

ESTTA Tracking number: **ESTTA1247987**

Filing date: **11/14/2022**

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

Ex Parte Appeal - Serial No.	88801152
Appellant	Lindsay, James
Applied for mark	WIFEY
Correspondence address	WILLIAM A WOOTEN WOOTEN LAW OFFICE 120 COURT SQUARE EAST COVINGTON, TN 38019 UNITED STATES Primary email: wawooten@gmail.com Secondary email(s): dalehutcherson12@gmail.com, blair.chunn@gmail.com, wawooten@hotmail.com, trey.gerrell@gmail.com 901-475-1050
Submission	Appeal brief
Attachments	Wifey TTAB BRIEF.pdf(1216924 bytes)
Appealed class	Class 004. All goods and services in the class are appealed, namely: Candle contained in a clamshell; Candletorches; Candle-making kits; Candles; Candles and wicks for candles for lighting; Candles being of wax or liquid, for the illumination of carved pumpkins, mini-pumpkins, gourds, and other fruits and vegetables; Candles containing insect repellent; Candles for lighting; Candles for night lights; Tapers; Aromatherapy fragrance candles; Beeswax for use in the manufacture of candles; Christmas tree candles; Perfumed candles; Scented candles; Tallow candles; Tealight candles; Unity candles; Votive candles; Wax for making candles; Wicks for candles
Filer's name	William A. Wooten
Filer's email	wawooten@gmail.com
Signature	/William A. Wooten/
Date	11/14/2022

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

Serial No.: 88801152
Mark: WIFEY
Applicant: James Lindsay
Examining Attorney: Thomas Young
Law Office 120

EX PARTE APPEAL

APPLICANT'S BRIEF

Table of Contents

TABLE OF AUTHORITIES..... 3

PROSECUTION HISTORY..... 4

SUMMARY OF EVIDENCE..... 4

 A. EXAMINING ATTORNEY’S EVIDENCE..... 4

 B. APPLICANT’S EVIDENCE..... 5

ARGUMENT 5

 A. *Legal Standard* 6

 B. *Analysis* 7

CONCLUSION 10

TABLE OF AUTHORITIES

Cases

Coach Servs., Inc. v. Triumph Learning, LLC, 101 U.S.P.Q.2d 1713, 668 F.3d 1356, 1366-67 (Fed. Cir. 2012)..... 10

Estate of P.D. Beckwith, Inc. v. Comm’r of Patents, 252 U.S. 538, 543 (1920) 7

Herbko Int’l, Inc. v. Kappa Books, Inc. , 308 F.3d 1156, 1164-65, 64 USPQ2d 1375, 1380 (Fed. Cir. 2002) 7

In re Broadway Chicken Inc., 38 U.S.P.Q.2d 1559, (T.T.A.B. 1996)..... 9

In re Detroit Athletic, 128 U.S.P.Q.2d 1047, 903 F.3d 1297, 1307 (Fed. Cir. 2018)..... 7

In re E.I. du Pont de Nemours & Co., 476 F.2d 1357, 177 USPQ 563 (CCPA 1973)..... 6

In re Hearst Corporation, 982 F.2d 493, 494 (Fed. Cir. 1992)..... 7

In re i.am.symbolic, llc, 866 F.3d at 1322, 123 USPQ2d at 1747 7

In re Kose Corporation, Serial No. 77519214 (TTAB April 26, 2010) 7

In re National Data Corp., 753 F.2d 1056, 224 USPQ 749 (Fed. Cir. 1985) 6

In re St. Helena Hosp., 113 U.S.P.Q.2d 1082, 774 F.3d 747, 753-54 (Fed. Cir. 2014) 8

Joseph Phelps Vineyards, LLC v. Fairmont Holdings LLC, No. 16-1089, slip op. at 4 (Fed. Cir. May 24, 2017) (Newman, J., concurring) 6

Statutes

TMEP § 1207.01 5

PROSECUTION HISTORY

The WIFEY Application was initially refused on April 16, 2020, in a non-final office action. Applicant filed a response to the office action on October 16, 2020. A second non-final Office Action was submitted by the Examining Attorney on August 4, 2021, which Applicant responded to on February 4, 2022. A Final Refusal of Registration for the mark WIFEY was issued by the Examining Attorney on March 4, 2022, based on the Examining Attorney's conclusion that the mark is likely to be confused with WIFEYSCENTS in Registration No. 5429374 in the perfumes trademark class (International Class No. 003). Applicant's Notice of Appeal and Request for Reconsideration ("RFR") were timely filed on September 6, 2022. On September 13, 2022, the Examining Attorney denied the Request for Reconsideration of the likelihood of confusion refusal.

