehyde is a known carcinogen, meaning it can cause cancer. Therefore, these treatments are not healthful for a person.

Other keratin smoothing treatments, such as Liquid Keratin and Organix Brazilian Keratin Therapy, are available at hair salons. Instead of formalin or methylene glycol, these treatments contain a compound known as biformyl.

While researchers do not consider biformyl to be as dangerous as formaldehyde, it can still cause significant irritation to the skin, eyes, and respiratory tract.

People can also purchase keratin and anti-frizzing products at beauty supply stores. Examples include Supersilk Smoothing System and Cezanne Perfect Finish.

Instead of buying these treatments, a person might benefit from several lifestyle changes that can make hair healthier and stronger. These include the following steps:

- Reducing the number of heat stylings, such as curling irons, flat irons, and hair dryers. These can weaken hair and make it more prone to breakage.
- Reducing stress levels. Stress can affect the skin and hair. Stress causes the body to release extra levels of stress hormones, which can lead to hair loss in extreme instances.
- Eating a healthful diet that features a wide variety of fruits and vegetables.

Some people may also wish to take supplements with trace vitamins and minerals known to improve the hair's appearance. These include biotin, iron, silica, and zinc. However, scientists have not definitively proven that these supplements will help.

Often, if a person practices these self-care techniques at home, they might see improvements in their hair.

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Outlook

While Botox has proven a revolutionary product for many health concerns and conditions, the compound has not been definitively proven to help repair or improve hair.

If a person is experiencing profound hair damage or hair loss that does not improve with over-the-counter treatments, they should talk to their healthcare provider.

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Additional information

Article last reviewed by Wed 20 December 2017.

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What Is Botox for Hair?

Medically reviewed by [Cynthia Cobb, APR](#) on May 23, 2017 — Written by Chaunie Brusie, RN, BSN

[Botox](#) [Function](#) [Candidates](#) [Process](#) [Cost](#) [Efficacy](#) [Safety](#)
[Hair Botox vs. keratin](#) [Takeaway](#)

Overview

When you think of wrinkles, you may think of onabotulinumtoxin A (Botox), a common prescription medication that some people use to smooth wrinkles. But what about Botox for your hair?

Hair on your head loses fullness and elasticity as it ages, just like your skin. New hair products market themselves as Botox for hair because they're supposed to help fill the hair, make it smooth, and reduce frizz.

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Does Botox for hair contain Botox?

Botox for hair doesn't actually contain the ingredient of botulinum toxin, which is the main ingredient of [Botox](#). Instead, it's a name based on how the product works. Just like Botox works by relaxing the muscles and smoothing skin, "hair Botox" works by filling in individual fibers of hair to help give it fullness and make it smooth.

How does hair Botox work?

Hair Botox is actually a deep conditioning treatment that coats hair fibers with a filler, such as keratin. The treatment fills in any broken or thin areas on each hair strand to make hair appear more full and lustrous.

The ingredients differ depending on the product. L'Oreal Professional's Fiberceutic uses an ingredient called Intra-Cylane to fill hair strands with flexible, soft fibers. That helps create the appearance of fuller, smoother hair. Another popular product, Majestic Hair Botox, claims to use a patented mix of:

- caviar oil

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- E vitamins
- collagen complex, which makes up the “Botox” part of the treatment

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Who can use Botox for hair?

You can use Botox for hair if you have:

- split ends
- very fine hair, lacking volume or luster
- damaged hair
- frizzy hair
- hair that you want straightened

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What happens during application?

Botox for your hair doesn't use injections of any kind. Instead, it's a conditioning agent that's applied directly to your strands of hair. You can go to a hair salon to have the treatment or purchase the products to apply at home.

The treatment begins with a shampoo to open your hair cuticles and prepare the strands for conditioning. The hair Botox is then applied to the strands by massaging the product on from root to tips. The treatment is left on wet hair for a period of time, usually between 20–90 minutes.

Some salons may charge a fee to give you the treatment before you can purchase the product.

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product on your hair while they dry and straighten your hair to help the product more fully penetrate your hair strands.

You'll see the results of the Botox hair treatment immediate upon your hair drying.

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How much does hair Botox cost?

The cost for Botox hair treatment ranges from around \$150–\$300 and upward, depending on if you purchase the ingredients to use at home or get the treatment done at a salon. Prices also vary by geographic location. If you're having the treatment done at a salon, ask about price before you make your appointment.

How effective is hair Botox?

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Hair Botox is a popular trend right now, and there are many at-home versions that claim to be the real deal. It's difficult to know how well these products work or if the ingredients are high-quality.

Your best bet to get good results would be to visit a trusted salon and ask a hair stylist there for recommendations for the treatment. Hair stylists can purchase their products from verified sellers, so they know they're getting the best products from trusted vendors.

The effects of hair Botox are supposed to last between 2–4 months, although the exact time frame will vary from person to person. It's recommended that you use a low-sulfate or sulfate-free shampoo to preserve the results.

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Is hair Botox safe?

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reduce the risk of damaging side effects, the treatment shouldn't come in contact with your skin.

Hair Botox vs. keratin

Keratin treatments are chemical treatments that often contain formaldehyde. The formaldehyde is used to “lock” or “freeze” hair strands into a straight position to help keep them smooth. Although the formaldehyde used in these treatments has caused [some concern](#) because formaldehyde is a carcinogen, it does produce long-lasting results.

Keratin hair treatments are typically a bit cheaper to purchase on your own. They cost between \$70–\$100, but may run upward of \$150 or more in a salon.

Hair Botox, on the other hand, is just a conditioning treatment and it doesn't use chemical reactions to work. Botox hair treatment don't contain any formaldehyde.

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Takeaway

If you're looking for a solution to smooth your hair and make it appear more full and lustrous, a Botox hair treatment can help. Be prepared to spend a couple hundred dollars and visit a trusted salon for the best results.

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Hair Botox: What Is It for and Does It Work?

Written by Dylan Bridger (<https://www.zwivel.com/blog/author/dylan/>)

🕒 January 28, 2019

♡ 3

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- Hair Botox Side Effects
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- Before and Afters
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- **Hair botox is a rejuvenating hair treatment that reduces frizz and improves the health of your hair.**
- **Hair botox is suitable for all hair types.**
- **Hair botox is much safer than keratin treatment.**

Hair botox is a deep conditioning treatment that eliminates frizz, adds volume and rejuvenates damaged hair. It's marketed as a safer alternative to keratin treatment, which typically contains harsh chemicals like formaldehyde.

x



What Is Hair Botox?

Hair botox might share its name with the popular anti-wrinkle treatment, but that's where the similarities end. Whereas Botox is an injectable product used cosmetically to reduce the appearance of wrinkles, hair botox is a topical treatment intended for use on hair. Hair botox does not contain botulinum toxin (<https://www.zwivel.com/botox>), the neurotoxin in Botox that relaxes facial muscles and smoothes the skin.

The active ingredients found in hair botox can vary depending on the product, but likely includes:

- B5 Vitamins
- E Vitamins
- Argan Oil
- Coconut Oil
- Collagen Complex
- Glyoxylic Acid

A range of cosmetics companies make hair botox products, including L'Oréal, Koko Keratin, INOAR Professional and many more.

Does It Work?

Hair botox can improve the appearance and health of your hair. The treatment reduces frizz, makes your hair look smoother and reduces styling time. Hair botox also hydrates and moisturizes your hair. This helps reverse damage, prevents split ends and supports hair growth.

Results are visible immediately and tend to last for approximately three months. The effects of hair botox can typically vary depending on lifestyle factors and your hair type.

Who Is a Good Candidate for Hair Botox?

Keratin treatment is usually reserved for people with coarse, frizzy hair. Hair botox, on the other hand, can be used by just about anyone who wishes to enhance the appearance of their hair. Hair botox acts on a structural level to help repair damaged hair, making it suitable for a wide range of candidates, including people with:



(https://www.zwivel.com)

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- Thick hair
- Curly hair
- Straight hair
- Split ends

Thanks to the rejuvenating properties of hair botox, it can also be used to reverse hair damage caused by:

- Straightening
- Curling
- Bleaching
- Coloring
- Over-brushing

What's Involved with Hair Botox Treatment?

As noted above, no needles are required for hair botox treatment. Instead, the product is applied directly to your hair and combed through to maximize coverage.

Where do I go for treatment?

You can do the treatment on your own at home using products you've purchased yourself, or have it done professionally at a hair salon.

What should I expect?

The details of the treatment can vary slightly depending on the product, but typically involves:

1. Washing your hair with a cleanser to remove buildup and prepare it for conditioning.
2. Separating your hair into sections.
3. Applying the hair botox by brushing and/or massaging the product into your hair.



x



1. Sealing the treatment. Some stylists will leave the product in for 30-90 minutes before rinsing it out and straightening your hair with a flat iron. Others may leave the product on while drying and straightening your hair.

Hair Botox Side Effects

Hair botox is generally considered to be very safe. Most people are able to achieve good results without experiencing any negative side effects.

As with most topical treatments, there is a small risk of an allergic reaction occurring. Do a small spot test on your hair to see how your body responds before applying the product to the rest of your head. Similarly, try to avoid getting hair botox on your skin to reduce the risk of triggering a skin reaction.

Hair Botox vs Keratin Treatment

Hair botox and keratin treatment share a number of similarities. Both products can be used to make your hair smoother, shinier and easier to style, and both products tend to last for roughly three months. However, they also have some key differences to be aware of:

- Hair botox is suitable for all types of hair, while keratin treatment is usually used only on thick, frizzy hair.
- Hair botox conditions and rejuvenates damaged hair, whereas keratin treatment may cause damage with repeat treatments.
- Hair botox can be applied at home. Keratin treatment needs to be done in a salon out of safety concerns.

Hair Botox does not contain formaldehyde

The most important difference between hair botox and keratin treatment is that hair botox does not contain formaldehyde. This makes it much safer to use than keratin.

Overexposure to formaldehyde can increase the risk of cancer. In 2011, the National Toxicology Program (<https://www.ncbi.nlm.nih.gov/books/NBK248280/>) reassessed formaldehyde and updated its listing to “known to be a human carcinogen”.



x

Softer Hair

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Introduction to Botox Hair Treatment



Right now, there is a new revolutionary hair treatment out on the market that's been garnering a lot of attention. It's called Hair [Botox](#), and can actually reverse damage to the hair cortex and hair cuticles while straightening, hydrating, and bringing your hair back to life.

The way that Botox procedure can wind back the clock for your facial wrinkles, Hair Botox can transform hurt and abused hair back to its lustrous, natural form. With this moisture-injecting procedure, your hair will become healthy, radiant and much more manageable.

Don't let the name of this fool you, though—Unlike Botox injections, this [version](#) of the miracle treatment is a little different. It contains no Botulinum and is applied on the hair to work a brand of magic similar to a Keratin treatment, where it penetrates the cuticles and fills in the gaps and breakages. It easily mends tears in the hair follicles, creating a sleeker, shinier, and tougher strands.

What is Hair Botox?

Hair Botox contains a protein-rich formula which fixes the imperfections in each individual strand of hair with active [ingredients](#). This mixture of proteins, caviar oil, collagen, vitamins,

antioxidants, natural acids, and healing agents promises to moisturize, nourish, and restore hair f
shaft is preve

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Did you know that a bad hair day is not just a one-time problem? This is your hair's way of showing you that it needs immediate help! With all the coloring and styling we do, our hair is crying out. Just using conditioner is not enough to keep your hair healthy. Hair Botox literally reverts your hair back to its healthiest state by plugging up all the holes, repairing internal damage, fixing the tears, and hydrating withered hair.

As we age, so does our hair. It produces less Keratin over time, a protein complex essential for vitality. Dying can cause the cuticles to remain open for long periods of time, with makes hair lose its strength. Hair Botox works through each piece of hair, from root to tip, restoring from the destruction that we wreak upon ourselves.

Who is Hair Botox For?

Hair Botox works on all types of hair! Straight hair, curly hair and any type in between will benefit from this treatment. Everyone deserves manageable hair, and this protein-packed formula delivers noticeable results. Here are a few of the reasons why you may need hair Botox:

- If your hair is dry or damaged
- Your once [lovely locks](#) appear dehydrated and frizzy
- Your hair is dull and lifeless
- If your scalp and hair have dandruff
- Hair that has gone through bleaching, coloring, or highlighting
- Hair with split-ends
- Overly curled, straightened, or styled hair

What are the Benefits of Hair Botox Treatment?

Hair Botox contains acidic compounds that make it safe to use without any harmful chemicals that are in common smoothing treatments such as [Keratin treatment](#). There is no formaldehyde and no parabens. This newly popular conditioning mask cannot hurt your hair. It instead repairs any tears. Going through this process will establish that your hair is healthy and beautiful for a long time. It also protects against dandruff, psoriasis and other scalp conditions, as well as minimizing [hair loss](#).

What is the Treatment Process?

First, the professional administering the treatment will clean your hair with a clarifying shampoo, to strip the strands of all residues and open hair shaft cuticles. After sectioning the hair the product will be applied to the hair and scalp and allowed to soak for

approximately 45 minutes.

Once the product is
blow-dried carefully

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ingredients into the hair strands, resulting in healthy, silky, shiny and easy to style hair.

[How to Do a Botox Hair Treatment at Home](#)

Will My Hair be Completely Straight?

Definitely not! This treatment enhances your hair's natural texture in order to make it more manageable and radiant. Naturally straight hair will become shinier and smoother. Heavy curls will become smoother and frizz-free. Coarse hair will see an immediate reduction in frizz and the treatment will make dry and brittle hair shinier and healthier.

How Long Do the Effects Last?

Botox hair treatment generally lasts between two to four months and is recommended to be reapplied afterward. You must use sulfate-free shampoos, similar to those used after a Keratin treatment, to maximize the effects.

You may also like:

[Extending the Life of your Brazilian Blowout](#)

[Top Five Shampoo Brands for Keratin Treated Hair](#)

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62 thoughts on “Introduction to Botox Hair Treatment”

Dixie Ann Inniss

April 4, 2015 at 1:33 pm

Where can I purchase the hair botox treatment? What are the best brands? And what do they cost?

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April 5, 2015 at 4:09 am

You can explore price options at Amazon.com [website](#). Here are some product ASIN numbers:

B00M2UQFZA, B00Q0NMRFW, B00J8NAPC8, B00O4G8DLE, B00B1ULSAO, B00MZG9BBQ, B00C0ZB2O6, B00RFWJSSG, B00RNFE7F4

Disy Francis

June 5, 2015 at 2:45 am

Hi ,

Recently i did Hair botox in a salon which is an expensive treatment. But after applying botox waited for 2 hours and without washing they ironed my hair. They said after [three days](#) i can wash my hair. But now its straight but so sticky not easy to comb bcz of the product in hair. Is this process of botox?

Thanks & Regards

Gaga

June 5, 2015 at 10:58 pm

Hello

I am sorry to read that you are not happy with the results you have got.

There is no exact definition of hair botox treatment. There are many products and treatments being marketed as hair botox. The application process and aftercare instructions may vary from salon to salon. Generally, hair botox is an organic reconstructive treatment that help damaged hair get back to its normal, healthy state.

Please keep in mind that consultation is the first step of any hair treatment. If you are not satisfied with the results, you can return the product for a full refund. If you do try the treatment, please provide you with detailed information about the treatment process, results and aftercare. Good luck!

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Hanna Beatrice

June 9, 2015 at 8:12 am

Hi all,

Was looking for suitable Hair Botox products online and came across this post and a few others.

I saw a few products mentioned here from Amazon.

There's another website that shows a bit more about the products. The Inoar package seems to be the best right now.

Check it out here: <http://www.botoxforhair.net>

Hope that helps.

Hanna

Gi

September 22, 2015 at 7:27 pm

Is it true that I have to leave the product on my hair for 3 days before washing it?

