

ESTTA Tracking number: **ESTTA645803**

Filing date: **12/18/2014**

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

Proceeding	92056552
Party	Plaintiff ActiMuse, LLC
Correspondence Address	DANIEL J CHALKER CHALKER FLORES LLP 14951 N DALLAS PARKWAY, SUITE 400 DALLAS, TX 75254 UNITED STATES ecortez@chalkerflores.com, dchalker@chalkerflores.com, jflores@chalkerflores.com, docket@chalkerflores.com, cminchillo@chalkerflores.com
Submission	Motion to Amend Pleading/Amended Pleading
Filer's Name	Daniel J. Chalker
Filer's e-mail	dchalk- er@chalkerflores.com,cminchillo@chalkerflores.com,docket@chalkerflores.com
Signature	/Daniel J. Chalker/
Date	12/18/2014
Attachments	1st Am Pet for Cancellation 121814.pdf(1613407 bytes)

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

ACTIMUSE, LLC,	§	
	§	
Petitioner,	§	
	§	
v.	§	Cancellation No. 92056552
	§	
ADDICTION NV, LLC	§	U.S. Registration No. 4,089,155
	§	Mark: ADDICTION NV
Registrant/Respondent.	§	COSMETICS
	§	
	§	
	§	

FIRST AMENDED PETITION FOR CANCELLATION

Petitioner, ACTIMUSE, LLC, a Texas limited liability company, having offices at 1097 Yates Street, Lewisville, Texas 75057 (“ActiMuse” and/or “Petitioner”), believes that it is and will be damaged by U.S. Trademark Registration No. 4,089,155 (“ADDICTION NV COSMETICS”) alleged to be owned by Addiction NV, LLC, having its principal business address at 17530 Vonkarman Avenue, Irvine, CA 92614 (“ANV” and/or “Respondent”), and hereby petitions this Honorable Board to enter an order cancelling such registration.

Petitioner was granted leave to file this first amended petition for cancellation in the Board’s Order dated November 28, 2014. (TTABVUE #10).

The grounds for cancellation are as follows:

1. Respondent is identified in TESS and TARR as the owner of U.S. Trademark Registration No. 4,089,155 for the ADDICTION NV COSMETICS mark (“Respondent’s Mark”) in International Class 003 for use in connection with “cosmetics” (“Respondent’s

Goods”). See Exhibits A and B, respectively, attached hereto and made a part hereof for all purposes. Respondent filed U.S. Trademark Application No. 85/975943 for Respondent’s Mark on March 2, 2011, claiming a first use date of November 30, 2009, and a first use in commerce date of December 31, 2009. See Exhibit A.

2. Petitioner holds all right and title in and to U.S. Trademark Registration No. 3,301,818 for the ADDICTION trademark (“Petitioner’s Mark”) in International Class 003 for use in connection with “cosmetics; hair care preparations; non-medicated skin care preparations” (“Petitioner’s Goods”). U.S. Trademark Application No. 78/717240 for the ADDICTION mark was filed on September 21, 2005, claiming a first use date of March 18, 2005 and a first use in commerce date of March 18, 2005. See Exhibit C, attached hereto and made a part hereof for all purposes.

3. Since March 18, 2005, Petitioner, its predecessors, or its related companies have continuously used the mark ADDICTION (“Petitioner’s Mark”) in interstate commerce as a trademark for, among other goods, cosmetics. Petitioner’s Mark has also continuously appeared in promotion of Petitioner’s cosmetic products such that Petitioner’s Mark is closely identified with Petitioner’s Goods and has gained very valuable public recognition. Petitioner’s use of Petitioner’s Mark began over four years prior to Registrant’s alleged first use date. Petitioner has established an outstanding reputation as to the quality of its products sold under the ADDICTION mark. Thus, Petitioner is the prior user and owner of the trademark ADDICTION.

