

ESTTA Tracking number: **ESTTA722504**

Filing date: **01/25/2016**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	OMP, Inc.
Granted to Date of previous extension	01/24/2016
Address	50 Technology Dr. Irvine, CA 92618 UNITED STATES

Attorney information	Megan R. Myers Pirkey Barber PLLC 600 Congress Avenue Suite 2120 Austin, TX 78701 UNITED STATES tmcentral@pirkeybarber.com, ckindel@pirkeybarber.com, mmyers@pirkeybarber.com, jfischer@pirkeybarber.com Phone:5123225200
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Applicant Information

Application No	86559130	Publication date	07/28/2015
Opposition Filing Date	01/25/2016	Opposition Period Ends	01/24/2016
Applicant	Nuvoderm, LLC suite 480 South Jordan, UT 84095 UNITED STATES		


Goods/Services Affected by Opposition

<p>Class 003. First Use: 2014/05/01 First Use In Commerce: 2014/05/01 All goods and services in the class are opposed, namely: Age retardant lotion; Anti-aging creams; Anti-wrinkle creams; Beauty balm creams; Beauty creams; Beauty lotions; Beautyserums; Cosmetic creams for skin care; Eye lotions; Face and body beauty creams; Face and body lotions; Face creams; Face creams for cosmetic use; Face milk and lotions; Facial creams; Lotions for cosmetic purposes; Lotions for face and body care; Moisturizing body lotions; Moisturizing creams; Non-medicated facial and eye serum containing antioxidants; Non-medicated skin care creams and lotions; Non-medicated skin care preparations, namely, creams, lotions, gels, toners, cleaners and peels; Non-medicated skin creams; Skin and body topical lotions, creams and oils for cosmetic use; Skin creams; Skin creams in liquid and solid form</p>
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Grounds for Opposition


Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	4329021	Application Date	10/18/2011
Registration Date	04/30/2013	Foreign Priority Date	NONE
Word Mark	NU-DERM		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2013/02/15 First Use In Commerce: 2013/02/15 Training services in the field of skin care		

U.S. Registration No.	2155067	Application Date	09/30/1993
Registration Date	05/05/1998	Foreign Priority Date	NONE
Word Mark	OBAGI NU-DERM		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 1993/01/00 First Use In Commerce: 1993/01/00 skin care products; namely, skin cream,clarifiers, sun block, lotion, cleansing cream and lotion, lighteners, toners, and moisturizers		

U.S. Registration No.	3813278	Application Date	08/31/2009
Registration Date	07/06/2010	Foreign Priority Date	NONE
Word Mark	OBAGI NU-DERM		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 1993/01/00 First Use In Commerce: 1993/01/00		

	Medicated skin care preparations		
U.S. Registration No.	4601982	Application Date	07/24/2012
Registration Date	09/09/2014	Foreign Priority Date	NONE
Word Mark	NEW TO NU-DERM		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2012/10/05 First Use In Commerce: 2012/10/05 On-line electronic newsletters delivered by e-mail in the field of skin care		

Attachments	85449656#TMSN.png(bytes) 77816505#TMSN.png(bytes) 85685521#TMSN.png(bytes) NUVODERM Notice of Opposition (VPOG5043) (002).pdf(785256 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	/MRM/
Name	Megan R. Myers
Date	01/25/2016

5. Opposer has invested significant effort and resources in advertising and promoting its NU-DERM Marks and the goods and services offered under those marks, with the result that the purchasing public has come to know, rely on, and recognize the goods and services of Opposer by those marks. Opposer has established significant goodwill in its NU-DERM Marks.

6. As a result of Opposer’s long use and promotion of the NU-DERM Marks, Opposer has acquired valuable common law rights in the NU-DERM Marks.