Gaga

September 2,

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No, it is not. The treatment takes about two hours. After the treatment is rinsed out you can wash your hair when you want, and you can also style it as you wish.

Suhair

October 10, 2015 at 12:33 pm

I had a pementent perm done to my hair on june 25, 2015 it damaged my hair. I was thinking to do hair botox. But not sure if i can after the perm. Also i feel when i do make that the one with [collagen](#) efect my face. Will that be the same if i do botox please let me know soon

Gaga

October 13, 2015 at 3:31 am

Although often sold in ampoules hair botox is a topical hair treatment and will not effect your face. However, the treatment can greatly improve the condition of your chemically treated hair.

Nazreth

November 9, 2015 at 5:56 am

I'm concerned about the hairbotox but not really sure which one is the [best brand](#) to go for.

Because nowadays there's a lot similar hairbotox companies and don't which is

suitable for my hair. but I was recommended of crystal Dna hairboost from a friend.ne
Thanks

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maya nader

November 19, 2015 at 8:59 pm

After botox hair treatment can I oil my hair and which type of oil.

Gaga

November 19, 2015 at 11:22 pm

You can oil your hair after receiving Hair Botox treatment. The choice depends most on your hair type.
Look for cold pressed oils like argan, coconut, avocado, jojoba, or extra-virgin olive oil. Some pure essential oils can greatly improve the condition of the scalp and hair. For dry hair consider using natural essential oils such as lavender, geranium, and rose essential oil. If your hair is more on the oily side look for essential oils of eucalyptus, cedarwood, lemongrass, [sage](#), rosemary, basil, tea tree, or peppermint.

Alma Cruz

December 9, 2015 at 11:47 pm

I had the treatment done last Sunday, it is now Wednesday and i was supposed to go back for a wash but im not able to because i just know it'll be kinda pricey, but im afraid to wash my hair with just any shampoo but im also afraid of going back to the salon and paying 40 dollars for just getting my hair washed.

is there any shampoos that i can buy at Walgreens that will do good to my hair and my walle

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Gaga

December 11, 2015 at 8:14 am

Be sure to use sulfate free shampoo and conditioner. Mastey Enove Natural Bodifying Shampoo for Normal to Fine Hair, Sulfate-Free and Carol's Daughter Black Vanilla Sulfate-Free Shampoo are reasonably priced and gentle enough to maintain your treatment results.

Lisa

December 22, 2015 at 3:24 pm

Hi:

I did hair Botox in a salon one month ago but it damaged my hair and I had to cut it. Can I have a keratin treatment now or should I wait? Thank you

Gaga

December 24, 2015 at 11:28 pm

Find a reliable hair salon and trusted hairdresser who will take his/her time to carefully evaluate your hair and suggest you how to take best care of your hair and tell you if it is suitable for Keratin treatment.

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January 9, 2016 at 6:55 pm

Hi, I used semi perm hair color and started using hair Botox. My questions is can I apply the semi perm hair color the same day I do the Botox and if so should I apply the color first and the Botox after or what is your recommendation? My hair can easily brake and with the Botox treatment I'm trying to give it some strength. Thank you so much in advance for your feedback!!

Gaga

January 11, 2016 at 6:18 pm

Semi-permanent hair dyes only deposit color, and they will not cause any damage to hair if applied on the same day as Hair Botox. But both treatments may be less effective if performed on the same day. Your color results will be less effective if you dye hair before the treatment because Hair Botox treatment include using a clarifying shampoo which may partially wash out your semi-permanent color. Your Botox treatment if performed in such order also might be slightly less effective as hair will be less porous after conditioning effect of semi permanent hair color. Dying hair immediately after the treatment using semi permanent dye will not affect the results of your Hair Botox treatment but your hair will be less receptive to color than before the treatment. Conclusion: For optimal results it is recommended to wait at least 4-5 days before applying semi-permanent hair dye.

Anonymous

February 12, 2016 at 10:13 pm

How can I find salon that use Botox hair treatment in Phoenix Arizona

MittieBy continuing to use the site, you agree to the use of cookies. [more information](#)

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February 18, 2016 at 9:21 pm

I've been getting keratin treatments for a few years. Last few were Brazilian blowout zero. My hair is long and very shiny when dry but porous, tangly, and pulls out easy when wet. Can I do a hair botox to help put some strength back into my hair??? It's been four months since my last keratin treatment.

sue

February 20, 2016 at 12:55 am

Hi,since last six months I have been loosing hair my hairdresser examined my hair an said it was because of the stress. I am doing AMOS green tea hair treatment at the moment, my hair dresser also recommended hair botox but im not sure,may be it will make my hair to fall out even more, I am thinking to do it but worried.should I go for it?

mumtaz

February 26, 2016 at 11:02 pm

I had done a botox treatment on my hair 2 weeks back the results were not good and i am not happy. After complaining to the salon manager she offered me to reoeat the process os it safe to repeant the procedure again ..just worried about the outcome don't want to damagey hair furtherplz help

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February 29, 2016 at 2:55 am

You seem to be the perfect candidate for Hir Botox treatment. Disscus with your stylist or saloon owner about specific hair Botox product they use. Since you prefer using chemical free formulas be sure that your choosen salon uses a safe and high quality product.

Marie D. Taylor

March 16, 2016 at 3:05 pm

Thanks for this article about the botox hair treatment. I have used this article as a source for my own website. I hope you don't mind!

My website with my own article about botox treatment!

<http://www.botoxforhair.org>

Gaga

March 25, 2016 at 2:21 am

Stick to the advises from your stylist or visit a dermatologist to evaluate the problem, please.

Gaga

March 25, 2016 at 2:46 am

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Gaga

March 25, 2016 at 3:11 am

I always emphasize the importance of finding a stylist you can trust too. Hair Botox can be applied two weeks after the previous treatment if the saloon uses safe and quality products and has a certified stylist to perform the service. Make sure that your hair is in good hands.

Desiree

April 16, 2016 at 7:30 am

Hello, I did the hair botox treatment today but instead of 45 minutes they let it soak for 20 minutes or less. After that they rinsed my hair with water and blow dried it without flat ironing it afterwards. Can this damage my hair? I'm so unhappy after I read this article because it was very expensive and they clearly did not do the process well.

Gaga

April 16, 2016 at 11:11 pm

Different products require different application procedure. It is important that you get the result you want and that your salon uses safe, non-toxic products.

camille SargentJune 1, 2016 : By continuing to use the site, you agree to the use of cookies. [more information](#)

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Where do you get hair botox treatments? what salon on south shore in MA? if I had a Bosley hair transplant and my hair is thinning and fragile, should I do it? what can girls with horrible thinning hair do to take out frizz. please help please send answer to my [email address](#) thank you

Sance

June 1, 2016 at 9:10 am

Can I color and highlight my hair the day after a hair Botox treatment? I have an unexpected trip and my color got washed out a bit after the treatment. Can I go to the salon the next day or Do I have to wash my hair before getting it colored?

Gaga

June 2, 2016 at 8:04 pm

For best results, wait at least two weeks after Botox hair treatment to perform color service. To correct previous color mistakes or to refresh existing color after several washes, consider having a tinted hair glaze or tinted hair glossing treatment which is less harsh to your hair than permanent hair dyes.

Gaga

June 2, 2016 at 8:07 pm

I hope so

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Maha

June 12, 2016 at 7:39 pm

I am getting hair botox done on the 20th. Can I bleach and dye my hair a few weeks after getting it done? I have jet black hair and want to bleach it so I can dye it pink or purple so it would undergo a lot of damage but I am planning on using olaplaex. Will bleach & dye reverse the effects of hair botox?

Cooper

June 24, 2016 at 2:59 pm

I was told that sweat especially after gym will damage the hair after the botox treatment. How true is this?

emmy

July 31, 2016 at 11:37 am

Hi

I was wondering should I dye my hair first or do hair botox first
My hair is very damaged and I'm trying to make it silver and already bleached my hair only the silver dye is what I have to apply

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August 11, 2016 at 10:11 pm

I had botox treatment at salon yesterday. My hair is smooth + frizz-free. I'm suppose to go back Sat am for mask treatment. My hair looks so FLAT + THIN. Advised mask will make treatment last 3-4 months. I know healthy treatment... but I hate how it looks! Is it because the botox is still in my hair and not really rinsed out?? Will I be able to set/curl it.. and will it look like my hair has body again? Should I skip the mask? Help asap please!

Gaga

August 16, 2016 at 3:34 am

The product will wash out of your hair. You can curl your hair if you like. To get some volume use volumizing products based on natural ingredients like Blow up the Volume Foam from Shear Miracle Organics or Volumizing Hairspray by Natures Therapy. You can also try a [sugar](#) based styling spray to add body and help tame frizziness.

ZONELYS

August 23, 2016 at 7:59 pm

HELLLLP PLEASE. I GOT AN BALAYAGE ON SATURDAY BUT I HAD BLACK HAIR BEFORE AND NOW IS LIKE HONEY AND BLONDE. I WAS THINKING ON DOING BOTOX NEXT SATURDAY MEANING A WEEK AFTER! BUT MY QUESTION IS WILL MY COLOR FADE AWAY? I JUST SPEND A LOT OF MONEY TAKING ALL MY BLACK OUT AND I DONT WANTED TO GO TO WASTE? HOW LONG SHOULD I WAIT?

Gaga

August 23, 2016 at 11:59 pm

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It is advisable to wait at least a week after color service before performing hair Botox treatment. Light colored hair might experience slight color fading after applying certain Botox hair products. Discuss the possible outcomes with your stylist.

Missy

October 22, 2016 at 11:59 pm

I have really curly hair, kind of dried out. If I keep repeating the Botox treatments, will it become more wavy than curly? Will it look longer? Thanks

Faith

November 8, 2016 at 3:41 am

How long do i have to wait to relax my hair after a botox treatment?

Kim Bennett

December 30, 2016 at 12:12 am

I just had a Keratin treatment on Tuesday and they have me coming back on Friday to have my hair washed and a Botox treatment put on. In reading here it looks like you would have one or the other not both. Is there a type of botox treatment for after Keratin?

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Carline Winfrey

January 6, 2017 at 8:54 am

Very nice article informative content thanks we liked it.

Gaga

July 12, 2017 at 3:51 am

Your ends are dry because of the bleaching process. Select a shampoo, conditioner and leave in conditioner designed for dry, colored, or damaged hair. Do deep conditioning treatment once a week and rotate between protein and hydration hair mask. Getting regular trims helps keep split ends at bay and makes your overly processed hair look healthier. Discuss with your stylist using Olaplex when you decide to bleach again. Consider less harsh treatments, such as hair gloss and hair glaze.

Angela

July 22, 2017 at 1:22 am

I just got Botox treatment a week ago. However, when I went to my address to get a touch up she highly recommended me to do the Botox. So I did. I love it but my roots and edges are still kinky but soft. Can I still get a perm touch up around the edges and roots? If not, what is your recommendation for my roots and edges.

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November 15, 2017 at 1:05 pm

For those still looking, Prismax has a really good hair botox product with a lot of Vitamin B to support [hair growth](#). I found them on Facebook. The product comes in concentrated vials, and you can just add water. It comes with clear instructions on how to use it in different applications. (You can bring the instructions to your hair stylist if that makes you more comfortable, too.) I just did it at home. It was pretty easy to follow. My hair felt so soft and was nice and shiny while it lasted. I loved the results. Next time I have an event, I'll be sure to try it again.

Here's the link I bought from:

<https://primaxusa.com/products/primax-capilar-hair-botox-concentrated-x-1-unit-0-5oz-15ml>

Melissa

November 22, 2017 at 8:13 am

wonderful post about botox hair treatment. Botox for hair is a deep conditioning treatment that gives you easy to manage, frizz-free, and lustrous hair every day.

[botox beauty treatment for hair](#)

Ayesha

December 6, 2017 at 9:12 pm

Hi

I had hair Botox done today 1st we colored my hair which I know was harsh because I wanted the Ombré then we applied the hair Botox, my stylist said I should come back after [three days](#) to wash and put the correct toner in to achieve the colour I want and he will re iron it for me and then only after three days I can

wash it again. Do you think this will work or is it going to damage my hair. Really worried :-(

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Gaga

December 12, 2017 at 5:32 am

Hair Botox treatment is not damaging to the hair if you use the right product. The temperature should be set in accordance with your hair type and condition. Feel free to discuss your concerns with your stylist. Make sure that you chose a stylist you can trust. If you are worried about hair damage due the lightening process, ask your stylist to incorporate a bond multiplier like Olaplex, ColorpHlex or B3 Brazilian Bond Builder into your color service. Protein fillers are also of great help. Those products will also help with heat damage. Most of bond builders have a milder version of the product for use at home to keep bleached hair strong and healthy.

Consider Paul Mitchell's Awapuhi Wild Ginger Keratriplex Treatment, which is affordable, easy to apply and doesn't require a [flat iron](#) to seal the treatment in your hair

Monz

December 13, 2017 at 8:24 pm

Hi

I was wondering should I dye my hair first or do hair botox first

My hair is very damaged and I'm trying to make it silver and have to bleach it again.

Please advise,

Gaga

December 21, 2017 at 2:06 am

I would s

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at least two weeks after Botox hair treatment. Your hair is not ideally receptive to color pigments immediately after Botox hair treatment.

Ask your stylist to integrate Olaplex or any Olaplex alternative (such as ColorpHlex) in your color service to prevent chemical damage from bleaching. You might want to read this post about protein fillers, which also help prevent hair damage from bleaching:

<https://softerhair.com/protein-fillers-for-perfect-color-results/>

Farrukh

December 24, 2017 at 10:35 pm

Your article is very helpful

I want to know only one-thing I have curly hair as I read in your article in Botox procedure they use [flat iron](#) my question is that after Botox treatment whenever I wash my hair it will straighten or back to curly?? And I have to use flat iron after every hair wash and I am also interested in your product please let me inform how can i buy. Hair Botox also for men?

Gaga

December 27, 2017 at 3:33 am

Hair Botox treatment doesn't have strong straightening effect, but it may loosen your curls for a few weeks. Your hair will not be as curly after washing as it used to be before doing Hair Botox. If you wish tighter curls, you can use curling iron to achieve the desired style. Ask your stylist to tailor the treatment to your needs. I don't know any reason for sex based limitations in using hair Botox products. If you are interested in keratin treatment that will not affect your waves, read this post please:

<https://softerhair.com/awapuhi-keratriplex-treatment-vs-keratin-straightening-treatments/>

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Reba

January 1, 2018 at 9:49 pm

Hello Gaga

Can Prismax Botox be used on African American hair that has a relaxer and color.

Gaga

January 5, 2018 at 3:00 am

Prismax Botox hair product can be used on color treated and chemically straightened hair. It would be best to consult a professional to evaluate your hair and decide which method to use to apply the treatment to your hair. Application method can vary depending on the condition of your hair.

Greta

April 16, 2018 at 10:44 am

Hi. Can I use Olaplex 3 at home after Hair Botox treatment, please?

Gaga

April 19, 2018 at 9:44 pm

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hair treatment. Wait at least two weeks, and when your hair starts to become more porous use Olaplex No.3 to reconnect damaged bonds and improve the overall look of your hair.

[Accept](#)**Dana**

August 28, 2018 at 6:40 am

Hi, I had hair botox done today. The hairdresser told me not to wash it until tomorrow but my hair got wet by accident. I dried it quickly with a towel and after half an hour with hairdryer. Will the treatment still be effective? Thank you

Gaga

August 29, 2018 at 2:48 am

The effectiveness of your treatment will not be diminished by getting your hair wet. Regarding washing your hair, take suggestions from your stylist. Aftercare direction for Botox hair treatment can vary depending on the product. For most products, there is not a requirement to wait a certain period before washing your hair. For some other products, it is recommended to refrain from washing your hair 1-3 days to ensure that you will get the best results.

