

ESTTA Tracking number: **ESTTA351649**

Filing date: **06/08/2010**

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

**Petition for Cancellation**

Notice is hereby given that the following party requests to cancel indicated registration.

**Petitioner Information**

Name	J. Cannon Inc.		
Entity	Corporation	Citizenship	Texas
Address	7532 Pebble Drive Fort Worth, TX 76118 UNITED STATES		

Attorney information	Julie A. Greenberg Gifford, Krass, Sprinkle, Anderson & Citkowski, PC 2701 Troy Center Drive, Ste. 330 , P.O. Box 7021 Troy, MI 48007 UNITED STATES docket@patlaw.com Phone:248-647-6000		
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**Registration Subject to Cancellation**

Registration No	3662074	Registration date	07/28/2009
Registrant	PEREG ASSOCIATES 207-19th 4th Avenue Bayside, NY 11361 UNITED STATES		

**Goods/Services Subject to Cancellation**

Class 003. First Use: 2009/05/06 First Use In Commerce: 2009/05/06 All goods and services in the class are cancelled, namely: Anti-wrinkle cream; Anti-wrinkle creams; Beauty creams; Beauty masks; Cosmetic creams; Cosmetic creams for skin care; Cosmetic oils; Cosmetic oils for the epidermis; Cosmetics; Exfoliant creams; Eye cream; Eye lotions; Face creams; Face creams for cosmetic use; Face powder; Facial beauty masks; Facial cleansers; Facial creams; Facial emulsions; Facial lotion; Facial make-up; Facial masks; Facial scrubs; Gel eye masks
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**Grounds for Cancellation**

Priority and likelihood of confusion	Trademark Act section 2(d)
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**Mark Cited by Petitioner as Basis for Cancellation**

U.S. Application No.	77019596	Application Date	10/12/2006
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	DERMAGEN		

Design Mark	<b>DERMAGEN</b>
Description of Mark	NONE
Goods/Services	Class 003. First use: First Use: 1996/03/01 First Use In Commerce: 1996/03/01 Hair shampoo and hair conditioner

Attachments	77019596#TMSN.jpeg ( 1 page )( bytes ) Petition for Cancellation(DermaGem).pdf ( 24 pages )(546881 bytes )
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### **Certificate of Service**

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

Signature	/s/Julie A. Greenberg
Name	Julie A. Greenberg
Date	06/08/2010

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

In the Matter of Registration No. 3,662,074

Date of Registration: July 28, 2009

J. Cannon Inc.

Petitioner,

Cancellation No.

vs.

Pereg Associates,

Registrant.

\_\_\_\_\_ /

**PETITION FOR CANCELLATION**

J. Cannon Inc., Petitioner herein, a corporation of Texas, having a principal place of business at 7532 Pebble Drive, Forth Worth, Texas 76118, believes that it has been and will be damaged by Registration No. 3,662,074 for the mark DERMAGEM (the "Registration"), and hereby petitions to cancel the registration of the mark for these goods.

As grounds for this Petition, it is alleged that:

1. The Petitioner owns and extensively uses the mark DERMAGEN (the "DERMAGEN Mark") for hair products. Petitioner's use has been continuous since at least as early as 1996.

2. On June 6, 2006, approximately ten years after Petitioner's first use of the DERMAGEN Mark, Registrant, Pereg Associates, applied for the mark DERMAGEM ("Registrant's Mark"), in International Class 003, for anti-wrinkle cream, anti-wrinkle creams, beauty creams, beauty masks, cosmetic creams, cosmetic creams for skin care, cosmetic oils, cosmetic oils for the epidermis, cosmetics, exfoliant creams, eye cream, eye lotions, face creams,

face creams for cosmetic use, face powder, facial beauty masks, facial cleansers, facial creams, facial emulsions, facial lotion, facial make-up, facial masks, facial scrubs, and gel eye masks. The application was based on intent-to-use, and eventually registered as Reg. No. 3,662,074, a status and title copy of which is attached as Exhibit A.