4. Petitioner has continuously used Petitioner’s Mark in interstate commerce since long prior to any date upon which Respondent can rely. By virtue of its sales of high-quality products bearing Petitioner’s Mark in interstate commerce, its expenditures of considerable sums

for promotional activities and the excellence of its products, Petitioner has developed significant goodwill in its ADDICTION mark and a valuable reputation.

5. Petitioner's trademark rights for its ADDICTION mark have priority over Respondent's Mark, inasmuch as Petitioner has continuously used Petitioner's Mark since it commenced use at least as early as 2005, and Respondent's trademark registration lists a filing date of March 2, 2011, claiming first use date of November 30, 2009, and first use in commerce date of December 31, 2009.

6. Respondent's Mark so resembles Petitioner's Mark, ADDICTION, as they are currently used as to be likely to cause confusion, or cause mistake, or to deceive, in violation of Section 2(d) of The Trademark Act, 15 U.S.C. §1052(d), when used on or in connection with Respondent's Goods.

7. Under the circumstances, registration of Respondent's Mark is injuring and will continue to injure Petitioner by causing the trade and/or purchasing public to be confused, and/or deceived into believing that Respondent's Goods are those of Petitioner, or are sponsored by Petitioner, to Petitioner's detriment and damage, and will place a cloud over Petitioner's title to Petitioner's Mark in violation of Section 2(d) of the Trademark Act, 15 U.S.C. §1052(d).

8. Petitioner's Mark ADDICTION is and was well established long before the filing date of Respondent's application for the subject registration and at the time that Respondent filed the application for the subject registration. Registration of Respondent's Mark is diminishing and diluting and will continue to diminish and dilute the distinctive quality of Petitioner's rights in Petitioner's Mark. Moreover, registration of Respondent's Mark is and will diminish the advertising value of Petitioner's Mark, and such registration will, in the event of any quality

problems involving the goods offered by Respondent, tarnish the distinctiveness of Petitioner's Mark.

9. Respondent's Mark is the same as, or substantially the same as, Petitioner's Mark, including in visual appearance, sound, commercial impression, similarity of goods, similarity of channels of trade, and pronunciation.

10. The similarity of Petitioner's registration and the subject mark as to appearance, sound, connotation and commercial impression is so great that the marks are confusingly similar. Therefore, consumers will likely be confused as to the source of goods under §1207.01.

11. Since Respondent's trademark registration disclaimed "COSMETICS," the subject mark is essentially ADDICTION NV. TMEP §1213 states that a disclaimer is a statement that the applicant or registrant does not claim the exclusive right to use a specified element or elements of the mark. Petitioner's Mark for ADDICTION and the subject mark for ADDICTION NV are nearly identical except for the dot after ADDICTION and the letters NV, and thus the marks are confusingly similar.

12. The subject mark is confusingly similar to Petitioner's Mark because the dominant word in both marks is ADDICTION. TMEP §1207.01(b)(iii) states, "if the dominant portion of both marks is the same, then confusion may be likely notwithstanding peripheral differences." Section 1207.01(b)(vii) further states, "if two marks for related goods or services share the same dominant feature and the marks, when viewed in their entireties, create similar overall commercial impressions, then confusion is likely." In this case, the dominant portion of both Petitioner's registration for ADDICTION, and the Respondent's registration for ADDICTION NV is "ADDICTION", making the marks confusingly similar.

13. Section 1207.01(b)(ii) of the TMEP states that “marks may be confusingly similar in appearance despite the addition, deletion or substitution of letters or words.” The addition of NV in Respondent’s Mark, ADDICTION NV, does not differentiate the marks. Therefore, the marks are sufficiently similar, despite the addition of letters in the subject mark, and there is a likelihood of confusion as to the source of the goods or services.