Abiola Glasgow

October 12, 2018 at 4:57 pm

Can i go back to perm after having my hair botox 3 months ago

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Gaga

October 14, 2018 at 7:12 pm

You can if your hair is in good condition. Hair Botox treatment gradually washes away. A few weeks after receiving the treatments your hair is ready to absorb chemicals from hair treatments including a perm. Your stylist will evaluate your hair and suggest the best answer.

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Meet Dr. Kojian

Dr. Kojian is a Board-Certified MD, Anti-Aging/Longevity expert, and owner of Oh You Beauty, Inc. For years, Dr. Kojian has been an industry leader in the practice and training of injectables and cosmetic outpatient treatments.

**Dr. James Kojian**

Owner

Affiliations

American College of Emergency Medicine

Age Management Medicine Group

American Academy of Anti-Aging Medicine

Certifications

Board Certified Emergency Medicine

American Association Physician Specialists, License
99-1233

Education

University of Illinois College of Medicine Doctor of
Medicine (MD)1990

Chapman University

B.A., Chemistry, Cum Laude

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Our Nurses

OU Beauty boasts one of country's most celebrated team of medical aesthetic practitioners. With elite credentials, OU's nurses have worked with and trained many of Southern California's highest profile plastic surgeons and dermatologists in the art of aesthetic outpatient treatments.

**MARION EJAN, RN**

Medical [Services](#) Director (since 2008)

Certified Advanced Injector

Certified Industry Trainer

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**DEBBIE TAY, RN, MSN, FNP-BC**

Supervising Nurse Practitioner (since 2010)

Certified Advanced Injector

Certified Industry Trainer

Weight Program Director

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**Sally Balouch, RN**

Certified Advanced Injector

Certified Laser/IPL

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**SHARON CANET, RN**

Downtown Facility Head Nurse

**SAMANTHA GARCIA, RN**

Certified Advanced Injector

**Melanie Diaz, RN, BSN**

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LAURA YIT, RN, [MSN](#)

Certified Advanced Injector
Certified Laser/IPL

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**VAHE TER-YEGISHYAN,
RN, BSN, PHN**

Certified Advanced Injector
Certified Laser/IPL

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Esther Garza-Maloney, RN

Certified Advanced Injector
Certified Laser/IPL

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Aesthetician & Class II Technicians

Marina, Noyem and Briana are our elite class of California Certified Aestheticians and Certified [CoolSculpting](#) University graduates. Their expertise and experience in skincare comes from the medical environment. They won't push you into treatments you don't need or want.

**MARINA MUSHINSKAYA**

California Certified Aesthetician
Coolsculpting Certified
Technician

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California Certified Aesthetician

[Read More](#)**NOYEM BALYAN**

California Certified Aesthetician
Coolsculpting Certified
Technician

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Administrative Staff

Meet the people that take care of all of you and all of us. Jessica, Diane, Billy, Maira, Kayla and Rose are the real live, intelligent people who pull this whole thing together with style and grace.



JESSICA MERLOS

Spa Director

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BILLY MANGALI

Spa Coordinator

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DIANE MATA

Spa Administrator

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MAIRA CEREZO

Communications Director

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ROSE CAMEY

Administrative Assistant

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DARLIE ROMERO

Administrative Assistant

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**LISA SONG**

Merchandising & Business
Development Director

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Personnel Director

[Read More](#)**MATT KRAMER**

General Manager

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THE OU BEAUTY DIFFERENCE

OU Beauty made its commitment to provide outstanding service at affordable pricing by some of the best injectors in Southern California. We are a philosophy-based company that set out to provide a place WE would want to come to.

This philosophy has made us the largest injector of [Botox](#) and dermal filler in Southern California. We now have locations in Downtown Los Angeles and Glendale serving the greater Los Angeles area.

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(<https://esteemmedicalsapa.net/>)

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Contact (/contact/)

Meet the Staff



DR. GLASS

Owner, Esteem Medical Spa



TIFFANY WILSON

Lead Aesthetic Technician



TERRYL STONE

Business Manager



KIMBERLY WOOLSEY

Aesthetic Technician[Request a Consultation](#)[Find Esteem \(https://maps.google.com?saddr=Current+Location&daddr=6522+S+McCarran+Blvd+Reno,+NV+89509\)](https://maps.google.com?saddr=Current+Location&daddr=6522+S+McCarran+Blvd+Reno,+NV+89509)[775.204.3508 \(tel:7752043508\)](tel:7752043508)[✉ questions@esteemmedicalspa.net \(mailto:questions@esteemmedicalspa.net\)](mailto:questions@esteemmedicalspa.net)[📍 6522 S. McCarran Blvd, Suite A, Reno, NV 89509](#)[✱ \(http://www.yelp.com/biz/esteem-medical-spa-and-salon-reno\)](http://www.yelp.com/biz/esteem-medical-spa-and-salon-reno)[\(https://www.facebook.com/EsteemMedicalSpa\)](https://www.facebook.com/EsteemMedicalSpa)[\(https://plus.google.com/+EsteemMedicalSpaSalonReno/about?hl=en\)](https://plus.google.com/+EsteemMedicalSpaSalonReno/about?hl=en)[\(https://www.pinterest.com/esteemmedspa/\)](https://www.pinterest.com/esteemmedspa/)



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About Us

One Medical Spa & Salon has been servicing clients from San Diego to Chula Vista. We have expanded our service from the Salon to the Medical Spa setting. We are glad to announce that we now offer services such as CoolSculpture, Quanta laser hair removal. We also have extended our product line to include Juvederm and Skinbetter Science products. Our clients have been ecstatic using our services and products.

Many of us are looking for a makeover as we get tired of the same look, or maybe for the sake of a change in attitude and life. We focus on getting in shape, be more active and positive, and attractive, but let's not forget that a big center of a woman's appearance is her hair. Healthy and beautiful hair can tell a lot about a woman's inner and outer well-being.

*Correcting the color/highlights or/and changing from dark to light or reverse in one to two sessions in most cases without damaging hair.

Our Staff

Dr. Cherif Girgis



Rafi Kuhami, Master Stylist/Owner

Rafi became a licensed cosmetologist in 2007 from California Design Academy. Rafi has mastered his craft at various salons in San Diego, including Styles Salon (La Mesa, CA), De Marcus (SD), Moda Hair Design-Master Stylist (Hillcrest), One Salon- Master Stylist/Owner (East County). One Salon was voted top 3 salons in San Diego by San Diego's A-List. What you can expect from Rafi, is expertise as a Blonde Specialist, Color Correction, Color Specialist, Precision Cutting, and highlights. Rafi has been trained in using different hair care brands, including: Joico, Paul Mitchell, Wella, Kerastase, KENRA, Moroccan Oil, and Kevin Murphy which is reflected in his hair styling techniques and hair care. As a master stylist, Rafi uses his knowledge and education with his clients to ensure the best results at home for everyday styling. As a hair expert, he will create a profile for each of his clients. Based on your profile, which depends on your lifestyle and taste, the client will get the best hair style that will leave you feeling happy and beautiful.

- **Phone:**
626-574-7452
- Deja Vu Med Spa & Salon
38 East Huntington Dr. Suite A & B
Arcadia , CA 91006
- 626-574-7452
- 38 East Huntington Dr. Suite A & B
Arcadia , CA 91006

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- **Acne Treatment** Regardless of your age, acne is something no person wants to deal with.

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- **Body Treatments** We offers body treatments to heal your body all around.

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Facials Give your face the attention it deserves with a relaxing and rejuvenating facial.

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Botox BOTOX® Cosmetic is the perfect solution for your unwanted frown lines.

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Collagen Collagen is the perfect non-surgical treatment.

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Oxygen Treatment Delivers oxygen, moisture, vitamins, and antioxidants to the skin through an airbrush.

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Hair Care We have a full service service hair salon for all of your hair needs.

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Eyebrows Our salon offers services for all of your eyebrow needs.

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Makeup Whether you are looking to toss the daily task of applying makeup and want to indulge in permanent makeup.

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About Us

Deja Vu Med Spa is founded on the idea that the highest quality skin care be provided in a comfortable, relaxing environment. We are an innovator in the skincare industry and offer the newest products, services and state-of-the-art equipment. Come join our dedicated professional and highly skilled trained staff as we welcome you to take part in our peaceful and relaxing atmosphere. Our staff will examine your skin and decide with you which customized blend will work best for your everyday routine. We make every visit very personal so that you can be stress free from your busy lifestyle.

Deja Vu Med Spa has a peaceful way to uplift and refresh your mind, body and spirit. We will help you have a more youthful, revitalized new you. We understand that healthy, beautiful skin is essential to a beautiful you and a beautiful you is essential to total well-being!



Monthly Specials We always have specials happening at Deja Vu. We offer some of our best services at a reduced price. Take a look at our specials happening now!

[learn more](#)

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Hours

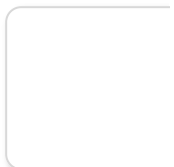
Tuesday - Friday: 10:00 am - 07:00 pm

Saturday: 09:00 am - 04:00 pm

Special Events: Appointment Only

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SALON & SPA

About Us

The Center MedSpa and Salon is an upscale MedSpa and Hair Salon for all of your personal beauty needs. Our team of medical professionals are skillful at the art of using cosmetic injectables such as Botox, Juvederm, and Bellafill to give your face a more rejuvenated and youthful appearance. Our team of licensed aestheticians provide laser resurfacing skin treatments, laser hair removal, microneedling, microdermabrasion, PCA Skin professional peel and facials, or deliver a simple and relaxing basic European facial to help revitalize your skin, leaving with a healthy glow. Our hairstylists can cut, color, and style your hair to help you achieve your perfect look (or create a new one)! Need your nails polished to perfection? We have you covered there too! Our full service spa also provides manicures and pedicures, waxing services, massage, body treatments, airbrush tanning, and permanent makeup!

Head to toe, we are here to help you feel BeYOUtiful inside and out! Our goal is to help you feel confident, beautiful, relaxed, and rejuvenated!



Dr. Michael Kluska, DO, FAACS, FACOS

Board Certified Reconstructive, Cosmetic, and General Surgeon. President of the American Academy of Cosmetic Surgery

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Justine Roberts, MPAS, PA-C, RVT, MBA

Justine joins The Center Med Spa after amassing eight years of Plastic Surgery and Aesthetic Medicine experience. Pennsylvania licensed, and Nationally Board Certified (NCCPA), she enjoys working in both clinical medicine and academic medicine as a Physician Assistant. A three-time graduate from Saint Francis University, where she maintains Adjunct Instructor status in the esteemed Physician Assistant program, Justine has the tremendous honor of mentoring aspiring clinicians. She frequently provides lectures for her peers as a National Trainer for Aesthetic Medical Educators Training and works as an Aesthetic Training Consultant for Suneva Medical. As an expert injector, she prides herself on offering the most revolutionary and safest techniques, which provides her patients with outstanding, natural results and minimal downtime.



Karen Hillegas- Licensed Cosmetologist, Licensed Medical Aesthetician

Karen has worked along side Dr. Kluska providing medical aesthetic services for over 13 years. She is a graduate of Empire Beauty Academy. Karen specializes in laser hair removal, IPL photofacials, fraxel treatments, and chemical peels. Skin Care is Karen's true passion. She also enjoys doing manicures and pedicures. Karen takes great pride in helping her clients feel special and beautiful!



Noelle Crocetti, Licensed Cosmetologist

Noelle has been a hair stylist for 18 years. She has a passion for perfecting color and loves blowouts and updo's for special events! Noelle is certified in hot heads hair extensions and Keune Color. In her free time, Noelle enjoys the outdoors and playing her dogs!



Josie Ruffner, Licensed Cosmetologist

Josie graduated from Cosmetology School in 2010, and has been a member of the Center MedSpa & Salon team ever since! Josie specializes in color corrections and thrives at the opportunity to fix, change, or improve any hair color that you may want to try! She is certified in Hot Heads Hair Extensions, Keune Color, and PCA Skin Peels. Josie's true passion as a hair stylist is working with her clients to achieve their 100% desired look to help them feel beautiful and confident!



Madison Duke, Licensed Cosmetologist

Madison or "Maddy" is a hair stylist from Indiana, Pa. She has a special interest in color and expression through color. Maddie enjoys giving manicure and pedicure services, and recently earned her certification in eyelash extensions. She prides herself on providing her clients with a relaxing experience, and having them walk out feeling like a princess!



Kristina Milburn, Licensed Cosmetologist

Kristina's motto has always been, "Be Your Own Kind of Beautiful!" Kristina is a graduate of Empire Beauty School, and has been working as a hair stylist for the past 5 years, helping her clients become even more beautiful! She specializes in fashion color, Brazilian Blowout's, mens haircuts, and full body waxing. Kristina's #1 Priority is to make her clients look and feel their best when they leave her styling chair, and to help them feel confident again when they are feeling down. Each head of a hair is a new challenge, and she loves to help clients make a change!



Rejeanne Menard, Licensed Massage Therapist

Rejeanne is a 2012 graduate from The Pittsburgh School of Massage Therapy. She is a member of the American Massage Therapy Association. Her credentials as a Licensed Massage Therapist and Medical Massage Practitioner include:

Swedish Massage, Deep Tissue Massage, Sports Massage, Neuromuscular Trigger Point Therapy

Certifications:

Orthopedic and Pain Management Massage, Arthrofacial Stretching, Myofascial Release, Lymphatic Drainage, Hot Stone Massage, Pregnancy Massage, Oncology Massage, CPR AED Training, HypnoBirthing Infant Massage Instructor, QiGong Activation

Rejeanne is skilled at creating a state of relaxation for the body and mind and incorporating combinations of therapeutic modalities which are geared to each clients individual needs. Her techniques generate gentle structural shifts to the body's alignment helping to reduce pain and tension resulting in deep tissue results without discomfort to her clients.

The passion she has for massage therapy stems from the positive effects of massage and bodywork that had helped to promote healing in her own life. This awakening then inspired her to pursue the art to help benefit others in their own self care and healing. The success in her practice includes: caring for clients dealing with chronic pain, migraine headaches from stress and tension, postural dysfunction associated with office work and regular computer use, providing sports massage for Pittsburgh's Collegiate football and basketball teams since 2012, events with The Pittsburgh Triathlon and The Pittsburgh Marathon.

Rejeanne loves enjoying life with her 3 children, family and friends, her home state of Maine, the ocean and scuba diving, swimming, gardening, the great outdoors, strength training, cooking and good food.



Madison Reiter, Licensed Esthetician, PT Spa Manager

Madison is a Licensed Esthetician and Makeup Artist. Originally from Western Maryland, Madison is returning to the Pittsburgh area to pursue her passion in the skincare and makeup industry. She has been a traveling freelance makeup artist for over 6 years, with experience in weddings, television, dances and other black-tie events. She takes pride in confident and satisfied clients! You can follow her @aestheticsbymadison on Instagram to view her AMAZING makeup artistry! Come in and let Madison take care of all of your bridal, prom, or special event make-up needs!

About Us

Beauty Services for Every Need

At Le Jolie Medi Spa, we understand that every person's beauty is uniquely their own, which is why we provide a variety of [customized facials](#) in Studio City that are designed to provide each individual with smooth, radiant skin, and a renewed sense of self-confidence. Facials at our Los Angeles-based medical spa are customized to your specific skin type, and each is designed to make you feel pampered in the way you prefer. In addition to providing facials in Los Angeles, Sharona Rafaeloff, Dr. Rafaeloff, and their team at Le Jolie Medi Spa have developed celebrated health and beauty options such as:

- Pick-Me-Ups™ Injection Bar
- Injectables & Fillers
- Skin & Hair Restoration
- Non-Surgical Facelift
- Skin Resurfacing
- Laser Hair Removal
- IPL FotoFacial Rejuvenation
- Customized Facials
- Chemical Peels
- Skin Rejuvenation
- Body Treatments
- Body Contouring
- Body Scrubs
- Sugar Hair Removal
- Massage
- Makeup & Eyelashes

Simply put, if you're seeking remarkable medical treatments, expert spa services, or a full-service salon in Los Angeles, we offer delicately balanced treatments that combine natural [ingredients](#) and cutting-edge technology. [Contact us](#) to schedule an appointment with a beauty team that is dedicated to providing incredible services at competitive pricing, and embrace beauty and self-confidence within your life today.