3. Petitioner owns Application Serial No. 77/019,596 for its DERMAGEN Mark, filed based on first use of 1996, which application has been refused registration on the basis of the Examiner's conclusion that the DERMAGEN Mark is likely to be confused with the DERMAGEM Mark of the Registration which is the subject of this Cancellation Proceeding. This pending Section 2(d) refusal is the source of damage to Petitioner. A copy of the Office Action in Petitioner's application Serial No. 77/019,596 is attached hereto as Exhibit B.

4. Petitioner has invested substantial resources in connection with the development and promotion of the DERMAGEN Mark and the goodwill associated therewith, and considers the DERMAGEN Mark, and its related Application for Registration of same, to constitute an extremely valuable assets.

5. Petitioner previously owned Reg. No. 2,128,368 for its DERMAGEN Mark, which mark was inadvertently canceled in 2004.

6. If the Registrant is permitted to retain the Registration sought to be canceled, Petitioner will be damaged as a result. In particular, Petitioner will be deprived of the rights to which it is entitled, including the right to register its mark, as a result of its prior common law use of its DERMAGEN Mark, begun years before the first use by Registrant of the Registered Mark.

7. If the Registrant is permitted to retain the registration sought to be canceled, a

cloud will be placed on Petitioner's title in and to its DERMAGEN Mark and on its right to enjoy the free and exclusive use thereof as it relates to its goods. Such a conflicting registration is and will continue to be a source of damage and injury to the Petitioner.

WHEREFORE, the Petitioner prays that this Petition for Cancellation be sustained, and that Registration No. 3,662,074 be canceled. Petitioner hereby gives notice that it will rely on its exhibits annexed to this Petition for Cancellation as evidence in support of this Petition for Cancellation.

The filing fee of this cancellation in the amount of \$300.00 is enclosed.

Petitioner hereby appoints the attorneys of Gifford, Krass, Sprinkle, Anderson & Citkowski, P.C., a law firm having a place of business at 2701 Troy Center Drive, Ste. 330, P.O. Box 7021, Troy, Michigan 48007, to act as attorneys for Petitioner herein, with full power to prosecute said cancellation, to transact all relative business in the United States Patent and Trademark Office and in the United States courts, and to receive all official communications in connection with this cancellation.

Respectfully submitted,

By: /s/Julie A. Greenberg  
Julie A. Greenberg  
GIFFORD, KRASS, SPRINKLE,  
ANDERSON & CITKOWSKI, P.C.  
2701 Troy Center Drive, Ste. 330  
P.O. Box 7021  
Troy, MI 48007  
(248) 647-6000  
(248) 647-5210 (Fax)  
litigation@patlaw.com  
*Attorneys for Petitioner*

Dated: June 8, 2010

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing **PETITION FOR CANCELLATION** was deposited as First Class Mail, postage prepaid in an envelope addressed to:

Barbara H. Loewenthal  
Gottlieb, Rackman & Reisman, P.C.  
270 Madison Avenue  
New York, NY 10016

on this 8th day of June, 2010.

/s/Shannon Jennings \_\_\_\_\_  
Shannon Jennings

# EXHIBIT A

Int. Cl.: 3

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

United States Patent and Trademark Office

Reg. No. 3,662,074

Registered July 28, 2009

TRADEMARK  
PRINCIPAL REGISTER

# DermaGem

PEREG ASSOCIATES (NEW YORK CORPORATION)  
207-19TH 4TH AVENUE  
BAYSIDE, NY 11361

FOR: ANTI-WRINKLE CREAM; ANTI-WRINKLE CREAMS; BEAUTY CREAMS; BEAUTY MASKS; COSMETIC CREAMS; COSMETIC CREAMS FOR SKIN CARE; COSMETIC OILS; COSMETIC OILS FOR THE EPIDERMIS; COSMETICS; EXFOLIANT CREAMS; EYE CREAM; EYE LOTIONS; FACE CREAMS; FACE CREAMS FOR COSMETIC USE; FACE POWDER; FACIAL BEAUTY MASKS; FACIAL CLEANSERS; FACIAL CREAMS; FACIAL

EMULSIONS; FACIAL LOTION; FACIAL MAKE-UP; FACIAL MASKS; FACIAL SCRUBS; GEL EYE MASKS, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 5-6-2009; IN COMMERCE 5-6-2009.

