

**UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451**

Mailed: December 12, 2012

Opposition No. 91207021

Johnson & Johnson, and
RoC International s.a.r.l.

v.

Rock Cosmetics Limited

**Robert H. Coggins,
Interlocutory Attorney:**

On November 30, 2012, applicant filed a proposed amendment to its application Serial No. 85426233, with opposers' consent. By the proposed amendment applicant seeks to change the identification of goods from:

Adhesives for artificial nails; Adhesives for false eyelashes, hair and nails; Aromatic body care products, namely, body lotion, shower gel, cuticle cream, shampoo, conditioner, non-medicated lip balm, soap, body polish, body and foot scrub and non-medicated foot cream; Beauty creams for body care; Body and beauty care cosmetics; Body art pens; Body butter; Body crayons; Body cream; Body creams; Body glitter; Body mask cream; Body mask lotion; Body mask powder; Body masks; Body milk; Body milks; Body oil; Body oils; Body powder; Body scrub; Body splash; Body spray used as a personal deodorant and as fragrance; Body sprays; Cosmetic preparations for body care; Cosmetic preparations for eye lashes; Cosmetic preparations for nail drying; Cosmetics, namely, lip primer; Cosmetics, namely, lip repairers; Eye compresses for cosmetic purposes; Eye cream; Eye gels; Eye liner; Eye lotions; Eye make-up; Eye

make-up remover; Eye pencils; Eye shadow; Eye shadows; Eye-shadow; Eyes make-up; Eyes pencils; False nails; Gel eye masks; Lip balm; Lip balm; Lip cream; Lip gloss; Lip gloss palatte; Lip liner; Lip polisher; Lotions for strengthening the nails; Make-up for the face and body; Make-up kits comprised of lip gloss and eye shadow; Make-up preparations for the face and body; Mineral powder for use in cosmetic body wrap applications; Nail art stickers; Nail buffing preparations; Nail care kits comprising nail polish; Nail care preparations; Nail care preparations, namely, nail softeners; Nail cream; Nail enamel; Nail enamel removers; Nail enamels; Nail gel; Nail glitter; Nail grooming products, namely, tips, glue, lacquer and glitter; Nail hardeners; Nail polish; Nail polish base coat; Nail polish protector in the nature of a thin plastic covering applied to nails; Nail polish remover; Nail polish removers; Nail polish top coat; Nail repair products, namely, linen nail wraps; Nail repair products, namely, nail wraps; Nail repair products, namely, silk nail wraps; Nail stencils; Nail strengtheners; Nail tips; Nail varnish; Nail varnish for cosmetic purposes; Nail varnishes; Nail-polish removers; Non-medicated facial and eye serum containing antioxidants; Non-medicated lip balm that does not contain beeswax; Non-medicated lip care preparations; Non-medicated lip protectors; Sachet-like eye pillows containing fragrances; Tattoo removal preparations; Temporary tattoo sprays and stencils therefor sold as a unit; Toning lotion, for the face, body and hands; Under-eye enhancers; Wax for removing body hair; Wax strips for removing body hair;

to:

Adhesive foils for eyes, lips and nails; decorative transfers and skin jewels for cosmetic purposes, decorative transfers for eyes, lips and nails; jewels for eyes, lips and nails; glitter for eyes, lips and nails; face and body glitter, stencils for eyes, lips and nails, false nails, nail enamels; nail gel, nail grooming products, namely, tips, glue, lacquer and glitter, adhesives for attaching artificial fingernails and/or eyelashes, body art pens and crayons, temporary tattoo sprays and stencils therefor sold as a

unit; eye lashes; colour for eyes, lips, and nails.

Trademark Rule 2.71(a) states that an applicant may amend the application to clarify or limit, but not to broaden, the identification of goods; and TMEP §§ 1401 and 1402 require an identification of goods to be accurately classified and unambiguous. The proposed amendment is unacceptable because it broadens the identification, is indefinite, and may contemplate goods in more than one class. Specifically, the following goods are not contemplated by the current identification: decorative transfers and skin jewels for cosmetic purposes; decorative transfers for eyes, lips; jewels for eyes, lips and nails; stencils for eyes, lips; and eye lashes. Moreover, "jewels for eyes, lips and nails" is indefinite and may contemplate goods categorized in more than one class, as these goods may encompass fingernail jewelry in Class 3, and eye- and lip-piercings in Class 14. In view thereof, the motion to amend is denied.

Dates remain as set, with answer due December 26, 2012.