Parvaneh Rafaeloff, Owner & Medical Director

For over 18 years, Dr. Parvaneh Rafaeloff has been one of Southern California's most respected physicians and a noted figure in the Los Angeles community. After performing clinical research at the world renowned Cedars-Sinai Medical Center in Los Angeles, Dr. Rafaeloff opened her private practice in 1996; in addition to her work as a skilled cosmetic surgeon, she has been active as a bio identical hormone [replacement therapy](#). Dr. Rafaeloff has a rare combination of truly genuine warmth and unparalleled expertise, making a skin-care session with her a truly personal, highly beneficial experience. Le Jolie Medi Spa in the heart of Studio City is the premiere destination for anti-aging skin care in Southern California, specializing in expert treatment with non-surgical facelifts, sclerotherapy, skin resurfacing, hormone replacement therapy, body contouring, mesotherapy, injectables, and other anti-aging treatments.



Sharona Rafaeloff, Founder



Sharona Rafaeloff has helped make Le Jolie Medi Spa one of the top spas in Southern California with a wide selection of treatments and services. Le Jolie Medi Spa prides itself in offering skincare solutions for many beauty and [skin care](#) needs. Treatments are based on classic techniques infused with modern innovation. Offering treatments from microdermabrasion, IPL rejuvenation, lymphatic vacuodermie facials to something less invasive like a chocolate oxygen facial. Treatments have been customized and delicately balanced with natural ingredients and cutting edge cosmeceutical technology to provide unmatched results. Le Jolie Medi Spa offers a wide range of services. From a fully serviced hair and makeup salon, waxing, eyelash treatments, facials, massages, laser hair removal, fillers and injectables.

Brian Nourian, Co-Founder



Nourian has a diverse background in art, brand marketing, and very knowledgeable about cosmetic procedures. These varied passions led him to create the beloved Le Jolie Medi Spa in the heart of [West Hollywood](#); where celebrities and influencers flock for the latest cosmetic treatments. At an early age, Brian, showed a strong interest in the medical industry. Spending quality time with his Aunt, Dr. Parvaneh Rafaeloff, at her practice and learning all of the latest medical and cosmetic procedures available. He later went to Santa Monica College as a pre-med major. While the medical field was of interest to Nourian, his vision to combine all three of his interests together that led him to join forces with his aunt to launch Le Jolie Medi Spa in Studio City. The original location was meant to be a one-stop-shop to pamper, enhance and beautify. Four and a half years later, while walking on Doheny in West Hollywood, Brian saw an opportunity to expand his customer base and create an inviting space that was both Instagram-worthy and provide the latest and most cutting-edge technology in the skincare industry. With the new West Hollywood space, Brian wanted to focus on the most sought-after treatments that were changing the game in the industry, and at the forefront of beauty so he created a space that showcased the best of beauty at its best. Combining the power of social media with his interest of the nightlife industry, and discerning creative eye, Le Jolie Medi Spa feels like a lounge, an inviting space for guests to relax and unwind while experiencing the latest beauty treatments. Women are constantly asking Brian what treatments they should do, and he has become a consultant and confidant to women of all ages on the best bespoke beauty treatments. Brian has turned the Le Jolie Medi Spa West Hollywood outpost into a space that appeals to the millennial customer making their first forays into medi-spa treatments for a little pick me up.

We're Social...



≡ ✕ West Hollywood

Le Jolie Medi Spa

≡ ✕ Studio City

✕

- Home
- **Medical Services**



- Pick-Me-Ups Injection's Bar
- Injectables and Fillers in Studio City
- Forma® Non-Surgical Facelift in Studio City
- Fractora Skin Resurfacing in Studio City
- Hormone Replacement Therapy in Studio City
- Mesotherapy in Studio City
- Microneedling
- Mole Removal in Studio City
- Non-Surgical Nose Job in Studio City
- PRP Treatments in Studio City
- Sclerotherapy in Studio City
- Skin and Hair Restoration in Studio City
- Vaginal Rejuvenation

- **Laser Treatments**



- Laser Hair Removal in Studio City
- Lumecca® IPL Rejuvenation in Studio City

- **Skin Care**





About Revive Salon San Diego



San Diego's Leading Salon & Spa

With two premier locations in San Diego, the elegantly modern Revive Salon and Spa has continuously set itself apart through cutting-edge aesthetic technologies, a wide-breadth of services and experienced professionals continuously educated on the latest trends in their specialties since 2006.

At Revive, we want you to look, feel and be your best. Whether you want to enjoy the latest anti-aging treatment, a relaxing facial, hot new hairstyle or a glam new head-to-toe look, we've got you covered. Experience a total revival.

Our Medical Spa

Our Salon

Our Spa



About the Owners

Married since 2002, Revive Salon & Spa owners Vinita Parekh, DDS and Vishal Verma, MD met in Chicago after they both had completed their doctorate degrees. Dr. Parekh earned her DDS from Northwestern University, and Dr. Verma earned his MD from University of Miami followed by a residency at University of Chicago and MRI fellowship at University of California – [San Diego](#). Vishal and Vinita now call San Diego their home, along with their two daughters. For Vinita and Vishal, Revive is so much more than a salon and spa, it is their vision, their life and their passion. It is an opportunity to work closely together as a family and a chance to help their clients look and feel amazing.

[LEARN MORE ABOUT THE TEAM \(HTTPS://REVIVESALONANDSPA.COM/TEAM/\)](https://revivesalonandspa.com/team/)

Our Mission Statement

Our Philosophy



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312-337-0777

DITA'S GOLD COAST DAY SPA

OUR TEAM

(312) 337-0777

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Meet Dita's Staff

Our talented professionals in Chicago

**BIANCA**

OWNER & ESTHETICIAN

Bianca is widely referred to as The Facial Expert and The Beauty Innovator for good reason. After achieving her training in Europe, Bianca started developing her own facial therapy technique and cultivated an extensive following clientele. Expanding on this ever-growing buzz, Bianca took over a well known luxury spa in the heart of Downtown Chicago named Dita Day spa and expanding as Dita Day Spa and Hair Spa. Bianca is a very loving, patient and a fair person who supports her team 100% of her effort. Loyalty and Trustworthiness are her core qualities.

**CAMELIA**

LICENSED ESTHETICIAN

Camelia is a licensed aesthetician with over 24 years experience in skin care industry. She is a skin care therapist and a waxing specialist. Camelia's gentle hands, combined with her knowledge, experience and talent helps each client achieve outstanding results. Using her skills she customizes each treatment to the client's unique skin qualities. She helps clients with their specific skin concerns and goals and guides the client through skin care routine. Camelia is a waxing specialist. She is specialized in using European Hard Wax. She is an Arch expert and she has a well established clientele for Brazilian/Bikini Waxing.



JOSEPH
HAIR STYLIST

With over 50 years behind the stylist chair, Joseph has seen every hair from age 5 to age 95; a master colorist and hair stylist. You are in gentle hands with Joseph – he keeps up to date with the latest trends by attending classes with stylists and colorists worldwide.



LAURA

LICENSED ESTHETICIAN

Laura is a certified and licensed esthetician; she is an expert in the field of beauty and has been practicing esthetics for over 31 years. After graduating from beauty school, she is now specialized in facial treatments, brow shaping, waxing and make-up applications. Laura is both highly skilled in all the technical aspects of esthetics as well as exceptionally creative to provide clients with unparalleled service and quality.



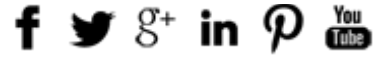
MARY
NAIL TECHNICIAN

Mary has 30+ years experience in nail service. Her commitment, attention to detail, and care to her clients helped build an outstanding reputation of excellence. She specializes in hot oil manicure and is dedicated to offer first-class spa services to each and every one of her clients.

CLIENT RELATIONS



CONTACT US TODAY (425) 486-9200



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Meet our Medspa Team

Medical services at Oasis Medspa & Salon are performed by Andrea Baker RN-BSN, Lilly Silva MSN ARNP, Rachel Master Esthetician and Tori Master Esthetician.



Andrea Baker RN-BSN is a Board Certified Family registered nurse with over 6 years of experience. Andrea was drawn to aesthetics early in her nursing career. Andrea is Allergan Certified in cosmetic injections including but not limited to: Botox, Voluma, Juvederm, Vobella, and Kybella.

Andrea admires the aging process and the wisdom that accompanies aging. Andrea loves to work with patients to enhance their natural attributes as aging occurs. "Feeling your best is a sacred jewel and radiates positivity."

Andrea is an active mom with 2 kids. They love snow, any outdoor adventures, especially hiking, camping, and skiing. "Aesthetics, to me, is my contribution to fueling a patient's positivity."

Lilly K Silva ARNP MSN is a board certified Family Nurse Practitioner with over 10 years of experience. Lilly is trained and certified by the American Academy of Facial



Aesthetics.

As an injector for Botox and cosmetic dermal filler, Lilly draws on innate artistry and perfectionism to achieve the most natural-appearing results. She ensures patients receive the best possible care in their quest for confidence and beauty. Known for her gentle touch, clinical expertise, and her artistic eye, she delivers high personalized care for her Oasis clients.

Lilly loves to travel, drink coffee, hot tub and spend time with her husband and two young children.



A licensed Master Esthetician, Rachel's our self-described face junkie, zeroing in on everything from facials to lasers, and is "absolutely fascinated" by the way skin responds to IPL treatments. Whether it's a laser treatment or stimulating collagen production by using a MicroPen device, Rachel dedicates herself to each client who walks in the door. Proudest career moment: I have them every time a client is happy and tells me they're getting compliments from friends and family about how great their skin looks. When I'm not at Oasis, I'm busy around the house with my kids and husband or going on a hike in st Edwards with my friends.

Favorite skin challenge: Dull skin. Call me crazy, but I love resurfacing skin and watching it instantly become younger and brighter.

Can't leave home without: SPF. It's always the most important part of my skincare routine.

The tool I'm always reaching for: My blemish extractor.

Best thing to happen to the skincare business: Cosmetic dermatology. It's so great to be able to give patients an option, something in between spa treatments and plastic surgery.



Tori has been in medical esthetics since 2013. She loves the medspa environment, giving clients instant results, working with and learning new machines and treatments.

She is always furthering her knowledge in a constantly evolving industry. She started with the love of beauty and makeup which lead her into esthetics.

Tori loves seeing how happy and confident clients are after their treatments.

In her spare time Tori is a musician and artist and also volunteers at a cat spay/neuter clinic.

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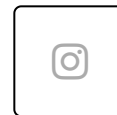
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Mark Anthony DeMasso

HAIR
STYLIST/ESTHETICIAN



Mark Anthony DeMasso began his career as an apprentice at Salon 124 in Roswell and he trained under Johanna Barron at Athenas Salon, where he honed his technical skills and developed a keen eye for hairstyling. Mark has an excellent sense of design, and is always up-to-date on the latest looks and trends.



Brent Upton

HAIR STYLIST

Brent Upton has been a hairstylist for more than 15 years. He started his career at Capelli Hair School in Buckhead, and then trained under Johanna Barron at Athenas Salon and Donnielle Shaw at DASS Park Place. Brent's passion for cutting and coloring hair shines through with every client he [works](#) on.



Maria Gantz

HAIR STYLIST

Maria Gantz is an experienced hairstylist specializing in precision haircuts, hair color, and highlighting. She is adept at glamorous, as well as casual hairstyles, and has a





reputation of [excellent](#) personal service. She began her career with Sebastian International as a hair color specialist educator and went on to work in several upscale Buckhead salons, as well as alongside Mark and Brent at Athena's Salon. She is thrilled to be working with them again at Sanctuary Salon.



Cameron Burgess

HAIR STYLIST

Cam Daniel's passion for hair started at an early age, helping his uncle at his barbershop at home in Charlotte, [North Carolina](#). Cam graduated the Paul Mitchell School in 2009 where he was granted the



opportunity to assist industry legend, Robert Cormeans in Providence, Rhode Island. Cam has also worked closely with other iconic hair stylists over the years including Tim Hartley and Tina Anderson as well as styled notables and celebrities including Skinny Girl & New York City Housewife, Bethenny Frankel.

Cam is a recently new Atlantan having moved here to work with Van Michael Salons. Making people feel and look beautiful through the art of hair and color is Cam's passion and expertise!



Sue Kitamura
MANICURIST



Anne Spain

MASSAGE
THERAPIST

Anne is originally from Ireland with a background in special education, she took a leave of absence in 1991 to move to Atlanta and decided to stay. In 1995, Anne graduated from New Life Institute (now Rising Sprit Massage School) in Atlanta Georgia. Her sessions combine a multifaceted combination of experience & training. Anne's training



[includes Swedish](#), Deep Tissue, Neuromuscular Therapy and Reflexology. She can create a unique session experience by focusing on individual client's needs which allow her to apply different techniques.



Michelle Sacco

ESTHETICIAN

Michelle graduated from The International School of Skin in Atlanta, GA in 2012. She believes that good skin begins with wellness and TLC. Michelle is very passionate about her specialty, and her work exudes dedication and concern for her clients. She finds herself able to help her

clients feel comfortable and educated while leaving their skin glowing and healthy. Thorough and detailed in her approach, she strives to provide result-oriented [skin care](#) solutions.



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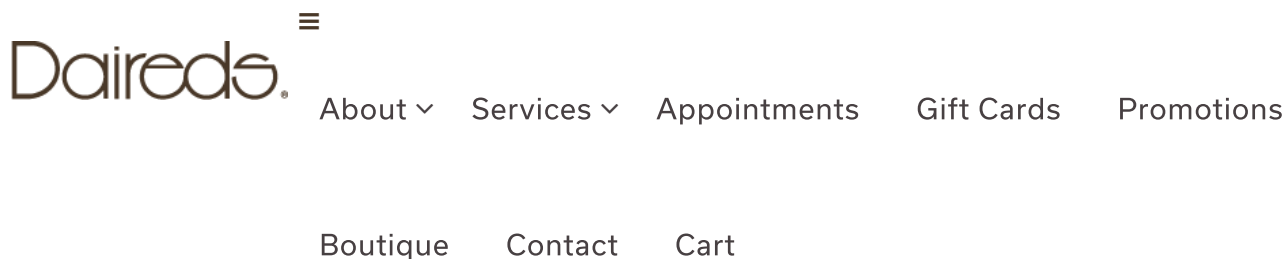
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Daired's team of award winning stylists are called The Color Specialists® – experts in hair color, conditioning, precision cuts and style. International training and professional products by Aveda, Kerastase, Kevin Murphy, and Schwarkopf coupled with the discipline and creativity of each stylist at Daired's guarantees you a superior salon experience.



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The Med Spa at Daired's

Daired's team of licensed medical professionals offer laser skin rejuvenation, laser hair removal and cosmetic treatments, such as: Botox, Dysport, Juvederm, Radiesse, Restylane and more.



The Café

Meet friends for lunch. Relax with a latte or a glass of wine between appointments. Enjoy savory cuisine with someone special. The Café is open to the public as well as for guests of the salon and spa.



Conference Centre

The perfect destination for social events, office parties, meetings or private lunches, the Conference Centre at Daired's provides an inspirational atmosphere, in-house catering and special packages to bring the spa experience to your conference or party guests.