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

SN 78-901,467, FILED 6-6-2006.

JOHN GARTNER, EXAMINING ATTORNEY

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2010-05-18 14:18:02 ET

Serial Number: 78901467 Assignment Information      Trademark Document Retrieval

Registration Number: 3662074

Mark

DermaGem

(words only): DERMAGEM

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2009-07-28

Filing Date: 2006-06-06

Filed as TEAS Plus Application: Yes

Currently TEAS Plus Application: Yes

Transformed into a National Application: No

Registration Date: 2009-07-28

Register: Principal

Law Office Assigned: LAW OFFICE 102

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)

Current Location: 650 -Publication And Issue Section

Date In Location: 2009-06-22

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LAST APPLICANT(S)/OWNER(S) OF RECORD

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**1. PEREG ASSOCIATES****Address:**

PEREG ASSOCIATES

207-19th 4th Avenue

Bayside, NY 11361

United States

**Legal Entity Type:** Corporation**State or Country of Incorporation:** New York

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**GOODS AND/OR SERVICES**

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**International Class:** 003**Class Status:** Active

Anti-wrinkle cream; Anti-wrinkle creams; Beauty creams; Beauty masks; Cosmetic creams; Cosmetic creams for skin care; Cosmetic oils; Cosmetic oils for the epidermis; Cosmetics; Exfoliant creams; Eye cream; Eye lotions; Face creams; Face creams for cosmetic use; Face powder; Facial beauty masks; Facial cleansers; Facial creams; Facial emulsions; Facial lotion; Facial make-up; Facial masks; Facial scrubs; Gel eye masks

**Basis:** 1(a)**First Use Date:** 2009-05-06**First Use in Commerce Date:** 2009-05-06

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**ADDITIONAL INFORMATION**

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(NOT AVAILABLE)

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**MADRID PROTOCOL INFORMATION**

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(NOT AVAILABLE)

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**PROSECUTION HISTORY**

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**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2009-07-28 - Registered - Principal Register

2009-06-22 - Law Office Registration Review Completed

2009-06-19 - Allowed for Registration - Principal Register (SOU accepted)

2009-06-19 - Statement of use processing complete

2009-06-17 - Amendment to Use filed

2009-06-17 - TEAS Statement of Use Received  
2009-02-18 - Extension 1 granted  
2009-01-01 - Extension 1 filed  
2009-02-18 - Case Assigned To Intent To Use Paralegal  
2009-01-19 - Extension Received With TEAS Petition  
2009-01-19 - Petition To Revive-Granted  
2009-01-19 - TEAS Petition To Revive Received  
2008-07-01 - Noa Mailed - SOU Required From Applicant  
2008-04-08 - Published for opposition  
2008-03-19 - Notice of publication  
2008-03-01 - Law Office Publication Review Completed  
2008-02-07 - Approved for Pub - Principal Register (Initial exam)  
2008-02-07 - Teas/Email Correspondence Entered  
2008-02-07 - Communication received from applicant  
2008-02-07 - Assigned To LIE  
2008-02-06 - Assigned To LIE  
2008-01-29 - Assigned To LIE  
2008-01-24 - Attorney Revoked And/Or Appointed  
2008-01-24 - TEAS Revoke/Appoint Attorney Received  
2007-12-19 - Automatic Update Of Assignment Of Ownership  
2007-12-15 - TEAS Response to Office Action Received  
2007-06-26 - Notification Of Non-Final Action E-Mailed  
2007-06-26 - NON-FINAL ACTION E-MAILED  
2007-06-26 - Non-Final Action Written  
2007-06-24 - Petition To Revive-Granted  
2007-06-24 - TEAS Petition To Revive Received

2007-06-07 - Abandonment Notice Mailed - Failure To Respond  
2007-06-06 - Abandonment - Failure To Respond Or Late Response  
2006-11-08 - Non-final action e-mailed  
2006-11-08 - Non-Final Action Written  
2006-11-07 - Assigned To Examiner  
2006-06-10 - Notice Of Pseudo Mark Mailed  
2006-06-09 - New Application Entered In Tram