SUMMARY OF EVIDENCE

A. Examining Attorney's Evidence

1. April 16, 2020 Office Action

The evidence attached to the Office Action consists of the competing registrations and several screenshots of other similar marks and similar services. The screenshots also include several items supporting the initial descriptiveness refusal, such as dictionary entries.

2. August 4, 2021 Office Action

The evidence attached to the Office Action consists of the original conflicting registration and an additional conflicting mark that registered since the previous action, along with several listings of various businesses that provide similar goods. The screenshots also include several items supporting the descriptiveness refusal, such as dictionary entries.

3. March 4, 2022 Final Office Action

The evidence attached to the Final Office Action consists of the original conflicting registration along with several listings of various businesses that provide similar goods. The screenshots also include several items supporting the descriptiveness refusal, such as dictionary entries.

4. September 13, 2022 RFR Denial

The evidence attached to the RFR Denial consists of reasoning for denial.

B. Applicant's Evidence

1. October 16, 2020 Response to Office Action

The evidence attached to the Response consists of links to various websites that support Applicant's arguments.

2. February 4, 2022 Response to Office Action

The evidence attached to the Response consists of screenshots from the Trademark Electronic Search System in support of Applicant's dilution argument. The Response also includes links to various websites that support Applicant's arguments.

3. September 6, 2022 Request for Reconsideration

The evidence attached to the Response consists of screenshots from the Trademark Electronic Search System and registration certificates in support of Applicant's dilution argument. The Response also includes links to various websites that support Applicant's additional arguments.

ARGUMENT

The Examining Attorney has refused registration of Applicant's standard character "WIFEY" mark pursuant to Trademark Act Section 2(d), 15 U.S.C. § 1052(d), on the ground that the mark is likely to be confused with WIFEYSCENTS in Registration No. 5429374. For the

following reasons, Applicant respectfully disagrees with this finding and requests that the Examining Attorney reconsider the statutory refusal and allow registration of Applicant's mark.

A. Legal Standard

Likelihood of confusion between two marks at the USPTO is determined by a review of all the relevant factors under the *du Pont* test. *In re E.I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (CCPA 1973). Although the issue of likelihood of confusion typically revolves around the similarity or dissimilarity of the marks and the relatedness of the goods or services, "there is no mechanical test for determining likelihood of confusion and 'each case must be decided on its own facts.'" TMEP § 1207.01 (*citing du Pont*, 476 F.2d at 1361, 177 USPQ at 567). Each of the thirteen *du Pont* factors may be considered in weighing likelihood of confusion, if raised, and any one factor may be dispositive. See TMEP § 1207.01. In some cases, a determination that there is no likelihood of confusion may be appropriate, even where the marks share common terms and the goods/services relate to a common industry, because these factors are outweighed by other factors, such as differences in the relevant trade channels of the goods/services, the presence in the marketplace of a significant number of similar marks in use on similar goods/services, the existence of a valid consent agreement between the parties, or another established fact probative of the effect of use. *Id.*

Further, the likelihood of confusion refusal cannot be based on the dissection of a mark or only part of a mark. *In re National Data Corp.*, 753 F.2d 1056, 224 USPQ 749 (Fed. Cir. 1985). A consumer's general impression of trademarks is influenced by the actual use of the marks in their entireties, and as such, all components of the marks in question must be given appropriate weight. See *Joseph Phelps Vineyards, LLC v. Fairmont Holdings LLC*, No. 16-1089, slip op. at 4 (Fed. Cir. May 24, 2017) (Newman, J., concurring); *In re Hearst Corporation*, 982 F.2d 493, 494

(Fed. Cir. 1992). When a mark's unique components are given fair weight, confusion may become less likely. See *In re Hearst Corporation*, 982 F.2d 493, 494 (Fed. Cir. 1992) (finding that when GIRL is given fair weight, along with VARGA, confusion between VARGA GIRL and VARGAS, for similar goods, becomes less likely); *In re Kose Corporation*, Serial No. 77519214 (TTAB April 26, 2010).