14. Section 1207.01(c)(ii) states that when considering whether confusion exists between composite marks that consist of a design element as well as words and/or letters, “if one feature of a mark is more significant than another feature, greater weight may be given to the dominant feature for purposes of determining likelihood of confusion,” and “if a mark comprises both a word and a design, greater weight is often given to the word, because it is the word that purchasers would use to refer to or request the goods or services.” Furthermore, Petitioner’s Mark was cited in a separate pending application by Respondent for the word mark ADDICTION NV COSMETICS (U.S. Trademark Application No. 77/799,080). Petitioner respectfully submits that under TMEP §1207.01(c)(ii), Petitioner’s Mark should have also been cited in the subject mark’s application for the design mark.

15. Therefore, the marks are confusingly similar as to the appearance of the marks because the subject mark disclaimed COSMETICS, leaving ADDICTION NV, the dominant word of each mark is identical, a word mark is stronger than a design mark, and the subject mark simply added NV COSMETICS. Since the claimable subject mark for ADDICTION NV is nearly identical to Petitioner’s registration for ADDICTION, the marks are confusingly similar and the subject mark should be canceled.

16. Respondent’s Goods for cosmetics and Petitioner’s Goods for cosmetics are identical.

17. Respondent's Mark is likely to, and/or has, diluted and lessened the capacity of Petitioner's Mark to identify and distinguish Petitioner's Goods.

18. Respondent's Mark so resembles the continuously used Petitioner's Mark as to be likely, when used in connection with the goods as set forth in Respondent's registration, to lessen the capacity of Petitioner's Mark to identify and distinguish Petitioner's Goods.

19. The subject registration should be canceled because Petitioner's rights of continuing its present use of Petitioner's Mark in commerce are, or will be, threatened by Respondent's registration of Respondent's Mark for Respondent's Goods, and because Petitioner's business will otherwise be damaged by Respondent's registration of Respondent's Mark for Respondent's Goods.

20. Upon information and belief, Respondent has intentionally abandoned its ADDICTION NV COSMETICS mark without intent to resume use of Respondent's Mark in the future. Respondent's Mark ADDICTION NV COSMETICS is not in use in interstate commerce for the goods and services as claimed by Respondent's application.

21. Registrant's webpage at www.addictionnv.com states "ADDICTION NV cosmetics are no longer available." See Exhibit D, attached hereto and made a part hereof for all purposes.

22. Upon information and belief, Respondent is no longer conducting business. The California Secretary of State shows the entity "Addiction NV, LLC" to be canceled. See Exhibit E, attached hereto and made a part hereof for all purposes.

23. Registrant's trademark application 77/945,497 for the design mark ADDICTION COSMETICS was abandoned on February 13, 2014 for failing to respond to an Office Action. See Exhibits F and G, attached hereto and made a part hereof for all purposes. Registrant did not

respond to an Office Action in trademark application 77/945,447 for the mark ADDICTION COSMETICS. See Exhibit H, attached hereto and made a part hereof for all purposes. The application proceeded to publication because the Examining Attorney entered an Examiner's Amendment when a response to the Office Action was not received. See Exhibits H and I, attached hereto and made a part hereof for all purposes.

24. On information and belief and based on the Exhibits attached hereto, Respondent has ceased business under the name ADDICTION NV, LLC, ADDICTION COSMETICS and ADDICTION NV COSMETICS with intent not to resume same. Inference may be drawn from the Exhibits presented that Respondent has abandoned its use of the ADDICTION NV COSMETICS and ADDICTION COSMETICS marks without intent to resume use of the ADDICTION NV COSMETICS and ADDICTION COSMETICS marks.

25. The continued presence of U.S. Trademark Registration No. 4,089,155 in the face of Registrant's abandonment of the ADDICTION NV COSMETICS mark without intent to resume use will result in damage to Petitioner. Therefore, U.S. Trademark Registration No. 4,089,155 for ADDICTION NV COSMETICS should be canceled.

PRAYER

WHEREFORE, the Petitioner prays that Trademark Registration No. 4,089,155 be canceled.