Boutique

In the Boutique at Daired's, guests delight in a selection of trendy fashion, gift and [beauty products](#) as well as **Daired's Spa Pangéa at Home** body products. Originally designed for professional use in Spa Pangéa to hydrate, pamper and refresh. The complete line of bath and body products allow guests to enjoy the luxury of their spa experience at home and can now be found on Amazon as 'Spa Pangea'.

***daireds***

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Daired's Salon & Spa Pangea

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Karina Nunyabusiness

a month ago

★☆☆☆☆ I went in for a Brazilian wax. I've had this done for years, but never at this spa. The girl was definitely a novice. Never have I ever had such a [read more](#)



Melanie Gamble

a month ago

★★★★★ Daired's is a high quality salon and spa. It has a peaceful, clean, cool presence. The employees are friendly and well skilled. I have been a [read more](#)



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OUR CLARKSVILLE SPA AND SALON



Welcome to Aura Day Spa and Salon of Clarksville, TN. As an upscale, full service salon and day spa, we strive for a comfortable and stress-free atmosphere. We know that everyday life is stressful and we want to be the one place where you can come and decompress and let all the pressures of everyday life just melt away. Whether you're looking for a manicure or pedicure (/Services/Pedicures/), facial (/Services/Facials/) or wax, or simply looking for a brand new hair style that is all you, we have what you need!

At Aura, our main purpose is to give you the most luxurious and high quality care for not only your body but for your mind as well. After some time at Aura, we're confident that you're going to find you look and feel much better than you first thought possible. If you've been wanting to take your appearance and style to the next level, do yourself a favor and let the professionals at Aura give you what you're looking for!

Manicures & Pedicures

At Aura, we offer only the highest quality manicure and pedicures (/Services/Pedicures/). Our aim is to assist you in maintaining the health and beauty of your nails and we accomplish this by using only the best nail products (OPI products to be specific) available. Knowing that we are giving you only the best allows you to fully relax and gives you the ability to indulge in the pampering that we both know you deserve. You're worth investing in, schedule a manicure or pedicure with us today!

Hair Design

You can call them haircuts, hair doo's (maybe even "hair dont's"), or simply, hair design (/Beauty-Tips/). Call it what you will but when it comes down to your hair, there are no excuses. Just like how you dress, or the inside of your house, your hair says a lot about you. Sending the right message with your hair style is a delicate and artistic process and who better to assist you with this than the hair salon professionals at Aura? We provide both classic and innovative hair design for women, men, and children that is superior to other hair salons. With all of this right at your fingertips, why would you want to go anywhere else? Give us a call at (931) 542-4855 and schedule an appointment today.

At Aura, we also respect nature while respecting your desires at the same time. We use AG Hair Cosmetics which are salt, paraben, DEA, and gluten free, with no PABA or animal testing as well as Goldwell Color products.

Massages

Come pamper yourself at Aura with a full, relaxing massage (/Services/Massages/). We offer many different massage services including: Swedish, Deep Tissue, Prenatal & Chair Massages, all for your benefit. Read more about our massage services here (/Services/Massages/).

Facials, Peels and Body Waxing

What salon and day spa would be complete without a variety of expert facials (/Services/Facials/), peels, and body waxing services? At Aura we provide all of this at the same pinnacle of quality that you have come to expect with our other services. If you haven't tried any of these yet, you're missing out so schedule your appointment with us today.

Also, we offer the complete organic experience with our Eminence Organics products. When you come in, feel free to ask us more about them! We're very excited and passionate about these products!

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Melinda McCarty – Salon / Spa Manager

Melinda is no stranger to the industry, having started in 1992 as a nail technician. With over 25 years in the salon, spa and medical fields, her passion for [customer service](#) ensures that our guests receive the best possible experience.

VIEW MORE





Erica – Salon Coordinator

I Began my passion for [skincare](#) and makeup in 2005, when I Attended National Aesthetic Institute. After graduating, my passion grew towards product knowledge, sales and Educating women on their skin and products. I went onto working for several skincare and makeup companies within my career. I love helping women feel more confident about their skin and makeup.

[VIEW MORE](#)



Vanessa – Hair Stylist

Vanessa has been a team member at Melinda's Salon for the past 5 years. She has attended many continuing education classes in [Myrtle Beach](#), Columbia, and Charleston to perfect her skills. Vanessa specializes in balayage, color correcting, and platinum blondes, using Redken color.

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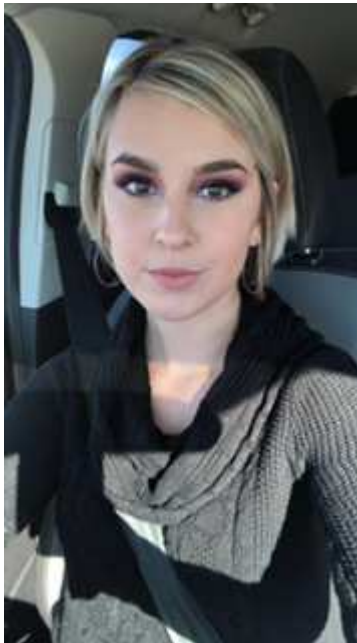


Frankie - Hair Stylist / Permanent Makeup

Franke has been part of the Melinda's team for the past 7 years. She has over 30 years of experience under her belt. Franke specializes in creating bright dimensional blondes, short sassy haircuts, and mastering both thinning and curly hair. Franke is also certified in Keratin Smoothing Treatments.

In addition to her hair cutting and coloring specialties, Franke is also nationally certified in permanent cosmetics. She specializes in permanent eye and lip liners.

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Carly Devlin - Hair Stylist

My name is Carly [Devlin](#). I have been working at Melinda's Med Spa and Salon for two years now. I specialize in hair color and bridal hair/makeup. I also enjoy doing

shellac manicures. I love making people walk out of the salon feeling confident and happy.

[VIEW MORE](#)



Angie - Hair Stylist

A native of Loris, S.C., I [love](#) making people feel great. Whether it's fabulous hair color, or hair cut. As well as manicures & pedicures. I frequently attend training classes to keep up with the latest trends and am Keratin Complex Certified. I look forward to seeing you & making you look and feel beautiful.

[VIEW MORE](#)

Amy Hair Stylist

Amy is a third generation hair stylist. She began her cosmetology career in 1990. In the last 28 years, she has grown and succeeded in this ever progressing industry. Amy is diligent with continuing her education , staying current with trends, products, tools and technologies of hair styling. Amy is a confident stylist with a professional and sincere interest in all her clients. She specializes in short cuts, razor

styling, color treatments and formal designs. Amy has an eye for detail and no client leaves her chair without great finish work and styling.

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June - Nail Tech / Cosmetologist

Hi. I'm June King Boyd. I have been with Melinda almost 10 years, but have been doing nails-acrylics for over 35 years. I now specialize in the powder dipping system and also the gel polishing system. Give me a call at 843-663-1307.

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INJECTABLES

Clients are searching for new ways to prevent and delay natural aging that is also cost effective with no downtime. Recent breakthrough treatments can offer men and women a variety of ways to stay looking young(er) longer—without downtime or breaking the bank.

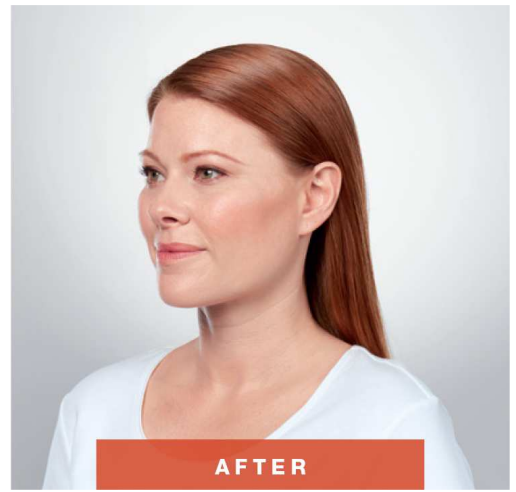
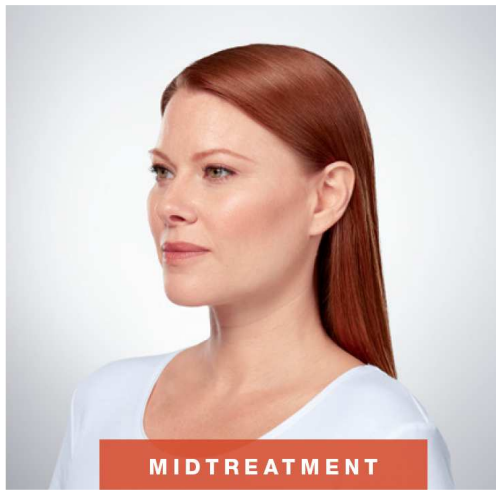
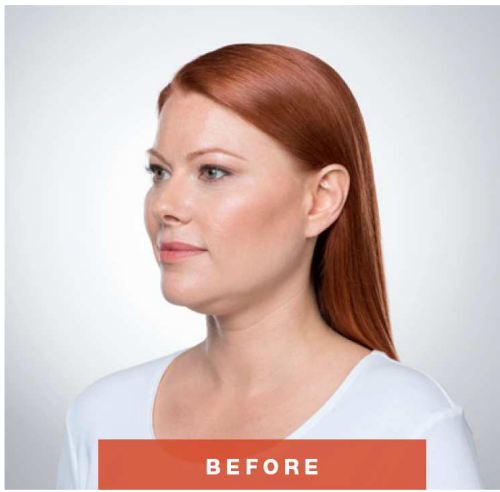
Sign up for Brilliant Distinctions (<https://www.brilliantdistinctionsprogram.com/>) and earn rewards for qualifying treatments.

Here's a sample of the most requested treatments.

Botox	\$13 per unit
<i>Best used in-between eyebrows, forehead and around the eyes to minimize lines and crow's feet and to <u>create</u> a slight brow lift</i>	
Voluma	\$880 per syringe.
<i>A filler that is best used to fill-in cheek areas and define jaw line for a more youthful profile</i>	
Volbella	\$500 per syringe
<i>A filler to add subtle volume to lips and improve "smoker's lines"</i>	
Vollure	\$795 per syringe
<i>a gel to soften fine lines and brighten tear troughs</i>	
Juvéderm	\$675 per syringe
<i>A gel filler that is best used to replace volume in nasolabial folds</i>	
Kybella	\$2400 per 4 vials
<i>A gel filler used to treat the submental fat (<u>double chin</u>) and tighten the skin in adults</i>	

WHAT IS KYBELLA?

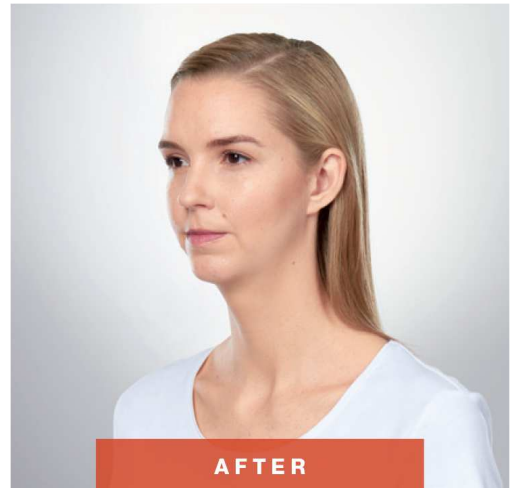
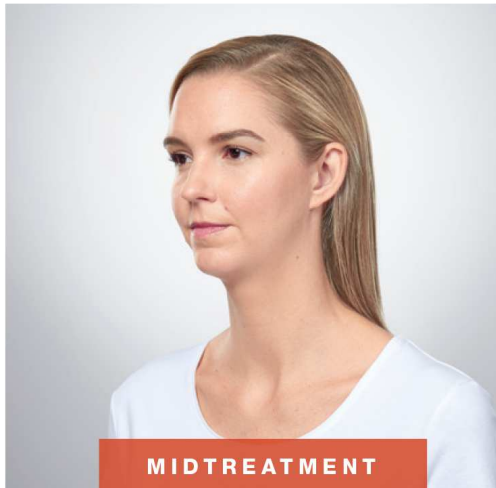
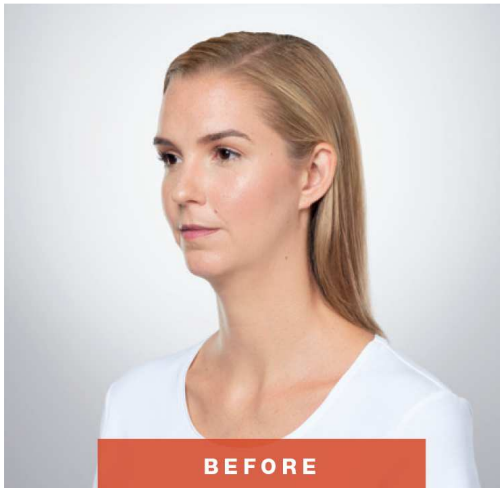
Kybella (deoxycholic acid) is the first FDA-approved filler used to treat the submental fat (double chin) and tighten the skin in adults. Kybella destroys the fat cells that accumulate under the chin. The body then naturally eliminates the fat slowly over a few weeks. Once the fat cells are destroyed, they can no longer store or accumulate fat.



(<https://faceandbodyspa.com/wp-content/uploads/2018/09/adra.png>)

WHAT DOES THE TREATMENT FEEL LIKE?

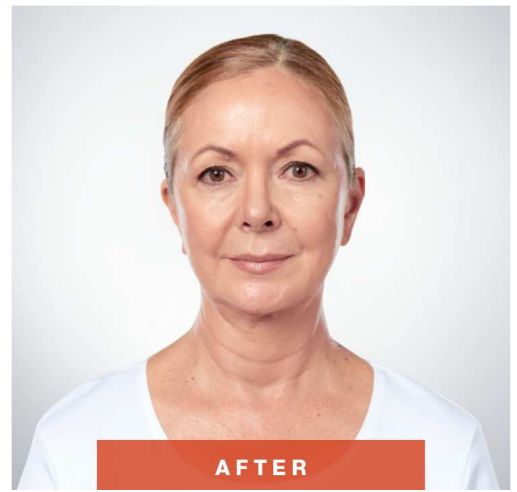
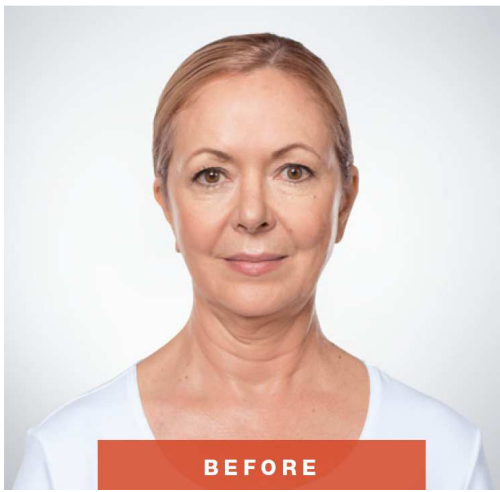
The RN uses a template to mark the treatment area. The filler is distributed through a series of small injections. A topical anesthetic is applied and most people report little discomfort. Because there are no cuts or incisions, there is no downtime, so normal activities may be resumed.



(<https://faceandbodyspa.com/wp-content/uploads/2018/09/alisha.png>)

WHERE DOES THE FAT GO?

Deoxycholic acid is a naturally-occurring molecule in the body that aids in the breakdown and absorption of dietary fat. Fat destroyed by the treatments is processed through your body's natural metabolism.



(<https://faceandbodyspa.com/wp-content/uploads/2018/09/marina.png>)

DOES IT REALLY WORK?

Yes, it does! Visible results can be seen within 30 days. Most dramatic results are visible after the final treatment—within 12 weeks. Final result is a great improvement in your profile appearance because the “fat cells” in your submental (double chin) are permanently eliminated. Added bonus, the crepe skin around the area is also improved.