7. In addition to its extensive common law rights, Opposer is the owner of the following U.S. Federal Trademark Registrations for its NU-DERM Marks:

Mark	Reg. No.	Goods & Services
NU-DERM	4329021	Class 41: training services in the field of skin care
OBAGI NU-DERM	2155067	Class 3: skin care products; namely, skin cream, clarifiers, sun block, lotion, cleansing cream and lotion, lighteners, toners, and moisturizers
OBAGI NU-DERM	3813278	Class 5: medicated skin care preparations
NEW TO NU-DERM	4601982	Class 41: on-line electronic newsletters delivered by e-mail in the field of skin care

Printouts from the TSDR database (including the Registration Certificates) for these registrations are attached as **Exhibit A**.

8. On information and belief, Applicant Nuvoderm, LLC is a Delaware limited liability company with an address of 10701 South River Front Parkway, Suite 480, South Jordan, Utah 84095 (the “Applicant”). The Applicant filed U.S. Serial No. 86/559,130 (the “Application”) pursuant to 15 U.S.C. § 1051(a) on March 10, 2015 for the mark NUVODERM (the “Applicant’s Mark”). The Application covers the following goods in Class 3: *Age retardant lotion; Anti-aging creams; Anti-wrinkle creams; Beauty balm creams; Beauty creams; Beauty lotions; Beauty serums; Cosmetic*

creams for skin care; Eye lotions; Face and body beauty creams; Face and body lotions; Face creams; Face creams for cosmetic use; Face milk and lotions; Facial creams; Lotions for cosmetic purposes; Lotions for face and body care; Moisturizing body lotions; Moisturizing creams; Non-medicated facial and eye serum containing antioxidants; Non-medicated skin care creams and lotions; Non-medicated skin care preparations, namely, creams, lotions, gels, toners, cleaners and peels; Non-medicated skin creams; Skin and body topical lotions, creams and oils for cosmetic use; Skin creams; Skin creams in liquid and solid form.

9. There is no issue as to Opposer's priority. Opposer's first use in commerce of its NU-DERM Marks, as well as the filing dates and registration dates of its registrations for the NU-DERM Marks, precede the filing date of the Application.

10. Applicant's goods are similar or related to the goods and services offered by Opposer under Opposer's NU-DERM Marks.

11. Upon information and belief, Applicant's goods will travel in the same or similar channels of trade as Opposer's goods and services and will be used by the same or similar types of consumers who purchase and use Opposer's goods and services.

12. Opposer has not given Applicant permission or approval to use or register Applicant's Mark.

13. Applicant's Mark NUVODERM so resembles Opposer's NU-DERM Marks as to be likely, when used in connection with Applicant's goods, to cause confusion, or to cause mistake, or to deceive. Applicant's goods are highly similar, if not identical to, goods and services offered under Opposer's NU-DERM Marks. Purchasers and prospective purchasers are likely to believe that the products offered under Applicant's Mark are sponsored, endorsed, or approved by Opposer, or are in some way affiliated, connected, or associated with Opposer or its goods and

services. Registration should therefore be refused under 15 U.S.C. § 1052(d).

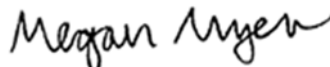
14. Registration of Applicant's Mark would damage Opposer because purchasers are likely to attribute the source or sponsorship of Applicant's goods offered under that mark to Opposer.

15. In addition, registration of Applicant's Mark would damage Opposer because it would confer upon Applicant statutory presumptions to which it is not entitled in view of Opposer's prior use and registration of its NU-DERM Marks.

WHEREFORE, Opposer prays that U.S. Serial No. 86/559,130 be rejected, and that registration of the mark therein be refused.

This Notice of Opposition is being filed electronically, along with the filing fee required by 37 C.F.R. § 2.6(a)(17). The Commissioner is authorized to draw on the Deposit Account of Pirkey Barber PLLC, Account No. 50-3924/VPOG:5043/CMK, if there is any problem with the processing of the electronically submitted fee.