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**ATTORNEY/CORRESPONDENT INFORMATION**

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**Attorney of Record**

Barbara H. Loewenthal

**Correspondent**

Barbara H. Loewenthal  
Gottlieb, Rackman & Reisman, P.C.  
270 Madison Avenue  
New York NY 10016  
Phone Number: 212-684-3900  
Fax Number: 212-684-3999

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# EXHIBIT B

**To:** J. Cannon, Inc. (rosemarie@therapromedi.com)  
**Subject:** U.S. TRADEMARK APPLICATION NO. 77019596 -DERMAGEN - N/A  
**Sent:** 12/9/2009 12:40:23 PM  
**Sent As:** ECOM116@USPTO.GOV  
**Attachments:** Attachment - 1  
Attachment - 2  
Attachment - 3  
Attachment - 4  
Attachment - 5  
Attachment - 6

**UNITED STATES PATENT AND TRADEMARK OFFICE**

**SERIAL NO:** 77/019596

**MARK:** DERMAGEN

**\*77019596\***

**CORRESPONDENT ADDRESS:**  
J. CANNON, INC.  
7532 PEBBLE DR  
FORT WORTH, TX 76118-6991

**RESPOND TO THIS ACTION:**  
<http://www.uspto.gov/teas/eTEASpageD.htm>

**GENERAL TRADEMARK INFORMATION:**  
<http://www.uspto.gov/main/trademarks.htm>

**APPLICANT:** J. Cannon, Inc.

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

**CORRESPONDENT E-MAIL ADDRESS:**  
rosemarie@therapromedi.com

**OFFICE ACTION**

TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE ISSUE/MAILING DATE.

**ISSUE/MAILING DATE:** 12/9/2009

On May 7, 2007, the requirement for verification of the substitute specimen was maintained and continued, and further action on this application was suspended pending the disposition of Application Serial Nos. 78797524 and 78901467. The referenced prior-pending applications have since registered. Therefore, registration is refused as follows.

#### 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. 3455439 and 3662074. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* See the enclosed registrations.

##### --General Principles in Determining Likelihood of Confusion

Taking into account the relevant *du Pont* factors, a likelihood of confusion determination in this case involves a two-part analysis. The marks are compared for similarities in their appearance, sound, connotation and commercial impression. TMEP §§1207.01, 1207.01(b). The goods and/or services are compared to determine whether they are similar or commercially related or travel in the same trade channels. *See Herbko Int'l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1164-65, 64 USPQ2d 1375, 1380 (Fed. Cir. 2002); *Han Beauty, Inc. v. Alberto-Culver Co.*, 236 F.3d 1333, 1336, 57 USPQ2d 1557, 1559 (Fed. Cir. 2001); TMEP §§1207.01, 1207.01(a)(vi).

##### --Similarities Between the Marks

In a likelihood of confusion determination, the marks are compared for similarities in their appearance, sound, meaning or connotation and commercial impression. *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973); TMEP §1207.01(b). Similarity in any one of these elements may be sufficient to find a likelihood of confusion. *In re White Swan Ltd.*, 8 USPQ2d 1534, 1535 (TTAB 1988); *In re Lamson Oil Co.*, 6 USPQ2d 1041, 1043 (TTAB 1987); *see* TMEP §1207.01(b).

The applicant applied to register the mark DERMAGEN. The registered marks are DERMAGENICS; and, DERMAGEM.

The applicant's mark is similar to the registrants' marks in appearance and sound, and the marks create the same overall commercial impression.