WHY THE FACE & THE BODY?

Allergan, Kybella’s manufacturer, recently awarded us “Center of Excellence for Kybella.” We are proud of this certification, as it is recognized by Allergan and is only for those few providers who follow and practice their recommended treatment protocol.

All injectable services are offered with complimentary consultation and follow-up and are administered by RNs and supervised by a medical director.

The Face & The Body is proud to offer Credit Care, a client payment plan for spa treatments with an instant approval process. Inquire during your next appointment.

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About Robin L. Hall

Robin Hall, NP is a board certified family nurse practitioner specializing in dermatology. She provides general dermatologic services to pediatric and adult patients, and has a special interest in cosmetic dermatology. She will serve as the primary provider at the Spa. Robin obtained her master's degree in nursing from Johns Hopkins University in Baltimore, Maryland. She was a member of the Sigma Theta Tau International Honor Society of Nursing

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Intermountain Medical Center in Salt Lake City. He completed his residency in dermatology at Mayo Clinic, where he served as chief resident. He completed an additional fellowship that focused on Mohs surgery. Dr. Reed will serve as Clinical Director at the Spa working closely with Robin Hall - NP, but will not be seeing his own patients.



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Staff

Dr. Phillip Chang

Dr. Phillip Chang is a Board Certified plastic surgeon practicing plastic surgery, cosmetic surgery and laser surgery in the Loudoun County area.

Dr. Chang is Board Certified by the American Society of Plastic Surgeons. He grew up in the Washington metropolitan area. After graduating from the University of Rochester School of Medicine, he completed his general surgery training at the prestigious Loma Linda University Medical Center in Southern California, where he was fortunate to train with prominent cosmetic surgeons in Newport Beach and Beverly Hills. Dr. Chang then returned to the University of Rochester where he completed an Accredited Fellowship in Plastic and Reconstructive Surgery.



Dr. Chang has given talks nationally on his research and insights on topics ranging from post-trauma facial reconstruction to abdominal wall reconstruction. In addition to developing the HARMONY minimal scar

facial rejuvenation procedure, he has taught the technique of Transaxilly Hidden-scar Breast Enlargement as well as the Arcus Marginalis Release technique for cosmetic eyelid surgery to local plastic surgeons.



Carolyn Berrigan, MBA

Managing Director

Carolyn is the Managing Director of Radiance Salon & Medi-Spa, with locations in Ashburn and Leesburg. She is also the Managing Director of Aesthetica Cosmetic Surgery & Laser Center, the plastic surgery practice of Phillip J. Chang, MD, and of Medi Weightloss Clinics in Leesburg.

[Click here to view our Radiance at Broadlands staff](#)

[Click here to view our Radiance at Lansdowne staff](#)

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Application

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Medical Spa, Salon & Day Spa

We invite you to [experience](#) a medical spa with traditional salon & day spa services. With over 15 years of experience in the industry, we are a team of board certified Physicians and licensed beauty professionals with a commitment to provide cutting edge age-defying medical treatments, salon & day spa services for total mind and body rejuvenation.

MedSpa at Villagio is your "one stop shop" for all your beauty rejuvenation from head to toe. We proudly offer medical rejuvenation [services](#) from Botox, Juvederm, Restylane, Dysport, and Voluma cosmetic facial rejuvenation, body cellulite & fat reduction services, laser treatments, to traditional salon & day spa services. We welcome you, whether you need just a fresh polish change to your nails or spend half a day with us and let us pamper you with our popular signature day spa packages. Our comfortable 3,500 sq ft facility would be perfect to host your next champagne spa birthday parties or spa bridal parties.

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Meet Our Staff



Doreen

Laser Technician

Doreen has over 35 years experience in electrology, waxing, and laser hair removal. Doreen graduated from Boston school of Electrology.

Schedule:

- Monday: 930-4
- Tuesday: 930-4
- Thursday: 12-7
- Friday: 930-1



Jeannie

Hair Stylist

Jeannie has specialized in hair care for over 20 years, and specializes in cuts color and perms. If you like disco and some old school tunes she's the one for you!

Schedule:

- Wednesday: 11-7
- Friday: 930-4
- Saturday: 9-4

Jenn



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■ Saturday – 9:00am – 3:00pm



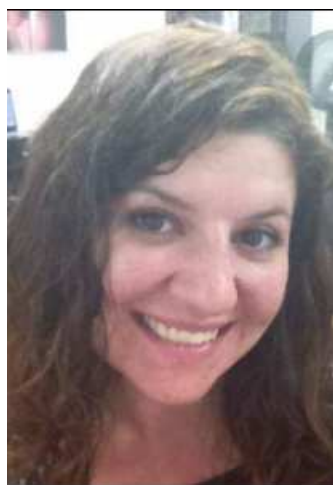
Lisa

Hair Stylist

Lisa has been a hair dresser for 20 plus years. She specializes in hair cuts, styling, and color! Her very faithful clients are known to stay with her for years!

Schedule:

- Wednesday: 1030-7
- Thursday: 1030-7
- Saturday: 9-3



Meghan

Hair Stylist/Nail Technician

Meghan has been a hair stylist for 16 year with a strong background with Goldwell color. She prides herself working at Mac Med where she can continue to educate herself on the newest styles and trends! Meghan loves meeting new people and making them feel and look their best when they leave her chair!

Schedule:

- Thursday: 7:15pm – 9:00pm
- Saturday: 9:00am – 5:00pm

Katie

Hair Stylist/Nail Technician

Katie was born and raised in Massachusetts and has been a licensed Cosmetologist for 10 years! She has a passion for hair as



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Julie

Hair Stylist

Julie has been a master hair stylist for 34 years and specializes in coloring and hair cutting. It is Julie's passion to make all her clients feel and look their absolute best!

Schedule:

- Tuesday: 4-9
- Wednesday: 8-730
- Friday: 8-1



Kerri

Hair Stylist

Kerri has been a hair stylist for 10 years, 6 of which have been @ Mac Med Salon. She loves her job and the opportunity to apply her education, experience and love of this profession to make people not only look, but feel beautiful! Kerri enjoys all aspects of hair care; men, women and children and is passionate about putting her creative talents into updos!

Schedule:

- Monday: 9-1
- Thursday: 530-9



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should be an experience to remember in ones overall salon experience!

Schedule:

- Monday – 9:00am – 9:00pm
- Thursday – 9:00am – 9:00pm
- Friday – 9:00am – 9:00pm
- Saturday – 8:30am – 5:00pm



Suzanne

Massage Therapist

Suzanne has been a Massage Therapist for 10 years. Suzanne specializes in Swedish massage and Reiki and other energetic healing.

Schedule:

- Tuesday: 10:30am – 9:00pm
- Thursday: 10:30am – 7:00pm
- Friday: 12:30 – 9:00pm
- Saturday: 9:00am – 5:00pm

Melanie

Massage Therapist

Melanie is an Intuitively guided massage therapist specializing in Performance and Recovery, who also extends her practice to horses and dogs. She is a Reiki Master, Colon Hydrotherapist and ear candling practitioner. Melanie has over 15 years experience and customizes all sessions to her clients needs.

Schedule:

- Tuesday: 11:00am – 8:00pm



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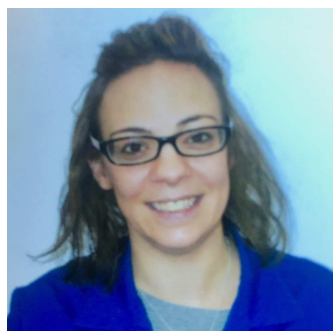
Diane B.

Massage Therapist/Aesthetician

Diane has over 11 years experience as a licensed Massage Therapist as well as having advanced training in many massage modalities. Diane is also a licensed Esthetician specializing in various customized facials and waxing.

Schedule:

- Monday: 9:00am – 5:00pm
- Tuesday: 9:00am – 3:00pm
- Thursday: 9:30am – 5:00pm
- Friday: 9:00am – 4:00pm
- Saturday: 9:00am – 5:00pm



Beth

Massage Therapist

Beth has been a licensed Massage Therapist for 11 years specializing in deep tissue and sports massage.

Schedule:

- Monday – 9:00am – 2:00pm & 5:00pm – 9:00pm
- Tuesday – 9:00am – 2:00pm & 5:00pm – 9:00pm
- Wednesday – 9:00am – 2:00pm & 5:00pm – 9:00pm
- Thursday – 9:00am – 2:00pm & 5:00pm – 9:00pm
- Friday – 9:00am – 2:00pm & 5:00pm – 9:00pm
- Saturday – 9:00am – 5:00pm

Richard

MacMed

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*Dimitra***Master Aesthetician**

Dimitra has been in the industry for over 25 years. Dimitra specializes in facials, waxing, and laser hair removal. Dimitra is also an intimate area bleaching specialist.

Schedule:

- Monday: Milford 5-9
- Tuesday: Hopedale 9-12 / Milford 1230-9
- Wednesday: Hopedale 9-1130 / Milford 1230-9
- Thursday: Milford 9-9
- Friday: Hopedale 9-1130 / Milford 12-8
- Saturday Hopedale 9-12 / Milford 1230-5

*Denise***Aesthetician/Laser Technician**

Denise graduated from Elizabeth Grady School of Esthetics and massage therapy. She has been practicing esthetics for 2 years with a 16 year background in dermatology, health & wellness. She specializes in laser hair removal and skin tightening; she enjoys pampering clients with specialized facials and dermaplaning.

Schedule:

- Wednesday: 9:00am-9:00pm
- Thursday: 9:00am – 9:00pm
- Friday: 9:00am – 9:00pm
- Saturday: 9:00am – 5:00pm

Luciana



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Brittany

Aesthetician/Electrologist/Laser Technician

Brittany is a licensed Electrologist, a certified laser hair removal and laser skin technician and a Colon Hydrotherapist. After 15 years of experience, Brittany's passion developed into skin rejuvenation and eyebrow development. She believes those two things can truly help in how you feel about your image. In turn, Brittany has gratefully developed clients for life.

Schedule:

- Saturday: 9-2



Laurie

Aesthetician/Electrologist

Laurie joins Mac Med with several years experience as a licensed Electrologist and Aesthetician bringing years of experience from the corporate world with interpersonal skills, customer service and sales. Laurie feels Electrology and Esthetics go hand in hand and compliment each other. She is a compassionate and caring individual and has a real knack for connecting with her clients making them feel relaxed and comfortable. Laurie is a great listener working with her clients helping to achieve their desired goals! Laurie is a real asset to the growing business at Mac Med!

Schedule:

- Monday: 10:00am – 7:00pm
- Wednesday: 12:00pm – 7:00pm
- Friday: 1:00pm – 7:00pm
- Saturday: 9:00am – 5:00pm



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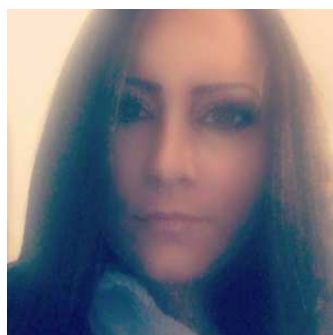


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- Friday: 9-2
- Every Other Friday: 2-9



Linda

Aesthetician/Laser Technician/Lash Specialist/Nail Technician/Reiki Therapist

Linda has always had a passion for beauty; she takes great pride in making others feel good from the inside out. She has been in the industry for over eight years as a licensed Esthetician and a master Nail Technician. Whether it be through a relaxing facial, creative nail designs, make up artistry geared to each individuals' natural beauty or conducting a peaceful Reiki session that promotes healing, Linda enjoys every service she provides. She also works with lasers and is an experienced eyelash extension technician. Linda's clients love her gentle touch, creativity, great company and her ability to make them smile!

Schedule:

- Monday: 11:00am – 7:00pm
- Tuesday: 11:00am – 7:00pm
- Wednesday: 11:00am – 7:00pm
- Thursday: 11:00am – 7:00pm
- Friday: 12:00pm – 6:00pm

Diane

Aesthetician/Hair Stylist/Pedicures

Diane is a licensed Esthetician and hair stylist as well as a Reiki Practitioner. With skin care, Diane focuses on new and up and coming treatments as well as using the latest techniques and styles with color and highlights for beautiful Hair. Diane enjoys people and



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Sue D.

Aesthetician/Eyelash Specialist/Laser Technician

Sue D. is an esthetician and eyelash tech.

Schedule:

- Tuesday: 11:00am-6:00pm
- Wednesday: 11:00am-7:00pm
- Thursday: 11:00am-7:00pm
- Friday: 11:00am – 5:30pm
- Saturday: 9:00am-5:00pm



Sue R.

Aesthetician/Laser Technician

Sue has been with Mac Med for six years and is licensed in Aesthetics and has her laser certification. She specializes in laser hair removal, skin rejuvenation, tightening, pigmented lesion removal and customized facials. Sue has also received advanced training with GM Collin, Obagi, Ocean+, Hydrafacial, Dermablading and Jane Iredale Mineral Cosmetics. By listening to her clients' concerns, using her advanced training and passion for skin care, Sues' clients achieve the ultimate healthy radiant looking skin!

Schedule:

- Monday: 1:00pm – 9:00pm
- Tuesday: 9:00am – 1:30pm

Donna

Aesthetician/Laser Technician/Permanent Makeup Artist



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Gia

Aesthetician/Lash Specialist

Gia is an Eyelash Extension Specialist trained in both classic and volume eyelash extensions. Each set of lashes is customized creating natural looking eyelashes while enhancing length, curl and fullness in a gentle application process.

She is also a licensed Esthetician and has multiple certifications in the Beauty Industry in her perspective fields. Her experience spans over many years and includes work in some of Boston's best salons and spas.

Schedule:

- Saturday: 11:30am – 5:00pm



Kristen

Receptionist/Spray Tan Specialist

Kristen has been with Mac Med for 3 years; she specializes in our Evolv Airbrush spray tan. You will also find her in our Salon as a receptionist and loyal assistant to the girls. Ask her about any of our products and she will have an answer for you!

Schedule:

- Tuesday: 230-8
- Wednesday: 230-8
- Thursday: 9-4
- Friday: 9-5

Sandy



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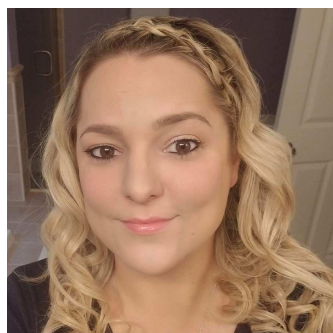
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Marylynn

Receptionist

Marylynn has been a Salon Assistant with Mac Med for 10 years always jumping in to help everyone! Her attention to detail is like no other; if you need assistance, you know who to ask! Marylynn brightens the Salon with her willingness to help and her beautiful smile!



Caitlin

Receptionist

Hi I'm Caitlin and I have been with Mac Med for about ten years now! I am one of the many talented and fun Receptionists and I love to help clients discover which services and products best suit their needs. Mac Med has been a great place for me to work as I was able to have a flexible schedule while working towards my college degree. I even completed one of my cooperative experiences for school assisting in liposuction procedures! Now that I have two crazy boys at home it is nice to be back in the workforce at Mac Med with some amazing ladies!