Dated: December 18, 2014

Respectfully submitted,

CHALKER FLORES, LLP

By: /s/ Daniel J. Chalker

Daniel J. Chalker

State Bar No. 00794951

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Dallas, Texas 75254

(214) 866-0001 (telephone)

(214) 866-0010 (telecopy)

dchalker@chalkerflores.com

ATTORNEYS FOR PETITIONER

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing FIRST AMENDED PETITION FOR CANCELLATION was served on Respondent this the 18th of December, 2014, by sending the same via electronically through the Electronic System for Trademark Trials and Appeal (“ESTTA”) and first class mail, postage prepaid to:

Nelson Quintero
615 Hampton Drive, Unit A202
Venice, CA 90291-2792

/s/ Daniel J. Chalker
Daniel J. Chalker



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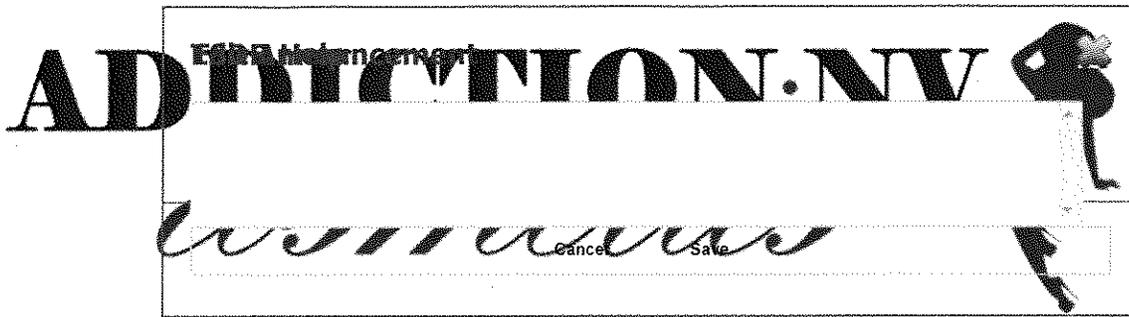


Word Mark	ADDICTION NV COSMETICS
Goods and Services	IC 003. US 001 004 006 050 051 052. G & S: Cosmetics. FIRST USE: 20091130. FIRST USE IN COMMERCE: 20091231
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	02.03.02 - Silhouettes of women; Women depicted as shadows or silhouettes of women 02.09.04 - Humans, including men, women and children, depicted sitting or kneeling; Kneeling, humans; Sitting, humans 26.01.21 - Circles that are totally or partially shaded.
Serial Number	85975943
Filing Date	March 2, 2011
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	July 19, 2011
Registration Number	4089155
Registration Date	January 17, 2012
Owner	(REGISTRANT) Addiction NV, LLC LIMITED LIABILITY COMPANY CALIFORNIA 17530 Von Karman Ave. Irvine CALIFORNIA 92614
Attorney of Record	Nelson Quintero
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "COSMETICS" FOR INTERNATIONAL CLASS 3 APART FROM THE MARK AS SHOWN
Description of Mark	Color is not claimed as a feature of the mark. The mark consists of the capitalized wording "ADDICTION NV" with a dot in between the two words and above the cursive lowercase lettering "cosmetics". To the left of all the wording is a silhouette of a woman.

Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead
Indicator LIVE

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On August 25, 2012, the USPTO released version 2.0 of Trademark Status and Document Retrieval (TSDR). Please send any TSDR related questions or comments to TSDR@USPTO.GOV. Additional information about the TSDR 2.0 deployment is available [here](#).

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Mark: ADDICTION NV COSMETICS



US Serial Number: 85975943	Application Filing Date: Mar. 02, 2011
US Registration Number: 4089155	Registration Date: Jan. 17, 2012
Filed as TEAS Plus: Yes	Currently TEAS Plus: Yes
Register: Principal	
Mark Type: Trademark	
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.	
Status Date: Jan. 17, 2012	
Publication Date: Jul. 19, 2011	Notice of Allowance Date: Sep. 13, 2011

Mark Information

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Mark Literal Elements: ADDICTION NV COSMETICS
 Standard Character Claim: No

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

Description of Mark: The mark consists of the capitalized wording "ADDICTION NV" with a dot in between the two words and above the cursive lowercase lettering "cosmetics". To the left of all the wording is a silhouette of a woman.