The question is not whether people will confuse the marks, but whether the marks will confuse people into believing that the goods and/or services they identify come from the same source. *In re West Point-Pepperell, Inc.*, 468 F.2d 200, 201, 175 USPQ 558, 558-59 (C.C.P.A. 1972); TMEP §1207.01(b). For that reason, the test of likelihood of confusion is not whether the marks can be distinguished when subjected to a side-by-side comparison. The question is whether the marks create the same overall impression. *See Recot, Inc. v. M.C. Becton*, 214 F.3d 1322, 1329-30, 54 USPQ2d 1894, 1899 (Fed. Cir. 2000); *Visual Info. Inst., Inc. v. Vicon Indus. Inc.*, 209 USPQ 179, 189 (TTAB 1980). The focus is on the recollection of the average purchaser who normally retains a general rather than specific impression of trademarks. *Chemetron Corp. v. Morris Coupling & Clamp Co.*, 203 USPQ 537, 540-41 (TTAB 1979); *Sealed Air Corp. v. Scott Paper Co.*, 190 USPQ 106, 108 (TTAB 1975); TMEP §1207.01(b).

## --Similarities Between the Goods

The goods and/or services of the parties need not be identical or directly competitive to find a likelihood of confusion. See *Safety-Kleen Corp. v. Dresser Indus., Inc.*, 518 F.2d 1399, 1404, 186 USPQ 476, 480 (C.C.P.A. 1975); TMEP §1207.01(a)(i). Rather, it is sufficient that the goods and/or services are related in some manner and/or the conditions surrounding their marketing are such that they would be encountered by the same purchasers under circumstances that would give rise to the mistaken belief that the goods and/or services come from a common source. *In re Total Quality Group, Inc.*, 51 USPQ2d 1474, 1476 (TTAB 1999); TMEP §1207.01(a)(i); see, e.g., *On-line Careline Inc. v. Am. Online Inc.*, 229 F.3d 1080, 1086-87, 56 USPQ2d 1471, 1475-76 (Fed. Cir. 2000); *In re Martin's Famous Pastry Shoppe, Inc.*, 748 F.2d 1565, 1566-68, 223 USPQ 1289, 1290 (Fed. Cir. 1984).

In this case, the applicant's goods identified as "Hair shampoo and hair conditioner" are the same as, or related to, the registrants' goods identified as "SKIN CARE PRODUCTS AND FACIAL AND BODY TREATMENTS, NAMELY, DAY MOISTURIZING CREAM, NIGHT MOISTURIZING CREAM, NIGHTTIME UNDER-EYE CREAM, DAYTIME UNDER-EYE CREAM, NON-MEDICATED SKIN CARE SERUM, SKIN CARE TONER, SKIN CARE MASK, SKIN CARE SCRUB/EXFOLIANT, BODY CREAM, HAND CREAM, NON-MEDICATED FOOT CREAM; BATH OILS; SOAPS; BUBBLE BATH; HAIR CARE PRODUCTS, NAMELY, SHAMPOO, HAIR CONDITIONER, NON-MEDICATED HAIR TREATMENT PREPARATIONS, HAIR CREAM RINSE; MAKEUP, NAMELY, LIPSTICK, FOUNDATIONS, MASCARA, EYE SHADOW" and "Anti-wrinkle cream; Anti-wrinkle creams; Beauty creams; Beauty masks; Cosmetic creams; Cosmetic creams for skin care; Cosmetic oils; Cosmetic oils for the epidermis; Cosmetics; Exfoliant creams; Eye cream; Eye lotions; Face creams; Face creams for cosmetic use; Face powder; Facial beauty masks; Facial cleansers; Facial creams; Facial emulsions; Facial lotion; Facial make-up; Facial masks; Facial scrubs; Gel eye masks."

## ADDITIONAL REQUIREMENTS

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

Applicant must respond to the requirement(s) set forth below.

## SPECIMEN NOT PROPERLY VERIFIED

Applicant was previously required to submit a verified substitute specimen showing use in commerce of the applied-for mark because the application did not include a specimen when filed. Pending receipt of a proper response, registration was refused because the specimen did not show the applied-for mark in use in commerce as a trademark and/or service mark. Trademark Act Sections 1 and 45, 15 U.S.C. §§1051, 1127; 37 C.F.R. §§2.34(a)(1)(iv), 2.56(a); TMEP §§904, 904.07(a).