B. Analysis

The Examining Attorney's refusal in this case is based entirely on an analysis of the first two factors in a *du Pont* analysis, namely the similarity of the marks and the similarity of the good/services. *In re i.am.symbolic, llc*, 866 F.3d at 1322, 123 USPQ2d at 1747 (quoting *Herbko Int'l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1164-65, 64 USPQ2d 1375, 1380 (Fed. Cir. 2002)). However, several other *du Pont* factors are relevant in this case, should be considered, and may be dispositive, namely similar marks in use on similar goods/services, the fame of the contesting mark, concurrent use without actual confusion, dilution of the "WIFE" term in the class, and extent of potential confusion. *du Pont*, 476 F.2d at 1361 (1973).

1. The Mark is not likely to cause confusion because Applicant's Mark occupies a distinct type of goods compared to the contesting marks.

The Examining Attorney asserts that the goods at issue are related because the goods commonly emanate from the same commercial entity because manufacturers of candles and essential oils often manufacture both products under the same mark. See *Final Office Action*, p. 1. In comparing the similarity of goods or services, the focus is on the goods and services in the application and registration, and not on real-world conditions. *In re Detroit Athletic*, 128 U.S.P.Q.2d 1047, 903 F.3d 1297, 1307 (Fed. Cir. 2018). In this case, the opposing mark is registered for use in IC 003 for "Personal care products, namely, perfumes and natural essential

oils”, and makes no claim to any use in candles. Conversely, Applicant’s mark is intended for use in IC 004 for “Candle contained in a clamshell; Candle torches; Candle-making kits; Candles; Candles and wicks for candles for lighting; Candles being of wax or liquid, for the illumination of carved pumpkins, mini-pumpkins, gourds, and other fruits and vegetables; Candles containing insect repellent; Candles for lighting; Candles for night lights; Tapers; Aromatherapy fragrance candles; Beeswax for use in the manufacture of candles; Christmas tree candles; Perfumed candles; Scented candles; Tallow candles; Tealight candles; Unity candles; Votive candles; Wax for making candles; Wicks for candles”, and makes no claim to any use in personal care products and essential oils. Of the goods described, the only goods in Applicant’s registration that bear any resemblance to those in the registered mark are scented or perfumed candles, which still provide an altogether separated good from the registered mark. Additionally, when the relatedness of goods and services is less evident, the mere fact that they are used together is insufficient to establish relatedness. The USPTO must show "something more." *In re St. Helena Hosp.*, 113 U.S.P.Q.2d. 1082, 774 F.3d 747, 753-54 (Fed. Cir. 2014). *Sub judice*, the Examining Attorney claims that these goods are confusingly similar because they are often sold together when produced by a single manufacturer. However, due to the variation of products offered by both Applicant and the registered mark, the mere fact that both types of products are used together is not sufficient to block Applicant’s registration.

2. The Mark is not likely to cause confusion because similar marks are in use in the class without confusion.

The marks in question, while sharing the similar term “WIFEY”, are vastly different when examined in their entireties. As demonstrated in Exhibit A of this response, there are various marks which use the term “WIFE”, or an alternative spelling, in their title, and therefore,

Applicant's mark cannot be a lone example of possible confusion for the cited marks. See *Exhibit A*. Specifically, the "WIFE" term has been diluted in the trademark classification as numerous registered trademarks including Rasta Wife (Trademark Registration No. 6281356), Massage My Wife's Back (Trademark Registration No. 6584292), Baiwife (Trademark Registration No. 6227598), Trophy Wife (Trademark Registration No. 6180853) and Nothiswife (Trademark Registration No. 4878166). As such, Applicant's mark differs in appearance from Registrant's marks when the marks are examined in their entireties, and the unique components of Applicant's mark must be given fair weight. See *In re Hearst Corporation*, 982 F.2d at 494 (1992).