Color(s) Claimed: Color is not claimed as a feature of the mark.

EXHIBIT B

12/6/2012

Disclaimer: "COSMETICS" FOR INTERNATIONAL CLASS 3

Design Search Code(s): 02.03.02 - Silhouettes of women;Women depicted as shadows or silhouettes of women
 02.09.04 - Sitting, humans;Humans, including men, women and children, depicted sitting or kneeling;Kneeling, humans
 26.01.21 - Circles that are totally or partially shaded.

Related Properties Information

Claimed Ownership of US 85256374
Registrations:
Child Of: 85256374

Goods and Services

Note:

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

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

For: Cosmetics

International Class: 003 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Nov. 30, 2009

Use in Commerce: Dec. 31, 2009

Basis Information (Case Level)

Current Owner(s) Information

Owner Name: Addiction NV, LLC

Owner Address: 17530 Von Karman Ave.
 Irvine, CALIFORNIA 92614
 UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: CALIFORNIA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Nelson Quintero

Docket Number: 2383038T

Correspondent

Correspondent Name/Address: NELSON QUINTERO
 NELSON QUINTERO
 615 HAMPTON DR UNIT A202
 VENICE, CALIFORNIA 90291-2792
 UNITED STATES

Phone: 1-310-909-8535

Fax: 1-310-388-5587

Correspondent e-mail: naquintero@quintero.com

Correspondent e-mail No Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jan. 17, 2012	REGISTERED-PRINCIPAL REGISTER	
Dec. 16, 2011	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Dec. 15, 2011	LAW OFFICE REGISTRATION REVIEW COMPLETED	70138
Dec. 09, 2011	ASSIGNED TO LIE	70138
Dec. 09, 2011	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Nov. 19, 2011	NOTICE OF DESIGN SEARCH CODE MAILED	
Nov. 18, 2011	STATEMENT OF USE PROCESSING COMPLETE	70565
Nov. 11, 2011	USE AMENDMENT FILED	70565
Nov. 18, 2011	DIVISIONAL PROCESSING COMPLETE	
Nov. 11, 2011	DIVISIONAL REQUEST RECEIVED	
Nov. 14, 2011	CASE ASSIGNED TO INTENT TO USE PARALEGAL	70565
Nov. 11, 2011	TEAS REQUEST TO DIVIDE RECEIVED	
Nov. 11, 2011	TEAS STATEMENT OF USE RECEIVED	
Sep. 13, 2011	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Jul. 19, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jul. 19, 2011	PUBLISHED FOR OPPOSITION	

EXHIBIT B

12/6/2012

Jun. 16, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	68658
Jun. 16, 2011	ASSIGNED TO LIE	68658
Jun. 02, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 02, 2011	EXAMINER'S AMENDMENT ENTERED	88888
Jun. 02, 2011	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Jun. 02, 2011	EXAMINERS AMENDMENT E-MAILED	6328
Jun. 02, 2011	EXAMINERS AMENDMENT -WRITTEN	81139
Jun. 01, 2011	ASSIGNED TO EXAMINER	81139
Mar. 08, 2011	NOTICE OF DESIGN SEARCH CODE MAILED	
Mar. 07, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Mar. 05, 2011	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

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ADDICTION

Word Mark ADDICTION
Goods and Services IC 003. US 001 004 006 050 051 052. G & S: Cosmetics; Hair care preparations; Non-medicated skin care preparations. FIRST USE: 20050318. FIRST USE IN COMMERCE: 20050318
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 78717240
Filing Date September 21, 2005
Current Basis 1A
Original Filing Basis 1A
Published for Opposition July 17, 2007
Registration Number 3301818
Registration Date October 2, 2007
Owner (REGISTRANT) Active Organics, Inc. CORPORATION TEXAS 1097 Yates Street Lewisville TEXAS 75057
 (LAST LISTED OWNER) ACTIMUSE, LLC LIMITED LIABILITY COMPANY TEXAS 1097 YATES STREET LEWISVILLE TEXAS 75057
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Edwin S. Flores
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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ADDICTION·NV
cosmetics

are no longer available.

