

ESTTA Tracking number: **ESTTA683489**

Filing date: **07/14/2015**

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

Proceeding	92061618
Party	Defendant Cosmed, Inc.
Correspondence Address	COSMED INC SUITE 102, 6342 GRAND HICKORY DRIVE BRASELTON, GA 30517 UNITED STATES
Submission	Answer
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Date	07/14/2015
Attachments	Y_L_SKIN_Answer.pdf(124284 bytes)

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

In the Matter of Registration No. 3,931,264
For the Mark **Y.L.SKIN**

Young Living Essential Oils, LC,)	
)	
Petitioner)	
)	
v.)	Cancellation No. 92061618
)	
Cosmed Dermaceuticals, Inc.,)	
)	
Respondent.)	

ANSWER TO PETITION FOR CANCELLATION

Effective as of February 20, 2015, Cosmed, Inc. assigned to Cosmed Dermaceuticals, Inc. (“Respondent”), a Georgia corporation with a principal place of business at 6342 Grand Hickory Drive, Suite 102, Braselton, Georgia 30517, Cosmed, Inc.’s right, title and interest in the trademark Y.L.SKIN, together with the goodwill associated therewith. An Assignment from Cosmed, Inc. to Respondent of the Y.L.SKIN mark and U.S. Trademark Registration No. 3,931,264 was recorded with the U.S. Patent and Trademark Office on July 13, 2015.

Respondent hereby answers the Petition for Cancellation filed by Young Living Essential Oils, LC (“Petitioner”) in the above-referenced matter. Respondent denies any allegations not expressly admitted, and responds to the Petition as follows:

In response to the “Grounds for Cancellation” selected by Petitioner upon its filing of the Petition for Cancellation and listed on the ESTTA-generated petition for cancellation form, namely, Trademark Act Section 2(b) (“Consists of or comprises the flag or coat of arms or other insignia of the United States, or of any State or municipality, or of any foreign nation, or any simulation thereof”) and Trademark Act Section 2(c) (“Consists of or comprises a name, portrait,

or signature of a living individual without written consent, or the name, portrait, or signature of a deceased president without the written consent of the surviving spouse”), Respondent denies any allegations based on such grounds for cancellation and submits that Petitioner has not pleaded any facts or otherwise alleged any claim under Trademark Act Section 2(b) or 2(c). Respondent notes that Petitioner has since filed a “Notice of Correction of Electronically Generated Grounds for Cancellation,” apparently withdrawing its claims under Trademark Act Section 2(b) and 2(c).

In response to the Petition’s opening un-numbered Paragraph, Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegation that Petitioner is a Utah limited liability company with a business address of 3125 W. Executive Parkway, Lehi, Utah 84043, and on that basis denies such allegation. Respondent denies that Petitioner is being or will be damaged by the continued Registration of the mark Y.L.SKIN shown in U.S. Trademark Registration No. 3,931,264 such that the instant Petition is necessary.

1. Respondent lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 1, and on that basis denies the allegations therein.
2. Respondent lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 2, and on that basis denies the allegations therein.
3. Respondent lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 3, and on that basis denies the allegations therein.
4. Respondent lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 4, and on that basis denies the allegations therein.
5. Respondent lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 5, and on that basis denies the allegations therein.
6. Respondent admits the allegations contained in Paragraph 6.

COUNT I

7. Respondent admits that on January 14, 2011, Cosmed, Inc., through counsel, submitted a Statement of Use to the U.S. Patent and Trademark Office in connection with Application Serial. No. 77/156,063. Respondent submits that the Statement of Use speaks for itself. Respondent denies any remaining allegations not expressly admitted herein.

8. Respondent denies the allegations contained in Paragraph 8.

9. Respondent denies the allegations contained in Paragraph 9.

10. Respondent denies the allegations contained in Paragraph 10.

11. Respondent denies the allegations contained in Paragraph 11.

12. Respondent denies the allegations contained in Paragraph 12.

13. Respondent denies the allegations contained in Paragraph 13.

14. Respondent admits that on January 14, 2011, Cosmed, Inc., through counsel, submitted a Specimen of Use to the U.S. Patent and Trademark Office in connection with Application Serial. No. 77/156,063. Respondent admits that the Specimen of Use consists of a photograph of a label displaying the Y.L.SKIN mark as used in commerce on or in connection with an item in International Class 003. Respondent submits that the Statement of Use speaks for itself. Respondent denies the remaining allegations of Paragraph 14.

15. Respondent denies the allegations contained in Paragraph 15.

16. Respondent denies the allegations contained in Paragraph 16.

17. Respondent denies the allegations contained in Paragraph 17.

18. Respondent denies the allegations contained in Paragraph 18.

19. Respondent denies the allegations contained in Paragraph 19.

20. Respondent denies the allegations contained in Paragraph 20.

COUNT II

21. Respondent repeats and realleges the responses set forth in the preceding paragraphs of this Answer to Petition for Cancellation.

22. Respondent admits that Cosmed, Inc., through counsel, submitted a Statement of Use to the U.S. Patent and Trademark Office in connection with Application Serial No. 77/156,063, and that Cosmed, Inc. obtained Registration No. 3,931,264 for the mark Y.L.SKIN. Respondent states that insofar as the statements in Paragraph 22 state conclusions of law, no response is required. Respondent denies any remaining allegations not expressly admitted herein.

23. Respondent denies the allegations contained in Paragraph 23.

24. Respondent denies the allegations contained in Paragraph 24.

25. Respondent denies the allegations contained in Paragraph 25.

COUNT III

26. Respondent repeats and realleges the responses set forth in the preceding paragraphs of this Answer to Petition for Cancellation.

27. Respondent denies the allegations contained in Paragraph 27.

28. Respondent denies the allegations contained in Paragraph 28.

29. Respondent denies the allegations contained in Paragraph 29.

WHEREFORE, Respondent requests that the Board dismiss Petitioner's Petition for Cancellation.

Dated: July 14, 2015

/J. Mark Wilson/
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*Attorneys for Respondent Cosmed
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CERTIFICATE OF SERVICE

I certify that the foregoing *ANSWER TO PETITION FOR CANCELLATION* was served on Petitioner by mailing a copy of same by U.S. first class mail, postage prepaid, addressed as follows:

H. Matthew Horlacher
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Attorneys for Petitioner Young Living Essential Oils, LC

Date: July 14, 2015

/J. Mark Wilson/
J. Mark Wilson