The consumers of Applicant's and Registrant's services will also see the marks in their entireties in the marketplace and will not be subject to a singular term without the other relevant elements and terms. See *Joseph Phelps Vineyards*, No. 16-1089 at 4 (2017) (Newman, J., concurring). Further, because there is major dilution of the term "WIFE" in the relevant international classes (IC 003 and 004), the additional terms will be readily identifiable, have more significance and should be given appropriate weight. See *In re Broadway Chicken Inc.*, 38 U.S.P.Q.2d 1559, (T.T.A.B. 1996). Under a *du Pont* analysis, the use of similar marks on similar goods and services may be applicable as in this case. Under these facts, Applicant's mark does not rise to a higher level of potential confusion than any other "WIFE" mark, many of which occupy the same classes as Registrant's mark. Therefore, in addition to demonstrating sufficient dilution to allow Applicant's mark to be registered, Applicant has demonstrated an additional *du Pont* factor plainly in favor of approving Applicant's mark.

3. The Mark is not likely to cause confusion because it occupies a distinct commercial space from that of the cited mark.

The prior fame of the registered mark and risk of potential confusion are also important factors for consideration. Generally, fame is a neutral factor in an Examining Attorney's analysis, but if fame is present, can play a dominant role in determining likelihood of confusion. *Coach Servs., Inc. v. Triumph Learning, LLC*, 101 U.S.P.Q.2d. 1713, 668 F.3d 1356, 1366-67 (Fed. Cir. 2012). However, fame itself is not sufficient to establish a likelihood of confusion. *Id.* In this case, the cited mark is primarily in use in relation to a cosmetic and scent businesses that operate through online portals. (<https://www.wifeyscents.com/>, accessed on Sept. 5, 2022). See *Exhibit B*. The cited mark is not in active use outside of this area, as the businesses associated with the mark do not operate outside of the area. Therefore, the fame of the mark would not indicate any inherent risk of confusion. As a result, the risk of confusion between the marks is infinitesimal, as the two businesses are vastly separated in both scope and purpose, since the cited marks are only active in connection with cosmetic products, whereas Applicant's mark is specifically intended for use in candles. Therefore, further consideration of the du Pont factors associated with risk of confusion and concurrent use indicate that no substantial likelihood of confusion exists.

Finally, since the USPTO has allowed Wifeyscents to register and coexist in the same class plus the dilution of Wife-related terms argued above, the consumer will recognize the distinct differences between the terms. Also, since "Wifeyscents" is one word and "scents" is not disclaimed, this unique term, as a whole, is easily identifiable and distinct from the "Wifey" trademark application.

CONCLUSION

Therefore, even though the marks in question may share the common term, "WIFEY", and though the goods/services may be seen as similar, the marks in question should be examined

in their entireties and appropriate weight should be given to Applicant's specific spelling and delineation. Additionally, due to the registration in separate classes of goods, there is no likelihood of confusion stemming from the relatedness of goods between Applicant's mark and the registered mark. Further, it should be noted that when considering additional applicable factors under a du Pont analysis, several applicable factors indicate that no significant likelihood of confusion is present. Thus, Applicant respectfully requests that the Examining Attorney withdraw their refusal and allow Applicant's mark to proceed to the principal register.

Respectfully submitted,

s/William A. Wooten
William A. Wooten, Esq.
WOOTEN LAW OFFICE
120 Court Square East
Covington, Tennessee 38019
Office: (901) 475-1050
Fax: (901) 234-0028
William@WootenLawOffice.com
Attorney for Applicant

Certificate of Service

In accordance with Trademark Rule 2.119, I certify that a copy of this Appeal brief was served on the following on November 14th, 2022, via email at the email address indicated below and via posting through ESTTA:

Thomas Young
Law Office 120
michelle.dubois@uspto.gov
Examining Attorney

Respectfully submitted,

s/William A. Wooten
William A. Wooten, Esq.
WOOTEN LAW OFFICE
120 Court Square East
Covington, Tennessee 38019
Office: (901) 475-1050
Fax: (901) 234-0028
William@WootenLawOffice.com
Attorney for Applicant

EXHIBIT "A"

[TSDR](#)

[ASSIGN Status](#)

[TTAB Status](#)

(Use the "Back" button of the Internet Browser to return to TESS)

NOTHISWIFE

Word Mark NOTHISWIFE
Goods and Services IC 003. US 001 004 006 050 051 052. G & S: Cosmetics; Cosmetics and make-up; Lip gloss; Lipstick. FIRST USE: 20151013. FIRST USE IN COMMERCE: 20151013
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 86275315
Filing Date May 8, 2014
Current Basis 1A
Original Filing Basis 1B
Published for Opposition September 2, 2014
Registration Number 4878166
Registration Date December 29, 2015
Owner (REGISTRANT) ICE + JAM LLC LIMITED LIABILITY COMPANY DELAWARE 2 Haven Place, No. 10H New York NEW YORK 10009
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