Respectfully submitted,



Date: January 25, 2016

Christopher M. Kindel
Megan R. Myers
PIRKEY BARBER PLLC
600 Congress Avenue, Suite 2120
Austin, TX 78701
(512) 322-5200

ATTORNEYS FOR OPPOSER

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing NOTICE OF OPPOSITION was served via first-class mail, postage prepaid, on January 25, 2016, on Applicant's attorney of record at the address below:

Marc Rasich
Stoel Rives LLP
201 S Main St, Suite 1100
Salt Lake City, UT 84111-2208

Megan Nyen

EXHIBIT A

Generated on:

This page was generated by TSDR on 2016-01-25 11:37:49 EST

Mark: NU-DERM

NU-DERM

US Serial Number: 85449656

Application Filing Date:

Oct. 18, 2011

US Registration Number: 4329021

Registration Date:

Apr. 30, 2013

Register:

Principal

Mark Type:

Service Mark

Status:

Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date:

Apr. 30, 2013

Publication Date: Mar. 27, 2012

Notice of Allowance Date:

May 22, 2012

Mark Information

Mark Literal Elements:

NU-DERM

Standard Character Claim:

Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type:

4 - STANDARD CHARACTER MARK

Related Properties Information

Claimed Ownership of US Registrations:

2155067

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:

Training services in the field of skin care

International Class(es): 041 - Primary Class

U.S Class(es):

100, 101, 107

Class Status:

ACTIVE

Basis:

1(a)

First Use: Feb. 15, 2013

Use in Commerce:

Feb. 15, 2013

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Amended Use: No

Filed ITU: Yes

Currently ITU: No

Amended ITU: No

Filed 44D: No
Filed 44E: No
Filed 66A: No
Filed No Basis: No

Currently 44D: No
Currently 44E: No
Currently 66A: No
Currently No Basis: No

Amended 44D: No
Amended 44E: No

Current Owner(s) Information

Owner Name:

OMP, Inc.

Owner Address:

50 Technology Dr.
Irvine, CALIFORNIA 92618
UNITED STATES

Legal Entity Type: CORPORATION

**State or Country Where
Organized:**

DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Christopher L. Graff

Docket Number:

VPOG003

**Attorney Primary Email
Address:** tmcentral@pirkeybarber.com

**Attorney Email
Authorized:**

Yes

Correspondent

**Correspondent
Name/Address:**

Christopher L. Graff
PIRKEY BARBER PLLC
600 Congress Avenue, Suite 2120
Austin, TEXAS 78701
UNITED STATES

Phone: 512-322-5200

Fax:

512-322-5201

Correspondent e-mail: tmcentral@pirkeybarber.com

**Correspondent e-mail
Authorized:**

Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jan. 21, 2015	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Dec. 02, 2014	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Dec. 02, 2014	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Aug. 07, 2013	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jul. 11, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
Jul. 11, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Apr. 30, 2013	REGISTERED-PRINCIPAL REGISTER	
Mar. 28, 2013	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Mar. 27, 2013	LAW OFFICE REGISTRATION REVIEW COMPLETED	68691
Mar. 27, 2013	ASSIGNED TO LIE	68691
Mar. 19, 2013	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Mar. 15, 2013	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Mar. 14, 2013	STATEMENT OF USE PROCESSING COMPLETE	61813
Feb. 21, 2013	USE AMENDMENT FILED	61813
Mar. 14, 2013	EXTENSION 2 GRANTED	61813
Feb. 21, 2013	EXTENSION 2 FILED	61813
Feb. 21, 2013	TEAS EXTENSION RECEIVED	
Feb. 21, 2013	TEAS STATEMENT OF USE RECEIVED	
Nov. 09, 2012	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	

Nov. 08, 2012	EXTENSION 1 GRANTED	61813
Nov. 05, 2012	EXTENSION 1 FILED	61813
Nov. 06, 2012	CASE ASSIGNED TO INTENT TO USE PARALEGAL	61813
Nov. 05, 2012	TEAS EXTENSION RECEIVED	
May 22, 2012	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Mar. 27, 2012	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Mar. 27, 2012	PUBLISHED FOR OPPOSITION	
Mar. 07, 2012	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Feb. 07, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 06, 2012	ASSIGNED TO EXAMINER	76746
Oct. 22, 2011	NOTICE OF PSEUDO MARK MAILED	
Oct. 21, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Oct. 21, 2011	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location:

Mar. 27, 2013

Assignment Abstract Of Title Information

Summary

Total Assignments: 4

Registrant:

OMP, Inc.