In response, applicant provided an unverified substitute specimen that appears to show use in commerce of the applied-for mark. To properly respond to the refusal and make the unverified substitute specimen part of the application record that will be considered for examination, however, applicant must provide verification that the substitute specimen was in use in commerce at least as early as the filing date of the application.

Accordingly, applicant must submit the following statement, verified with an affidavit or signed declaration under 37 C.F.R. §§2.20, 2.33: **“The substitute specimen was in use in commerce at least as early as the filing date of the application.”** 37 C.F.R. §2.59(a); TMEP §904.05. If submitting the substitute specimen required an amendment to the dates of use, applicant must also verify the amended dates. 37 C.F.R. §2.71(c); TMEP §904.05.

If applicant cannot provide this verified statement, applicant must either provide a different specimen for which this verified statement can be made, or amend the application from a use in commerce basis under Trademark Act Section 1(a) to an intent to use basis under Section 1(b), for which no specimen is required. *See* TMEP §806.03(c). However, if applicant amends the basis to Section 1(b), registration will not be granted until applicant later amends the application back to use in commerce by filing an acceptable allegation of use with a proper specimen. *See* 15 U.S.C. §1051(c), (d); 37 C.F.R. §§2.76, 2.88; TMEP §1103.

To amend to Section 1(b), applicant must submit the following statement, verified with an affidavit or signed declaration under 37 C.F.R. §§2.20, 2.33: **“Applicant has had a bona fide intention to use the mark in commerce on or in connection with the goods and/or services listed in the application as of the filing date of the application.”** 37 C.F.R. §2.34(a)(2); TMEP §806.01(b); *see* 15 U.S.C. §1051(b); 37 C.F.R. §2.35(b)(1).

Pending receipt of a proper response, the refusal of registration based on the failure to provide a specimen that shows the applied-for mark in use in commerce as a trademark and/or service mark is maintained and continued because the unverified substitute specimen cannot be accepted. Trademark Act Sections 1 and 45, 15 U.S.C. §§1051, 1127; 37 C.F.R. §§2.34(a)(1)(iv), 2.56(a); TMEP §§713.02, 904, 904.07(a).

/John Dwyer/  
Examining Attorney  
Law Office 116  
Telephone 571-272-9155  
Facsimile 571-273-9116

**RESPOND TO THIS ACTION:** Applicant should file a response to this Office action online using the form at <http://www.uspto.gov/teas/eTEASpageD.htm>, waiting 48-72 hours if applicant received notification of the Office action via e-mail. For *technical* assistance with the form, please e-mail [TEAS@uspto.gov](mailto:TEAS@uspto.gov). For questions about the Office action itself, please contact the assigned examining attorney. **Do not respond to this Office action by e-mail; the USPTO does not accept e-mailed responses.**

If responding by paper mail, please include the following information: the application serial number, the mark, the filing date and the name, title/position, telephone number and e-mail address of the person signing the response. Please use the following address: Commissioner for Trademarks, P.O. Box 1451,

Alexandria, VA 22313-1451.

**STATUS CHECK:** Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at <http://tarr.uspto.gov>. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.

**DESIGN MARK**

**Serial Number**

78797524

**Status**

REGISTERED

**Word Mark**

DERMAGENICS

**Standard Character Mark**

Yes

**Registration Number**

3455439

**Date Registered**

2008/06/24

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

UNIVERSAL SKIN TECHNOLOGIES, LLC LIMITED LIABILITY COMPANY CALIFORNIA  
15332 ANTIOCH STREET NO. 446 PACIFIC PALISADES CALIFORNIA 90272

**Goods/Services**

Class Status -- ACTIVE. IC 003. US 001 004 006 050 051 052. G & S:  
SKIN CARE PRODUCTS AND FACIAL AND BODY TREATMENTS, NAMELY, DAY  
MOISTURIZING CREAM, NIGHT MOISTURIZING CREAM, NIGHTTIME UNDER-EYE  
CREAM, DAYTIME UNDER-EYE CREAM, NON-MEDICATED SKIN CARE SERUM, SKIN  
CARE TONER, SKIN CARE MASK, SKIN CARE SCRUB/EXFOLIANT, BODY CREAM,  
HAND CREAM, NON-MEDICATED FOOT CREAM; BATH OILS; SOAPS; BUBBLE BATH;  
HAIR CARE PRODUCTS, NAMELY, SHAMPOO, HAIR CONDITIONER, NON-MEDICATED  
HAIR TREATMENT PREPARATIONS, HAIR CREAM RINSE; MAKEUP, NAMELY,  
LIPSTICK, FOUNDATIONS, MASCARA, EYE SHADOW. First Use: 2006/08/10.  
First Use In Commerce: 2006/08/10.