[TSDR](#)

[ASSIGN Status](#)

[TTAB Status](#)

(Use the "Back" button of the Internet Browser to return to TESS)

Trophy Wife

Word Mark TROPHY WIFE
Goods and Services IC 003. US 001 004 006 050 051 052. G & S: Cosmetics and cosmetic preparations, namely, make-up kits comprised of lipstick. FIRST USE: 20190327. FIRST USE IN COMMERCE: 20190327
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 88313266
Filing Date February 23, 2019
Current Basis 1A
Original Filing Basis 1B
Published for Opposition May 26, 2020
Registration Number 6180853
Registration Date October 20, 2020
Owner (REGISTRANT) Trophy Wife LLC LIMITED LIABILITY COMPANY FLORIDA 3621 s le jeune 3621 s le jeune coconut grove FLORIDA 33146
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

[TSDR](#)

[ASSIGN Status](#)

[TTAB Status](#)

(Use the "Back" button of the Internet Browser to return to TESS)

Baiwife

Word Mark BAIWIFE
Translations The wording "BAIWIFE" has no meaning in a foreign language.
Goods and Services IC 003. US 001 004 006 050 051 052. G & S: All-purpose cleaners; Cheek colors; Colognes, perfumes and cosmetics; Cosmetic masks; Cosmetic pencils; Cosmetic preparations against sunburn; Cosmetics for children; Essential oils; Eye shadow; Eyebrow cosmetics; Eyes make-up; Fingernail jewelry; Fragrances and perfumery; Hand lotions; Lip balm; Lip glosses; Lipsticks; Lotions for cosmetic purposes; Make-up remover; Make-up sets. FIRST USE: 20200506. FIRST USE IN COMMERCE: 20200506
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 88940403
Filing Date May 29, 2020
Current Basis 1A
Original Filing Basis 1A
Published for Opposition October 6, 2020
Registration Number 6227598
Registration Date December 22, 2020
Owner (REGISTRANT) Shenzhen Zhisheng Digital Technology Co., Ltd. limited company (ltd.) CHINA Room 7089,7th Floor, Elec- Techn Bldg B Shennanzhong Rd, Huaqiangbei St, Futian Shenzhen, Guangdong CHINA 518000
Attorney of Record Mudi Han
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

[TSDR](#)[ASSIGN Status](#)[TTAB Status](#)[\(Use the "Back" button of the Internet Browser to return to TESS\)](#)

MESSAGE MY WIFE'S BACK

Word Mark MESSAGE MY WIFE'S BACK
Goods and Services IC 003, US 001 004 006 050 051 052. G & S: Skin lotions; Skin creams; and Skin oils. FIRST USE: 20210500. FIRST USE IN COMMERCE: 20210500
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 88876598
Filing Date April 17, 2020
Current Basis 1A
Original Filing Basis 1B
Published for Opposition August 11, 2020
Registration Number 6584292
Registration Date December 7, 2021
Owner (REGISTRANT) Kastner, Daphna INDIVIDUAL UNITED STATES 21731 Ventura Boulevard, Suite 300 Woodland Hills CALIFORNIA 91364
Attorney of Record Jennifer Ko Craft
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

[TSDR](#)[ASSIGN Status](#)[TTAB Status](#)[\(Use the "Back" button of the Internet Browser to return to TESS\)](#)