Gina

Nurse Gina is a specialist in Aesthetic Nursing specializing in the beautification of the face. This is achieved by individualizing each client using Botox that relaxes a customized group of muscles. She also specializes in enhancing lips and cheeks with injectable fillers



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Deb

Deb has been in the Aesthetic Fat Loss Industry for over 10 years, she discovered Mac Med 8 years ago when she introduced Kontur, a groundbreaking Infrared Technology manufactured in Germany. At that time she had the opportunity to work with Debbie MacDonald, the owner and the heart and soul of Mac Med to help promote the technology. So when Deb was looking for a place to introduce California Slim, a state of the art Fat Loss and Inch Reduction System to the greater Boston Market she immediately thought of Mac Med. "In all my years in the industry I have never met a more progressive or innovative business owner than Debbie MacDonald. Mac Med offers the most diverse set of high end treatments I have ever seen. Debbie is very particular about what she brings on board and is constantly researching the best and brightest." Deb offers the first 50 minute treatment and consultation free so the client can experience what the technology is all about. She will measure you before and after the first treatment and determine if you are a candidate. California Slim combines FDA Cleared devices with proprietary protocols developed by Dr. Miller in San Francisco California. 80% of all California Slim clients lose an average of 2 to 6 inches of fat off the area they treat and the best part is all you need to do is lie back relax and let California Slim do the rest.

Schedule:

- Monday – 9:00am – 7:00pm
- Tuesday – 9:00am – 7:00pm
- Wednesday – 9:00am – 7:00pm
- Thursday – 9:00am – 7:00pm
- Friday – 9:00am – 7:00pm
- Saturday – 9:00am – 5:00pm

A Beauty Salon's Organizational Structure

by Karin Barga



A business organizational chart is a pictorial synopsis that depicts the reporting structure of the individuals who represent a business. A standard organizational chart is typically narrower at the top, where the most senior company member is symbolized, and fans out below in representation of subordinates and their peers within the establishment. The beauty salon organizational chart functions as an outline of how the business intends job responsibilities to flow within its internal structure.

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Salon Owner

Not necessarily trained in cosmetology, but a business professional nonetheless, the beauty salon owner resides at the head of the organizational chart. While specific day-to-day responsibilities vary based on the individual salon, the owner primarily concerns herself with customer service, human resources and financial details. The salon owner makes hiring, marketing, property, inventory and design decisions, while staying involved in staff licensing and business certification requirements. If the salon owner is a licensed cosmetologist, she also styles hair and executes other beauty processes for which she is appropriately trained.

Salon Manager

Reporting to the salon owner, a salon manager provides orientation to the salon staff, explaining operational procedures and functions, which are based on company policy. The manager works with staff members to improve performance and ensure quality service while maintaining cleanliness and customer satisfaction. In cooperation with the salon owner, the manager also analyzes personnel records, requisitions supplies, participates in disciplinary procedures and assists in resolving customer complaints.

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Stylists and Technicians

Hairstylists, nail technicians, color specialists, estheticians, trichologists and makeup artists commonly work as peers within a salon, reporting to the manager, though some organizations have senior and junior-level stylists or technicians, based on experience or tenure. Each performs his own specialty service and recommends the services his peers provide, as his customers require.

Receptionist

A salon receptionist reports to the salon's manager and answers the telephone, schedules appointments, greets customers, explains services to callers and visitors, and operates a cash register. Because the receptionist is usually the first person a customer encounters at the salon, she is responsible for creating a comfortable and welcoming

atmosphere. For this reason, she is held accountable for the entire reception area, including its arrangement, organization and cleanliness.

Salon Assistant

The salon assistant provides additional support to the staff through taking responsibility for laundry, handling retail sales, sterilizing equipment, sweeping floors and even preparing clients for services. Client preparations that a salon assistant may execute without possessing a cosmetology license include offering a salon robe, draping for services or even shampooing the hair. Assistants may report to the manager or to other staff members, such as hairstylists.

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Med-spa Franchises: A New Frontier for Salon Owners

Salon owners seeking to expand their service offerings might want to look outside the nail care industry. Medical spas are on the rise, but the financial stakes are high and the issues complex. Franchisors offer experience and support that can smooth the way to ownership.

by Tamara E. Holmes September 1, 2006 [Comments \(2\)](#)

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One of the fastest-growing beauty industry segments is the medical spa industry, which combines the health and beauty expertise of spas and salons with the technical know-how of the medical industry. Medical spas, frequently called med-spas or medispas, [allow](#) consumers to get services such as laser hair removal and skin rejuvenation performed in a spa-like setting.

The industry is booming as the number of med-spas has tripled in the last three years. Today there are between 1,250 and 1,500 med-spas in the United States. Those numbers are up from about 450 just three years ago, according to the International Medical Spa Association (IMSA).

New technology is behind much of the growth in the industry, as new procedures are enabling people to beautify themselves using non-invasive methods, according to Hannelore R. Leavy, executive director for the IMSA. Another impetus for the popularity is the aging population. "An aim of baby boomers is to stay healthy, young, and beautiful," she says.



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Another allure of med-spas is the fact that they are associated with wellness rather than [sickness](#) — as other medical institutions often are.

"We've done so many focus groups and people want to go to a spa to have these services done. They do not want to go to a medical office where there are sick people," says Mona Sappenfield, president of Mona Spa & Laser Center, a franchise company based in Memphis, Tenn.

With all of these variables in place, the med-spa industry is poised to grow for years to come, providing much opportunity for salon professionals.

Tapping the Market

With such a prime consumer base, it's no wonder that more and more entrepreneurs are looking longingly at the med-spa market.

Chicago resident Julie Compton opened a med-spa in Oakbrook, Ill., with her husband earlier this year. A hair salon owner, Compton wanted to go into the med-spa industry because she saw the similarities with her current occupation. "The salon industry was already about looking good and preserving our youth and feeling our best," she says.

But there were also a wealth of differences between the salon industry and med-spas. "It's not just luxury," Compton says. "These are medical professionals who analyze the challenges you're having with the skin and hair and come up with a plan. You have medical rooms. You're going into a more sterile and safe environment for these kinds of treatments."

To better understand these differences as well as the complex regulatory issues surrounding the field, Compton chose to open a med-spa with the help of Solana MedSpas, a company that has developed more than 70 high-end med-spas across the country. In return for help setting up, staffing, and marketing a med-spa, Solana MedSpas receives approximately \$80,000 up front and 6% of the med-spa's gross earnings.

The cost was well worth it, says Compton, because the expertise of Solana MedSpas took away much of the learning curve. "They think with us, they think for us, they handle any challenges personally, and they are a phone call away," Compton says.

From Nails to Med-Spas

While Compton came from the hair industry, the med-spa concept is ideal for nail professionals, as well, says John Buckingham, chief executive officer of Solana MedSpas.

"The biggest pro for nail salons is that this is the same customer. The demographic is high-end females. So to offer these [services](#) to a loyal, local customer base that they already have is an incredible no-brainer," Buckingham says.

There are also similarities between the two industries, Buckingham says. "I see med-spas as being a local business, much like your nail and hair salon businesses, built by trust in local reputation with local women primarily owning the business," he says. Since salon owners don't have to go out to find their customer base, they can often save on marketing costs.

"They don't have to do a whole lot of marketing up front because they already have the customer," says Buckingham. "Internal marketing is where they're probably going to spend most of their time and energy, and that doesn't cost much."

Another plus for salon owners is that they may already have a location for the med-spa.

For Compton, the most difficult part of opening BoDY MedSpa was finding the land. Salon owners that have one or two extra rooms don't have that problem. Or they may only have to add on to their existing location rather than find a new one entirely.

"If you're going to add on to your salons, you have to have separate rooms blocked off," says Buckingham. "You can't have hair near a laser — you have to have walls and doors to separate the med-spa space."

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Discerning the Rules

Location isn't the only thing med-spa owners have to worry about. Perhaps a greater concern is the host of regulatory issues med-spa owners must deal with. And this is where a franchise operator is especially handy.

"There are a number of complex issues," says Charles Engelmann, president and chief executive officer of Radiance Medspa, a franchise company based in Scottsdale, Ariz. "If you're not a physician, it may be illegal in your state to own a med-spa. In our business model, we can have non-physician owners in our group and we have a business plan to do that. Another thing is understanding the scope of practice, what level of licensure is required for each practitioner to perform each individual treatment modality. Then it's understanding what the med-spa should look like, the licenses that are necessary for the facility, what type of staff is needed, and how to structure the organizational chart," Engelmann adds.

For example, services performed by med-spas must be supervised by a medical doctor. The rules about who can do the actual procedures vary from state to state. For example, in one state a nurse practitioner might be able to perform a certain [service](#), but in another, only a medical doctor can do that same task.

In some states, a nail technician could not be a majority owner of a med-spa. Instead a physician would have to own 51% of the business. "In those states if someone who owned a [nail salon](#) wanted to open a med-spa, they would have to partner with a physician," says Sappenfield. A franchise company such as Mona Spa & Laser Center helps interested parties come together, so if a salon owner wants to open a med-spa, it would match the owner with a physician with similar intentions.

Even organizational structure would have to be legally worked out. For example, it is against the law for a lay person or a lay organization to hire a medical doctor. "Only doctors can practice medicine, and the law assumes that if a lay person is paying a doctor, he or she can influence the doctor's choice of patient, type of treatment, and products to recommend," says Buckingham.

As a result, med-spa owners must work out legal arrangements that keep all of these provisions in mind and they must also keep abreast of any regulatory [changes](#). Franchise companies know and understand these regulatory issues and take care of them for franchisees. In other words, they know the rules so the franchisees don't have to worry about missing something.

Running the Business

Although franchises have certain rules that franchisees must follow, franchisees are free to express their own individuality as business owners.

"There is a lot of autonomy," says Engelmann. "We provide the tools, but they decide how they implement those tools and drive their own success."

As a result, different franchisees often get different results. "We've got some franchisees that outperform others because of the way they implement a lot of the things they do," says Engelmann.

Being a franchisee can also save med-spa owners money in the long run. Often, franchisees can take advantage of special [deals](#) with equipment vendors.

"You're not buying a laser or product without vendor support or without discounting — you're much more profitable in terms of buying power than you can be on your own," says Sappenfield.

Likewise, franchisees can save money on advertising costs because they're benefiting from any national marketing efforts that other franchisees have undertaken.

With all of the possible savings, "all of a sudden you're operating with a good 15% to 25% more profitability and sometimes that's all people need to be successful," says Sappenfield.

The Costs Involved

Of course med-spa owners must pay for their [support](#).

"To start from scratch, this is a half-a-million-dollar investment," says Buckingham. Salon owners might be able to save on real estate, but they can expect to spend at least \$150,000 on equipment and perhaps another \$200,000 per year on physicians' and nurses' salaries.

Then there's any up front costs that must be given to the franchise company. And most franchise companies take a percentage of the profits, which generally falls between 4% and 8%.

There's also the issue of liability. Physicians have their own medical malpractice policies, but med-spa owners will have to purchase some as well. However, compared to other types of business insurance the cost of med-spa insurance is relatively low because historically there have not been many claims. "You can get insurance for less than \$10,000 a year because these procedures are so safe and so effective. There are virtually millions being performed without any problems," says Buckingham.

On the flip side, med-spa owners charge more for their services than do other salon operators. The average service cost for a med-spa is \$300, Buckingham estimates. Compare that to the cost of a nail salon's current services, and the potential for increased profitability is enormous.

Med-spas also tend to bring in customers with more disposable income. Because the [services cost](#) more, customers naturally have to have more money. However, perhaps more importantly, med-spa customers are committed to their looks. Salon owners can take advantage of that commitment by turning around and offering more beauty products and services.

Rising to the Challenge

Although the industry has the potential for growth, med-spa owners should not expect riches immediately, says Marria Pooya, who owns a Radiance franchise in Greenwich, Conn.

"There are a lot of people wanting to get into this business now because it's very, very lucrative, but it's not an easy business," Pooya says. "It's not a business where tomorrow you're going to open the door and people are just going to come in. You need to be dedicated to the business."

But that's not to say that success can't be had, Pooya says. "If you do work hard and you start establishing your brand, that's when people start coming in."

Being part of the Radiance franchise family has helped Pooya tremendously. "It does pay to be part of a franchise because you get the name recognition," she says.

Salon professionals who decide to go the franchise route should be careful to test the waters, says Engelmann. "You need to evaluate the different franchisors in that marketplace to see who's most aligned with you as an individual," he says.

Salon professionals might also want to look at how long that med-spa franchisor has been in the business.

It's also imperative to understand the industry. Associations such as the IMSA can provide additional insight into industry trends and changes.

Finally, it's important for potential med-spa owners to buy into the med-spa concept. After all, a company can't [sell](#) a service effectively if it doesn't understand it or believe in it.

The bottom line is a successful med-spa needs a certain level of expertise to make sure the regulatory and medical issues are ironed out so that salon owners don't have to worry about them. A franchise company can provide that guidance.

"People want quality, they want safety, and they want well-trained people. To do that, you have to have relationships with people who've done it for many years," says Sappenfield.

Tamara E. Holmes is a freelance writer based in Largo, Md.

Med-Spa Franchise Resources

If you're considering taking the plunge, here are some med-spa franchisors and developers you can check out.

- JonRic International Deland, Fla. 866-4-JONRIC www.jonric.com
- Mona Spa & Laser Center Memphis, Tenn. (901) 683-0061 www.monaspaandlaser.com
- Nu Image MedSpa, Inc. Las Vegas (702) 784-5922 www.nuimagemedspas.com
- Radiance Med Spas Franchise Group Scottsdale, Ariz. (480) 657-0525 www.radiancemedspas.com
- Sleek MedSpa Boca Raton, Fla. (561) 988-4098 www.sleekmedspa.com
- Solana MedSpas Irvine, Calif. (888) 4-SOLANA, (949) 223-6444 www.solanamedspa.com
- Sona MedSpa International Franklin, Tenn. (615) 591-5040 www.sonamedspa.com

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angelicajones - Commented 7 years ago

A brand new medical spa starts off with a business plan: When you don't have one. Create one. A decent plan can allow you to control all the stuff which gets glossed over with the excitement of getting started on any kind of business. It is definitely a general demand to get capital. <http://www.medicalspamd.com>



tingrey - Commented 8 years ago

You know that mass media coverage could be necessary to your medical spas' success, specifically for the modest company. So what exactly is the mystery to acquiring the media's attention? May be it a carefully crafted concept? Or do you find it really just a feature of who you already know? Here's the information: It's both of those. The area of public relations along with the new media itself has seen lots of incredible corrections. <http://www.marshallbackandbody.com>
<http://MedicalSpaMD.com>

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To: GEMS STYLE INC (juanraul89@yahoo.com)

Subject: U.S. TRADEMARK APPLICATION NO. 87681252 - GS GEMS STYLE HAIR BOTOX - N/A

Sent: 2/26/2018 8:42:05 PM

Sent As: ECOM107@USPTO.GOV

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UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION

U.S. APPLICATION
SERIAL NO. 87681252

MARK: GS GEMS
STYLE HAIR BOTOX

87681252

CORRESPONDENT

ADDRESS:

GEMS STYLE INC
GEMS STYLE INC
3191 NW 95TH TER
3191 NW 95TH TER
MIAMI, FL 33147

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APPLICANT: GEMS
STYLE INC

**CORRESPONDENT'S
REFERENCE/DOCKET
NO:**

N/A

**CORRESPONDENT
E-MAIL ADDRESS:**

juanraul89@yahoo.com

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW. A RESPONSE TRANSMITTED THROUGH THE TRADEMARK ELECTRONIC APPLICATION SYSTEM (TEAS) MUST BE RECEIVED BEFORE MIDNIGHT **EASTERN TIME** OF THE LAST DAY OF THE RESPONSE PERIOD.

ISSUE/MAILING DATE: 2/26/2018

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

SEARCH OF OFFICE'S DATABASE OF MARKS

The trademark examining attorney has searched the Office's database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d). TMEP §704.02; *see* 15 U.S.C. §1052(d).

The examining attorney respectfully advises applicant that this Office Action contains the following requirement(s) summarized immediately below and further explained within the body of this Office Action.