For more inquires and questions, please email
robelisweeny@gmail.com or call (949)439-5762.


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Business Entity Detail

Data is updated to the California Business Search on Wednesday and Saturday mornings. Results reflect work processed through Tuesday, June 17, 2014. Please refer to [Processing Times](#) for the received dates of filings currently being processed. The data provided is not a complete or certified record of an entity.

Entity Name:	ADDICTION NV COSMETICS, LLC
Entity Number:	200921710185
Date Filed:	08/04/2009
Status:	CANCELED
Jurisdiction:	CALIFORNIA
Entity Address:	17530 VONKARMAN AVE
Entity City, State, Zip:	IRVINE CA 92614
Agent for Service of Process:	SCOTT SIMON
Agent Address:	17530 VONKARMAN AVE
Agent City, State, Zip:	IRVINE CA 92614

* Indicates the information is not contained in the California Secretary of State's database.

* **Note:** If the agent for service of process is a corporation, the address of the agent may be requested by ordering a status report.

- For information on checking or reserving a name, refer to [Name Availability](#).
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Word Mark ADDICTION COSMETICS

Goods and Services (ABANDONED) IC 003. US 001 004 006 050 051 052. G & S: Cosmetics

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 26.11.13 - Rectangles (exactly two rectangles); Two rectangles
 26.11.16 - Rectangles touching or intersecting
 26.11.21 - Rectangles that are completely or partially shaded

Serial Number 77945497

Filing Date February 25, 2010

Current Basis 1B

Original Filing Basis 1B

Owner (APPLICANT) **ADDICTION NV**, LLC AKA **ADDICTION** COSMETICS LIMITED LIABILITY COMPANY CALIFORNIA 17530 VON KARMAN AVE. IRVINE CALIFORNIA 92614

Attorney of Record Nelson A. Quintero

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "COSMETICS" APART FROM THE MARK AS SHOWN

Description of Mark The color(s) black, white, and pink is/are claimed as a feature of the mark. The mark consists of the literal element ADDICTION COSMETICS superimposed respectively on two solid bars and in a stylized white font, so appearing to have been produced on a label maker, wherein the bar for ADDICTION is black, and the bar for COSMETIC is pink, and the bar for COSMETICS is skewed and partially overlapping that for ADDICTION.

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator DEAD

Abandonment Date February 13, 2014

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NOTICE OF ABANDONMENT
MAILING DATE: Mar 12, 2014

The trademark application identified below was abandoned in full because a response to the Office Action mailed on Aug 12, 2013 was not received within the 6-month response period.

If the delay in filing a response was unintentional, you may file a petition to revive the application with a fee. If the abandonment of this application was due to USPTO error, you may file a request for reinstatement. Please note that a petition to revive or request for reinstatement **must be received within two months from the mailing date of this notice.**

For additional information, go to <http://www.uspto.gov/teas/petinfo.htm>. If you are unable to get the information you need from the website, call the Trademark Assistance Center at 1-800-786-9199.