Word Mark RASTA WIFE
Goods and Services IC 003, US 001 004 006 050 051 052. G & S: Cosmetics; Beauty creams; Beauty creams for body care; Beauty gels; Beauty lotions; Beauty serums; Body butter; Body lotions; Body scrubs; Cosmetic creams; Facial cleansers; Moisturizing creams; Skin toners; Skin lotions; Skin moisturizer; Cosmetic creams for skin care; Cosmetics sold as an integral component of non-medicated skincare preparations; Face creams for cosmetic use; Facial moisturizers; Gels for cosmetic purposes; Moisturizing body lotions; Natural cosmetics; Non-medicated cosmetics; Non-medicated skin care creams and lotions; Non-medicated skin serums; Non-medicated skin toners; Non-medicated skin care preparations, namely, creams, lotions, gels, toners, cleansers and peels; Scented body lotions and creams; Skin moisturizers used as cosmetics; Skin and body topical lotions, creams and oils for cosmetic use; Bath bombs; Bath fizzes; Bath gel; Bath herbs; Bath lotion; Bath oil; Bath oils; Bath oils for cosmetic purposes; Body masks; Body oils; Aromatic oils for the bath; Bubble bath; Cosmetic bath salts; Deodorants for body care; Foam bath; Shower and bath foam. FIRST USE: 20191101. USED IN ANOTHER FORM The mark was first used anywhere in a different form other than that sought to be registered at least as early as 05/29/2019. FIRST USE IN COMMERCE: 20200214
Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code 03.01.03 - Cats, tigers or other large cats ; Cheetahs ; Jaguars ; Leopard ; Lynx ; Ocelots ; Panther ; Panthers ; Puma ; Tigers
03.01.24 - Stylized cats, dogs, wolves, foxes, bears, lions, tigers
Serial Number 90061082
Filing Date July 20, 2020
Current Basis 1A
Original Filing Basis 1A,1B
Published for Opposition December 15, 2020
Registration Number 6281356
Registration Date March 2, 2021
Owner (REGISTRANT) RASTA WIFE LLC LIMITED LIABILITY COMPANY FLORIDA 132 Hummingbird Lane Suite A Deltona FLORIDA 32725
Description of Mark The mark consists of the full-body side profile of a black lioness stationed above standardized text that reads "RASTA WIFE" in all capital letters.
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

United States of America
United States Patent and Trademark Office

NOTHISWIFE

Reg. No. 4,878,166

Registered Dec. 29, 2015

Int. Cl.: 3

TRADEMARK

PRINCIPAL REGISTER

ICE + JAM LLC (DELAWARE LIMITED LIABILITY COMPANY)
1432 - 17TH STREET
SANTA MONICA, CA 90404

FOR: COSMETICS; COSMETICS AND MAKE-UP; LIP GLOSS; LIPSTICK, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 10-13-2015; IN COMMERCE 10-13-2015.

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

SN 86-275,315, FILED 5-8-2014.

SHAUNIA CARLYLE, EXAMINING ATTORNEY



Michelle K. Lee
Director of the United States
Patent and Trademark Office

United States of America
United States Patent and Trademark Office

Trophy Wife

Reg. No. 6,180,853

Registered Oct. 20, 2020

Int. Cl.: 3

Trademark

Principal Register

Trophy Wife LLC (FLORIDA LIMITED LIABILITY COMPANY)
3621 S Le Jeune
3621 S Le Jeune
Coconut Grove, FLORIDA 33146

CLASS 3: Cosmetics and cosmetic preparations, namely, make-up kits comprised of lipstick

FIRST USE 3-27-2019; IN COMMERCE 3-27-2019

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

SER. NO. 88-313,266, FILED 02-23-2019



Anderi Iancu
Director of the United States
Patent and Trademark Office



United States of America

United States Patent and Trademark Office

Baiwife

Reg. No. 6,227,598

Registered Dec. 22, 2020

Int. Cl.: 3

Trademark

Principal Register

Shenzhen Zhisheng Digital Technology Co., Ltd. (CHINA limited company (Ltd.)

)

Room 7089,7th Floor, Elec- Techn Bldg B

Shennanzhong Rd, Huaqiangbei St, Futian

Shenzhen, Guangdong, CHINA 518000

CLASS 3: All-purpose cleaners; Cheek colors; Colognes, perfumes and cosmetics; Cosmetic masks; Cosmetic pencils; Cosmetic preparations against sunburn; Cosmetics and make-up; Cosmetics for children; Essential oils; Eye shadow; Eyebrow cosmetics; Eyes make-up; Fingernail jewelry; Fragrances and perfumery; Hand lotions; Lip balm; Lip glosses; Lipsticks; Lotions for cosmetic purposes; Make-up remover; Make-up sets

FIRST USE 5-6-2020; IN COMMERCE 5-6-2020

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

The wording "BAIWIFE" has no meaning in a foreign language.