**Prior Registration(s)**

1097832

**Filing Date**

2006/01/23

**Print: Dec 9, 2009**

**78797524**

**Examining Attorney**  
MILLER, DAVID

**Attorney of Record**  
THOMAS I ROZSA

# DERMAGENICS

**DESIGN MARK**

**Serial Number**

78901467

**Status**

REGISTERED

**Word Mark**

DERMAGEM

**Standard Character Mark**

Yes

**Registration Number**

3662074

**Date Registered**

2009/07/28

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

PEREG ASSOCIATES CORPORATION NEW YORK 207-19th 4th Avenue Bayside NEW YORK 11361

**Goods/Services**

Class Status -- ACTIVE. IC 003. US 001 004 006 050 051 052. G & S:  
Anti-wrinkle cream; Anti-wrinkle creams; Beauty creams; Beauty masks;  
Cosmetic creams; Cosmetic creams for skin care; Cosmetic oils;  
Cosmetic oils for the epidermis; Cosmetics; Exfoliant creams; Eye  
cream; Eye lotions; Face creams; Face creams for cosmetic use; Face  
powder; Facial beauty masks; Facial cleansers; Facial creams; Facial  
emulsions; Facial lotion; Facial make-up; Facial masks; Facial scrubs;  
Gel eye masks. First Use: 2009/05/06. First Use In Commerce:  
2009/05/06.

**Filing Date**

2006/06/06

**Examining Attorney**

GARTNER, JOHN

**Attorney of Record**

Print: Dec 9, 2009

78901467

Barbara H. Loewenthal

# DermaGem

**To:** J. Cannon, Inc. ([rosemarie@therapromedi.com](mailto:rosemarie@therapromedi.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 77019596 - DERMAGEN - N/A  
**Sent:** 12/9/2009 12:40:26 PM  
**Sent As:** ECOM116@USPTO.GOV  
**Attachments:**

## **IMPORTANT NOTICE REGARDING YOUR TRADEMARK APPLICATION**

Your trademark application (Serial No. 77019596) has been reviewed. The examining attorney assigned by the United States Patent and Trademark Office ("USPTO") has written a letter (an "Office action") on 12/9/2009 to which you must respond (*unless the Office letter specifically states that no response is required*). Please follow these steps:

1. Read the Office letter by clicking on this [link](http://tmportal.uspto.gov/external/portal/tow?DDA=Y&serial number=77019596&doc type=OOA&)  
<http://tmportal.uspto.gov/external/portal/tow?DDA=Y&serial number=77019596&doc type=OOA&>  
OR go to <http://tmportal.uspto.gov/external/portal/tow> and enter your serial number to access the Office letter. If you have difficulty accessing the Office letter, contact [TDR@uspto.gov](mailto:TDR@uspto.gov).

**PLEASE NOTE:** The Office letter may not be immediately available but will be viewable within 24 hours of this e-mail notification.

2. Contact the examining attorney who reviewed your application if you have any questions about the content of the Office letter (contact information appears at the end thereof).

3. Respond within 6 months, calculated from 12/9/2009 (*or sooner if specified in the Office letter*), using the Trademark Electronic Application System (TEAS) **Response to Office Action form**. If you have difficulty using TEAS, contact [TEAS@uspto.gov](mailto:TEAS@uspto.gov).

### **ALERT:**

Failure to file any required response by the applicable deadline will result in the **ABANDONMENT** (loss) of your application.

Do NOT hit "Reply" to this e-mail notification, or otherwise attempt to e-mail your response, as the USPTO does NOT accept e-mailed responses.