SUMMARY OF ISSUES that applicant must address:

- IDENTIFICATION OF GOODS -- *the requirement to revise the identification of goods*
- DISCLAIMER -- *the applicant must submit a disclaimer statement as set forth below.*

IDENTIFICATION OF GOODS

The identification of goods is indefinite and must be clarified because it lacks specificity. *See* 37 C.F.R. §2.32(a)(6); TMEP §1402.01. Applicant must amend the identification to specify the common commercial or generic name of the goods. *See* TMEP §1402.01. If the goods have no common commercial or generic name, applicant must describe the product, its main purpose, and its intended uses. *See id.*

The USPTO has the discretion to determine the degree of particularity needed to clearly identify goods and/or services covered by a mark. *In re Fiat Grp. Mktg. & Corp. Commc'ns S.p.A*, 109 USPQ2d 1593, 1597 (TTAB 2014) (citing *In re Omega SA*, 494 F.3d 1362, 1365, 83 USPQ2d

1541, 1543-44 (Fed. Cir. 2007)). Accordingly, the USPTO requires the description of goods and/or services in a U.S. application to be specific, definite, clear, accurate, and concise. TMEP §1402.01; *see In re Fiat Grp. Mktg. & Corp. Commc'ns S.p.A.*, 109 USPQ2d at 1597-98; *Cal. Spray-Chem. Corp. v. Osmose Wood Pres. Co. of Am.*, 102 USPQ 321, 322 (Comm'r Pats. 1954).

The identification for “kits” in International Class 3 is indefinite and must be clarified. *See* 37 C.F.R. §2.32(a)(6); TMEP §§1401.05(a), 1402.01, 1402.03. Kits generally consist of a group of components that (1) share a common theme, or (2) are used to make a particular product. *See* TMEP §1401.05(a). Applicant must amend the identification to list the components, using the guidelines below. *See id.*

For kits consisting of a group of components that share a common theme, the identification should specify the theme followed by the wording “comprising” or “comprised of” and a list of the components that make up the kit, with all of the components in the predominant class listed first. *See id.* Generally, a kit is classified in the same international class as the majority of the components in the kit. *See id.* For example, “nail care kits comprised of nail polish, nail polish remover, false nails, nail files, and printed instructions” are in International Class 3, the class of the kits’ primary components which are listed first in the kits’ components (with “nail files” in International Class 8, and “printed instructions” in International Class 16 listed after the International Class 3 components).

If there are no components that are more dominant than another in a shared-theme kit, the first component listed after the wording “comprising” or “comprised of” will determine the class of the kit. *See id.* For example, “tool kits comprising hand saws and power-driven saws” are in International Class 8 (the class for “hand saws”), and “tool kits comprising power-driven saws and hand saws” are in International Class 7 (the class for “power-driven saws”).

For kits that make a particular product, the identification must specify the product being made using the following format: “kits for making [specify item] comprising [specify components]” or “kits for making [specify item] comprised of [specify components].” *See id.* Generally, this type of kit is classified in the international class of the product being made. For example, “kits for making wine consisting of fresh grapes and chemicals for fermenting wine” are classified in International Class 33 (the class for “wine”).

For examples of other acceptable identifications for kits (e.g., sewing kits, face painting kits), please see the USPTO’s [U.S. Acceptable Identification of Goods and Services Manual](#) (ID Manual).

Applicant may adopt the following wording, if accurate:

Class 3: Hair care kits comprising non-medicated hair care preparations, ~~namely, Non-Medicated hair care preparations~~; Non-medicated hair straightening preparations; Non-medicated hair shampoos and conditioners; Non-medicated hair coloring; Non-medicated hair spray and hair gels; Non-medicated hair lotions; Non-medicated hair oil; Non-medicated hair conditioning.; Non-medicated hair restoration lotions; Non-medicated hair treatment preparations for cosmetic purposes

Hair care kits comprising non-medicated hair care preparations, namely, Non-medicated hair care preparations; Non-medicated hair straightening preparations; Non-medicated hair shampoos and conditioners; Non-medicated hair coloring; Non-medicated hair spray and hair gels; Non-medicated hair lotions; Non-medicated hair oil; Non-medicated hair conditioning.; Non-medicated hair restoration lotions; Non-medicated hair treatment preparations for cosmetic purposes

OR:

Class 3: Hair care kits comprising non-medicated hair care preparations, **namely, {indicate preparations, e.g., shampoo, conditioner, gel, etc.}**; Non-medicated hair straightening preparations; Non-medicated hair shampoos and conditioners; Non-medicated hair coloring; Non-medicated hair spray and hair gels; Non-medicated hair lotions; Non-medicated hair oil; Non-medicated hair conditioning.; Non-medicated hair restoration lotions; Non-medicated hair treatment preparations for cosmetic purposes

OR:

Class 3: Hair care kits comprising non-medicated hair care preparations, **namely, non-medicated hair conditioners(,) non-medicated hair straightening preparations(,) non-medicated hair shampoos and conditioners(,) non-medicated hair coloring preparations(,) non-medicated hair spray and hair gels(,) non-medicated hair lotions(,) non-medicated hair oil(,) non-medicated hair conditioning conditioners(,) non-medicated hair restoration lotions(,) and non-medicated hair treatment preparations for cosmetic purposes**

Applicant’s goods and/or services may be clarified or limited, but may not be expanded beyond those originally itemized in the application or as

acceptably amended. *See* 37 C.F.R. §2.71(a); TMEP §1402.06. Applicant may clarify or limit the identification by inserting qualifying language or deleting items to result in a more specific identification; however, applicant may not substitute different goods and/or services or add goods and/or services not found or encompassed by those in the original application or as acceptably amended. *See* TMEP §1402.06(a)-(b). The scope of the goods and/or services sets the outer limit for any changes to the identification and is generally determined by the ordinary meaning of the wording in the identification. TMEP §§1402.06(b), 1402.07(a)-(b). Any acceptable changes to the goods and/or services will further limit scope, and once goods and/or services are deleted, they are not permitted to be reinserted. TMEP §1402.07(e).

For assistance with identifying and classifying goods and services in trademark applications, please see the USPTO's online searchable *U.S. Acceptable Identification of Goods and Services Manual* at <http://tess2.uspto.gov/netathtml/tidm.html>. *See* TMEP §1402.04.

DISCLAIMER REQUIRED

Applicant must disclaim the wording “**STYLE HAIR BOTOX**” in the mark because it merely describes a quality, characteristic, function, or feature of applicant's goods and/or services, and thus is an unregistrable component of the mark. *See* 15 U.S.C. §§1052(e)(1), 1056(a); *DuoProSS Meditech Corp. v. Inviro Med. Devices, Ltd.*, 695 F.3d 1247, 1251, 103 USPQ2d 1753, 1755 (Fed. Cir. 2012) (quoting *In re Oppedahl & Larson LLP*, 373 F.3d 1171, 1173, 71 USPQ2d 1370, 1371 (Fed. Cir. 2004)); TMEP §§1213, 1213.03(a).

See the attached dictionary definitions.

According to the online OneLook ® Dictionary Search, the term “**STYLE**” is defined as:

*: a distinctive quality, form, or type of something ·a new dress style
·the Greek style of architecture*

5 a : the state of being popular : fashion ·clothes that are always in style

b : fashionable elegance

c : beauty, grace, or ease of manner or technique ·an awkward moment she handled with style

<https://www.merriam-webster.com/dictionary/style>

the term “**HAIR**” is defined as: *b : the hairy covering of an animal or a body part; especially : the coating of hairs on a human head*

<https://www.merriam-webster.com/dictionary/hair>

the term “**BOTOX**” is defined as: *to inject botulinum toxin into (part of the body and especially part of the face) usually for cosmetic purposes (as to minimize wrinkles)*

<https://www.merriam-webster.com/dictionary/Botox>

Material obtained from the Internet is generally accepted as competent evidence in trademark examination. *See In re Jonathan Drew Inc.*, 97 USPQ2d 1640, 1641-42 (TTAB 2011); *In re Davey Prods. Pty Ltd.*, 92 USPQ2d 1198, 1202-03 (TTAB 2009); *In re Leonhardt*, 109 USPQ2d 2091, 2098 (TTAB 2008); TBMP §1208.03; TMEP §710.01(b).

An applicant may not claim exclusive rights to terms that others may need to use to describe their goods and/or services in the marketplace. *See Dena Corp. v. Belvedere Int'l, Inc.*, 950 F.2d 1555, 1560, 21 USPQ2d 1047, 1051 (Fed. Cir. 1991); *In re Aug. Storck KG*, 218 USPQ 823, 825 (TTAB 1983). A disclaimer of unregistrable matter does not affect the appearance of the mark; that is, a disclaimer does not physically remove the disclaimed matter from the mark. *See Schwarzkopf v. John H. Breck, Inc.*, 340 F.2d 978, 978, 144 USPQ 433, 433 (C.C.P.A. 1965); TMEP §1213.

If applicant does not provide the required disclaimer, the USPTO may refuse to register the entire mark. *See In re Stereotaxis Inc.*, 429 F.3d 1039, 1040-41, 77 USPQ2d 1087, 1088-89 (Fed. Cir. 2005); TMEP §1213.01(b).

Applicant should submit a disclaimer in the following standardized format:

No claim is made to the exclusive right to use “STYLE HAIR BOTOX” apart from the mark as shown.

Writer's direct phone

(310) 201-5271

Writer's e-mail

kwilton@seyfarth.com

February 9, 2018

VIA EMAIL AND FEDERAL EXPRESS

Mr. Juan De La Cruz
Gems Style, Inc.
3191 NW 95th Terrace
Miami, Florida 33147
juanraul@yahoo.com

Re: Continued Infringement of the BOTOX® Trademark
Response Requested by February 23, 2018

Dear Mr. De La Cruz:

We first wrote you on December 12, 2017 regarding your company's promotion and sale of a line of "HAIR-BOTOX" products that infringe the BOTOX® trademark owned by our client Allergan, Inc.

We were pleased to receive your response of December 18, 2017, in which you, on behalf of Gems Style, promised to: (1) abandon U.S. Trademark Application Serial No. 87519959 (which we confirmed was filed on December 14, 2017); (2) remove all references to packaging and/or marketing materials referring to "HAIR-BOTOX" products; and (3) never use any other mark containing Allergan's BOTOX® mark.

We note that Gems Style has adopted the mark BOTOSMART in connection with its hair products and is advertising these products under that mark on its website at <http://gscosmetics.com/>:



While we appreciate your company's attempt to move away from a mark containing the identical mark "BOTOX" in its entirety, Allergan remains concerned about the similarities in sight, sound, and meaning between its BOTOX® trademark and the mark BOTOSMART. Consumers are still likely to become confused and to assume that Allergan is affiliated with or sponsors the BOTOSMART products when that is not in fact the case.

In order to avoid this problem, we ask that you adopt a new mark that does not contain the letters "BOTO" in sequence, or any other combination that looks and sounds similar to BOTOX®.

We look forward to receiving written confirmation **on or before February 23, 2018** that Gems Style has discontinued all promotion and sale of HAIR-BOTOX and/or BOTOSMART products as well as destroyed any unsold units.

We thank you for your cooperation with this important request.

Very truly yours,

SEYFARTH SHAW LLP


Kenneth L. Wilton

KLW

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A Black Market for Botox?

Saturday, September 8, 2012 (0 Comments)

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By *Renee Elise Coover*

Not only can you buy a fake Louis Vuitton handbag for \$20 (normally priced over \$1000) or a counterfeit iphone from China, but now you can even score fake Botox—a deadly toxin—on the Black Market. Until now, Allergan, the only patented FDA-approved manufacturer of Botox in the United States, has successfully monopolized the market. Competition is on the rise as off-shore and web-based companies lure licensed physicians to purchase counterfeit Botox at bargain prices by fraudulently claiming the Botox brand name on labels.

As Botox increasingly becomes more popular, claiming to cure not only wrinkles and frown lines but even urinary incontinence and arthritis, the demand for this "miracle" drug is rapidly increasing. The demand continues to surge, and since there is no legitimate competitor, Allergan is able to use its monopoly power to increase the price.

As prices for this drug soar, illegitimate competition is surfacing – in the form of bootleg Botox. Physicians across the country are receiving mailers, emails and advertising materials from distributors claiming to sell Botox for much less than Allergan is charging and the question has become- are these products legal? Can physicians purchase Botox from off-shore distributors and how do they know if the distributor is selling "real" Botox or a counterfeit version?

According to the Food and Drug Administration (FDA), the United States Federal Food, Drug and Cosmetic Act prohibits the interstate shipment (including importation) of unapproved new drugs.[1] (http://www.americanmedspa.org/a-black-market-for-botox/#_ftn1) Thus, importing any drug that lacks FDA approval—whether for personal use or otherwise—violates the law.

How does one know if the distributor's Botox is an unapproved drug? The FDA states that unapproved new drugs are "any drugs, including foreign-made versions of US-approved drugs, that have not been manufactured in accordance with and pursuant to FDA approval." [2] (http://www.americanmedspa.org/a-black-market-for-botox/#_ftn2) Any medicine bought over the internet from foreign sources, from storefront businesses that offer to buy foreign medicine for the physician, or during trips outside the United States, may not be safe or effective because these medicines present health risks and their safety cannot be FDA ensured.

The distribution of this new bootleg Botox threatens to undermine the safe manufacture, sale and transport of a potentially dangerous – and even deadly – drug in the United States. Additionally, its distribution causes a huge risk malpractice for physicians. If a physician purchases bootleg Botox (knowingly or unknowingly), injects it into a patient, and the patient is injured because the product has been contaminated or damaged in shipment, it is likely the physician would be fully responsible.

The problem is not only affecting the U.S. market but is becoming widespread across the globe. Recently, in China, the public was warned by the Ministry of Public Security to ensure they are buying real Botox after it was discovered that a Chinese company was selling locally-made fake Botox.[3] (http://www.americanmedspa.org/a-black-market-for-botox/#_ftn3) The scam was actually discovered after Allergan complained that its name, but not its product was being used to sell Botox on an online shop in China.[4] (http://www.americanmedspa.org/a-black-market-for-botox/#_ftn4)

Buying fake Botox is clearly illegal since it is not FDA-approved, but many physicians still ask- what if I buy the real thing but I purchase the Botox from a company outside of the U.S- is that legal? The answer is no. It is true that Allergan sells Botox to pharmacies outside the U.S., particularly Canada, for a much reduced price. Of course, it is very enticing for physicians to buy the Botox on the cheap from a different country and ship it back to the U.S. However, the U.S. Drug Enforcement Administration (DEA) makes it illegal to import Botox or any other injectable from another country because the product cannot be properly monitored. Botox must be purchased directly from Allergan in the US where the FDA maintains safety levels not so strictly adhered to in other countries. Importation of cosmetic injectables like Botox from outside of the US can be a felony, subject to one year in prison and \$100,000 in fines.[5] (http://www.americanmedspa.org/a-black-market-for-botox/#_ftn5)

So as the instance of counterfeit and imported Botox escalates, physicians and other purchasers of this popular drug must take extra care to check their sources and avoid the allure of buying Botox outside the U.S. on the cheap - because the results could be very expensive indeed.

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[1] (http://www.americanmedspa.org/a-black-market-for-botox/#_ftnref1)
www.fda.gov/ForIndustry/ImportProgram/ucm173751.htm
 (<http://www.fda.gov/ForIndustry/ImportProgram/ucm173751.htm>)

[2] (http://www.americanmedspa.org/a-black-market-for-botox/#_ftnref2) Id.

[3] (http://www.americanmedspa.org/a-black-market-for-botox/#_ftnref3)
<http://www.globaltimes.cn/content/725765.shtml>
 (<http://www.globaltimes.cn/content/725765.shtml>)

[4] (http://www.americanmedspa.org/a-black-market-for-botox/#_ftnref4) Id.

[5] (http://www.americanmedspa.org/a-black-market-for-botox/#_ftnref5)
<http://www.fda.gov/ICECI/CriminalInvestigations/>
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