SER. NO. 88-940,403, FILED 05-29-2020



Andrei Iancu

Director of the United States
Patent and Trademark Office



United States of America

United States Patent and Trademark Office

MESSAGE MY WIFE'S BACK

Reg. No. 6,584,292

Registered Dec. 07, 2021

Int. Cl.: 3

Trademark

Principal Register

Kastner, Daphna (UNITED STATES INDIVIDUAL)
21731 Ventura Boulevard, Suite 300
Woodland Hills, CALIFORNIA 91364

CLASS 3: Skin lotions; Skin creams; and Skin oils

FIRST USE 5-00-2021; IN COMMERCE 5-00-2021

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

SER. NO. 88-876,598, FILED 04-17-2020



Diana H. H. H.

Performing the Functions and Duties of the
Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office



United States of America

United States Patent and Trademark Office



Reg. No. 6,281,356

Registered Mar. 02, 2021

Int. Cl.: 3

Trademark

Principal Register

RASTA WIFE LLC (FLORIDA LIMITED LIABILITY COMPANY)
132 Hummingbird Lane
Suite A
Deltona, FLORIDA 32725

CLASS 3: Cosmetics; Beauty creams; Beauty creams for body care; Beauty gels; Beauty lotions; Beauty serums; Body butter; Body lotions; Body scrubs; Cosmetic creams; Facial cleansers; Moisturizing creams; Skin toners; Skin lotions; Skin moisturizer; Cosmetic creams for skin care; Cosmetics sold as an integral component of non-medicated skincare preparations; Face creams for cosmetic use; Facial moisturizers; Gels for cosmetic purposes; Moisturizing body lotions; Natural cosmetics; Non-medicated cosmetics; Non-medicated skin care creams and lotions; Non-medicated skin serums; Non-medicated skin toners; Non-medicated skin care preparations, namely, creams, lotions, gels, toners, cleaners and peels; Scented body lotions and creams; Skin moisturizers used as cosmetics; Skin and body topical lotions, creams and oils for cosmetic use; Bath bombs; Bath fizzies; Bath gel; Bath herbs; Bath lotion; Bath oil; Bath oils; Bath oils for cosmetic purposes; Body masks; Body oils; Aromatic oils for the bath; Bubble bath; Cosmetic bath salts; Deodorants for body care; Foam bath; Shower and bath foam

FIRST USE 11-1-2019, The mark was first used anywhere in a different form other than that sought to be registered at least as early as 05/29/2019; IN COMMERCE 2-14-2020, The mark was first used in commerce in a different form other than that sought to be registered at least as early as 07/19/2020

The mark consists of the full-body side profile of a black lioness stationed above standardized text that reads "RASTA WIFE" in all capital letters.