SERIAL NUMBER: 77945497
MARK: ADDICTION COSMETICS
OWNER: ADDICTION NV, LLC

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Quintero Law Office, PC
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EXHIBIT G



To: Addiction NV, LLC (naquintero@quinterolaw.com)
Subject: U.S. TRADEMARK APPLICATION NO. 77945447 - ADDICTION COSMETICS - 2382997T
Sent: 3/14/2014 12:45:07 PM
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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. 77945447

MARK: ADDICTION COSMETICS

77945447

CORRESPONDENT ADDRESS:

Nelson A. Quintero
Quintero Law Office, PC
615 Hampton Drive, Suite A202
Venice CA 90291

GENERAL TRADEMARK INFO
<http://www.uspto.gov/trademark>

APPLICANT: Addiction NV, LLC

CORRESPONDENT'S REFERENCE/DOCKET NO :

2382997T

CORRESPONDENT E-MAIL ADDRESS:

naquintero@quinterolaw.com

EXAMINER'S AMENDMENT

ISSUE/MAILING DATE: 3/14/2014

APPLICATION HAS BEEN AMENDED: In accordance with the policy and procedures announced in 37 C.F.R. section 2.65(a), the Office has entered the amendment noted below in the referenced application. The applicant did not respond to the Office action dated August 12, 2013. The identification of goods is amended so that the application may proceed.

No response is necessary. TMEP §707. Any amendments to the identification of goods and/or services may clarify or limit the goods and/or services, but may not add to or broaden the scope of the goods and/or services. 37 C.F.R. §2.71(a); *see* TMEP §§1402.06 *et seq.*

Deletion of Classes 3 and 21

The application is amended to delete Classes 3 and 21 from the application.

EXHIBIT H

Deletion of Disclaimer

The disclaimer is deleted.

/Leigh Caroline Case/
Trademark Attorney
(571) 272-9140
leigh.case@uspto.gov (preferred)

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 status, see <http://www.uspto.gov/trademarks/process/status/>.

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UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

**IMPORTANT NOTICE REGARDING YOUR
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USPTO OFFICE ACTION (OFFICIAL LETTER) HAS ISSUED
ON **3/14/2014** FOR U.S. APPLICATION SERIAL NO. 77945447

Please follow the instructions below:

(1) TO READ THE LETTER: Click on this [link](#) or go to <http://tsdr.uspto.gov/>, enter the U.S. application serial number, and click on “Documents.”

The Office action may not be immediately viewable, to allow for necessary system updates of the application, but will be available within 24 hours of this e-mail notification.

(2) QUESTIONS: For questions about the contents of the Office action itself, please contact the assigned trademark examining attorney. For *technical* assistance in accessing or viewing the Office action in the Trademark Status and Document Retrieval (TSDR) system, please e-mail TSDR@uspto.gov.

WARNING

PRIVATE COMPANY SOLICITATIONS REGARDING YOUR APPLICATION: Private companies **not** associated with the USPTO are using information provided in trademark applications to mail or e-mail trademark-related solicitations. These companies often use names that closely resemble the USPTO and their solicitations may look like an official government document. Many solicitations require that you pay “fees.”

Please carefully review all correspondence you receive regarding this application to make sure that you are responding to an official document from the USPTO rather than a private company solicitation. All official USPTO correspondence will be mailed only from the “United States Patent and Trademark Office” in Alexandria, VA; or sent by e-mail from the domain “@uspto.gov.” For more information on how to handle private company solicitations, see

EXHIBIT H

http://www.uspto.gov/trademarks/solicitation_warnings.jsp.



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ADDICTION COSMETICS

Word Mark ADDICTION COSMETICS

Goods and Services IC 014. US 002 027 028 050. G & S: Jewelry

IC 025. US 022 039. G & S: Coats; Dresses; Footwear; Gloves; Headwear; Hosiery; Jackets; Lingerie; Pants; Raincoats; Scarves; Shirts; Skirts; Sleepwear; Tank tops; Undergarments

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 77945447

Filing Date February 25, 2010

Current Basis 1B

Original Filing Basis 1B

Published for Opposition April 29, 2014

Owner (APPLICANT) **Addiction NV**, LLC AKA **Addiction** Cosmetics LIMITED LIABILITY COMPANY CALIFORNIA 17530 Von Karman Ave. Irvine CALIFORNIA 92614

Attorney of Nelson A. Quintero

Record

Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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