Assignment 1 of 4

Conveyance:

SECURITY INTEREST

Reel/Frame: [4751/0489](#)

Pages:

11

Date Recorded: Apr. 04, 2012

Supporting Documents:

[assignment-tm-4751-0489.pdf](#)

Assignor

Name: [OBAGI MEDICAL PRODUCTS, INC.](#)

Execution Date:

Nov. 21, 2008

Legal Entity Type: CORPORATION

State or Country Where Organized:

DELAWARE

Name: [OMP, INC.](#)

Execution Date:

Nov. 21, 2008

Legal Entity Type: CORPORATION

State or Country Where Organized:

DELAWARE

Assignee

Name:

[COMERICA BANK, AS AGENT, A TEXAS BANKING ASSOCIATION](#)

Legal Entity Type: BANK

State or Country Where Organized:

TEXAS

Address:

75 E. TRIMBLE ROAD
M/C 4770
SAN JOSE, CALIFORNIA 95131

Correspondent

Correspondent Name:

ANGELA ALVAREZ SUJEK - BODMAN PLC

Correspondent Address:

201 SOUTH DIVISION, STE. 400
ANN ARBOR, MI 48104

Domestic Representative - Not Found

Assignment 2 of 4

Conveyance:

RELEASE BY SECURED PARTY

Reel/Frame: [5037/0927](#)

Pages:

7

Date Recorded: May 30, 2013

Supporting Documents:

[assignment-tm-5037-0927.pdf](#)

Assignor

Name: [COMERICA BANK, AS AGENT](#)

Execution Date:

May 28, 2013

Legal Entity Type: A TEXAS BANKING ASSOCIATION

State or Country Where
Organized:

TEXAS

Assignee

Name:

[OBAGI MEDICAL PRODUCTS, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where
Organized:

DELAWARE

Address:

3760 KILROY AIRPORT WAY
SUITE 500
LONG BEACH, CALIFORNIA 90806

Name:

[OMP, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where
Organized:

DELAWARE

Address:

3760 KILROY AIRPORT WAY
SUITE 500
LONG BEACH, CALIFORNIA 90806

Correspondent

Correspondent Name:

ANGELA ALVAREZ SUJEK - BODMAN PLC

Correspondent Address:

201 SOUTH DIVISION, SUITE 400
ANN ARBOR, MI 48104

Domestic Representative - Not Found

Assignment 3 of 4

Conveyance:

SECURITY AGREEMENT

Reel/Frame: [5079/0282](#)

Pages:

20

Date Recorded: Jul. 29, 2013

Supporting Documents:

[assignment-tm-5079-0282.pdf](#)

Assignor

Name: [OMP INC](#)

Execution Date:

Jul. 26, 2013

Legal Entity Type: CORPORATION

State or Country Where
Organized:

CALIFORNIA

Assignee

Name:

[GOLDMAN SACHS LENDING PARTNERS LLC](#)

Legal Entity Type: CORPORATION

State or Country Where
Organized:

NEW YORK

Address:

200 WEST ST
NEW YORK, NEW YORK 10282

Correspondent

Correspondent Name:

ELAINE CARRERA, LEGAL ASSISTANT

Correspondent Address:

CAHILL GORDON & REINDEL LLP 80 PINE ST
NEW YORK, NY 10005

Domestic Representative - Not Found

Assignment 4 of 4

Conveyance:

NOTICE OF SUCCESSION OF AGENCY

Reel/Frame: [5439/0392](#)

Pages:

50

Date Recorded: Jan. 09, 2015

Supporting Documents:

[assignment-tm-5439-0392.pdf](#)