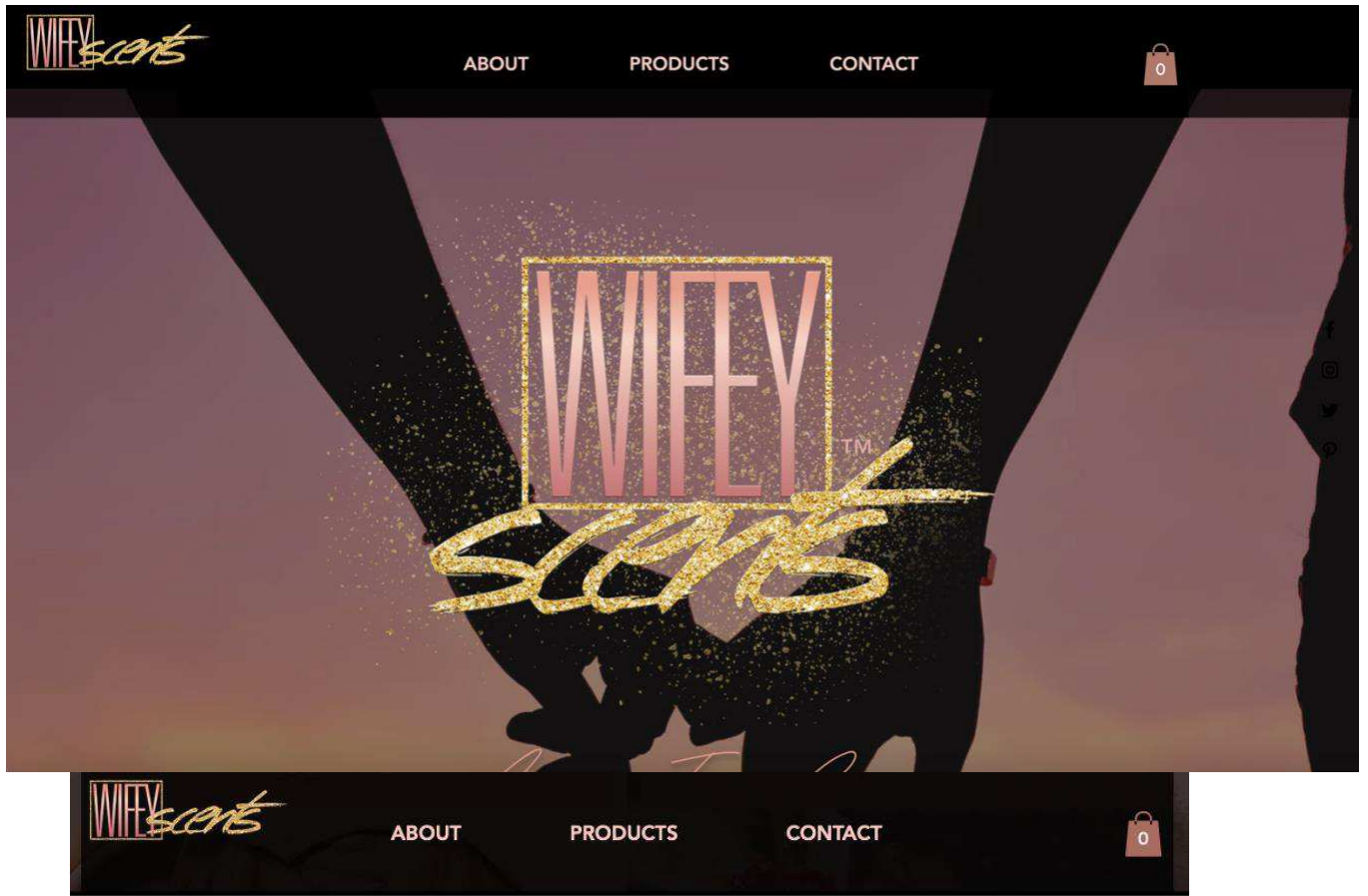
SER. NO. 90-061,082, FILED 07-20-2020



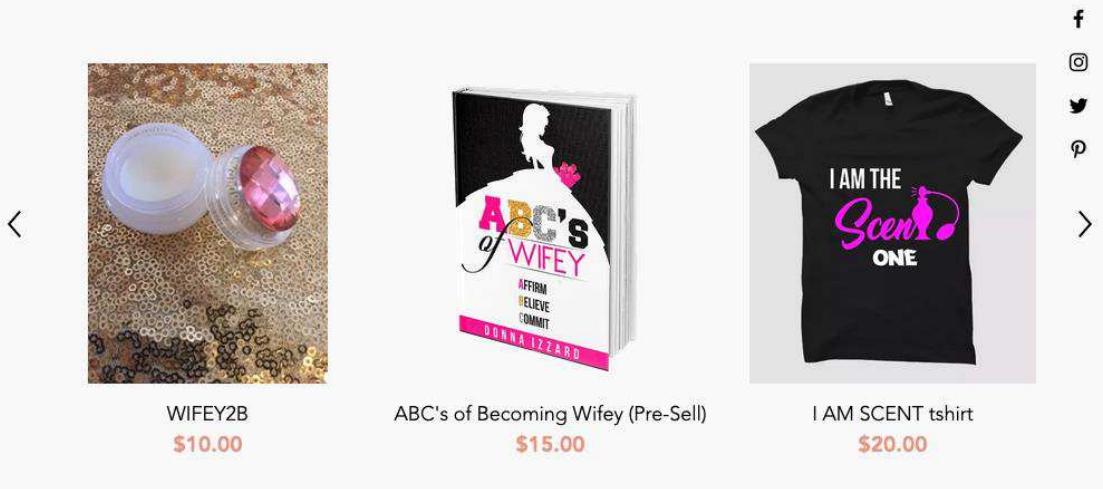
Performing the Functions and Duties of the
Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office



EXHIBIT "B"



Shop Now



<https://www.wifeyscents.com/>, accessed on Sept. 5, 2022