Assignor

Name: [GOLDMAN SACHS LENDING PARTNERS, LLC](#)

Execution Date:

Jan. 08, 2015

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where
Organized:

DELAWARE

Assignee

Name:

[BARCLAYS BANK PLC, AS SUCCESSOR AGENT](#)

Legal Entity Type: BANK

State or Country Where
Organized:

UNITED KINGDOM

Address:

745 SEVENTH AVENUE
NEW YORK, NEW YORK 10019

Correspondent

Correspondent Name:

ELAINE CARRERA, LEGAL ASSISTANT

Correspondent Address:

80 PINE STREET
C/O CAHILL GORDON & REINDEL LLP
NEW YORK, NY 10005

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings:

1

Type of Proceeding: Opposition

Proceeding Number: [91206343](#)

Filing Date:

Aug 01, 2012

Status: Terminated

Status Date:

Jan 09, 2013

Interlocutory Attorney: ELIZABETH WINTER

Defendant

Name:

CellCeuticals Skin Care, Inc.

Correspondent Address:

LOUIS C PAUL
 LOUIS C PAUL ASSOCIATES PLLC
 150 EAST 58TH STREET, 34TH FLOOR
 NEW YORK NY , 10155
 UNITED STATES

Correspondent e-mail:trademarks@cosmeticslaw.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
NEODERM	Abandoned - After Inter-Partes Decision	77469133	

Plaintiff(s)**Name:**

OMP, Inc.

Correspondent Address:

SANDRA EDELMAN
 DORSEY WHITNEY LLP
 51 WEST 52ND STREET
 NEW YORK NY , 10019
 UNITED STATES

Correspondent e-mail:edelman.sandra@dorsey.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
NEW TO NU-DERM	Registered	85685521	4601982
NU-DERM	Abandoned - No Statement Of Use Filed	77927918	
NU-DERM	Registered	85449656	4329021
OBAGI NU-DERM	Renewed	74442192	2155067
OBAGI NU-DERM	Registered	77816505	3813278

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Aug 01, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 01, 2012	Sep 10, 2012
3	PENDING, INSTITUTED	Aug 01, 2012	
4	D'S MOT TO SUSP PEND SETLMT NEGOTIATIONS	Aug 07, 2012	
5	SUSPENDED	Aug 07, 2012	
6	D'S MOT TO SUSP PEND SETLMT NEGOTIATIONS	Nov 07, 2012	
7	SUSPENDED	Nov 07, 2012	
8	D'S MOT TO SUSP PEND SETLMT NEGOTIATIONS	Dec 06, 2012	
9	SUSPENDED	Dec 06, 2012	
10	WITHDRAWAL OF APPLICATION	Jan 04, 2013	
11	BOARD'S DECISION: SUSTAINED	Jan 09, 2013	
12	TERMINATED	Jan 09, 2013	

United States of America
United States Patent and Trademark Office

NU-DERM

Reg. No. 4,329,021

OMP, INC. (DELAWARE CORPORATION)
3760 KILROY AIRPORT WAY, 5TH FLOOR
LONG BEACH, CA 90806

Registered Apr. 30, 2013

Int. Cl.: 41

FOR: TRAINING SERVICES IN THE FIELD OF SKIN CARE, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

SERVICE MARK

FIRST USE 2-15-2013; IN COMMERCE 2-15-2013.

PRINCIPAL REGISTER

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

OWNER OF U.S. REG. NO. 2,155,067.

SN 85-449,656, FILED 10-18-2011.

HANNO RITTNER, EXAMINING ATTORNEY



Sean Street Lee

Acting Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

Generated on:

This page was generated by TSDR on 2016-01-25 11:38:25 EST

Mark: OBAGI NU-DERM

US Serial Number: 74442192

Sep. 30, 1993

US Registration Number: 2155067

May 05, 1998

Register:

Principal

Mark Type:

Trademark

Status:

The registration has been renewed.

Status Date:

Jun. 02, 2008

Publication Date: Apr. 22, 1997

Jul. 15, 1997

Application Filing Date:

Registration Date:

Notice of Allowance Date:

Mark Information

Mark Literal Elements:

OBAGI NU-DERM

Standard Character Claim:

No

Mark Drawing Type:

1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

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:

skin care products; namely, skin cream, clarifiers, sun block, lotion, cleansing cream and lotion, lighteners, toners, and moisturizers

International Class(es): 003 - Primary Class

U.S Class(es):

001, 004, 006, 050, 051, 052

Class Status:

ACTIVE

Basis:

1(a)

First Use: Jan. 1993

Use in Commerce:

Jan. 1993

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Amended Use: No

Filed ITU: Yes

Currently ITU: No

Amended ITU: No

Filed 44D: No
Filed 44E: No
Filed 66A: No
Filed No Basis: No

Currently 44D: No
Currently 44E: No
Currently 66A: No
Currently No Basis: No

Amended 44D: No
Amended 44E: No

Current Owner(s) Information

Owner Name:

OMP, INC.

Owner Address:

50 Technology Dr.
Irvine, CALIFORNIA 92618
UNITED STATES

Legal Entity Type: CORPORATION

**State or Country Where
Organized:**

DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Christopher L. Graff

Docket Number:

VPOG003

**Attorney Primary Email
Address:** tmcentral@pirkeybarber.com

**Attorney Email
Authorized:**

Yes

Correspondent

**Correspondent
Name/Address:**

Christopher L. Graff
PIRKEY BARBER PLLC
600 Congress Avenue, Suite 2120
Austin, TEXAS 78701
UNITED STATES

Phone: 512-322-5200

Fax:

512-322-5201

Correspondent e-mail: tmcentral@pirkeybarber.com

**Correspondent e-mail
Authorized:**

Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jan. 21, 2015	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Dec. 02, 2014	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Dec. 02, 2014	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Aug. 07, 2013	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jul. 11, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
Jul. 11, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jun. 20, 2011	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Feb. 25, 2009	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Feb. 25, 2009	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jun. 02, 2008	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	68502
Jun. 02, 2008	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Apr. 28, 2008	TEAS SECTION 8 & 9 RECEIVED	
Aug. 20, 2007	CASE FILE IN TICRS	
May 19, 2004	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Apr. 22, 2004	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Apr. 22, 2004	TEAS SECTION 8 & 15 RECEIVED	
Jan. 21, 2004	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Dec. 26, 2002	PAPER RECEIVED	
Dec. 19, 2002	TEAS CHANGE OF CORRESPONDENCE RECEIVED	

May 05, 1998	REGISTERED-PRINCIPAL REGISTER	
Mar. 07, 1998	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Mar. 07, 1998	ASSIGNED TO EXAMINER	62882
Mar. 02, 1998	STATEMENT OF USE PROCESSING COMPLETE	
Jan. 14, 1998	USE AMENDMENT FILED	
Jul. 15, 1997	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Apr. 22, 1997	PUBLISHED FOR OPPOSITION	
Mar. 21, 1997	NOTICE OF PUBLICATION	
Feb. 10, 1997	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 22, 1994	LETTER OF SUSPENSION MAILED	
Mar. 03, 1994	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Mar. 19, 1994	ASSIGNED TO EXAMINER	69780
Mar. 04, 1994	ASSIGNED TO EXAMINER	62882

Maintenance Filings or Post Registration Information

Affidavit of Continued

Use:

Section 8 - Accepted

**Affidavit of
Incontestability:**

Section 15 - Accepted

Renewal Date:

May 05, 2008

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: POST REGISTRATION

Date in Location:

Jun. 02, 2008

Assignment Abstract Of Title Information

Summary

Total Assignments: 11

Registrant:

OBAGI, ZEIN E.

Assignment 1 of 11

Conveyance:

ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [1700/0827](#)

Pages:

4

Date Recorded: Mar. 05, 1998

Supporting Documents:

No Supporting Documents Available

Assignor

Name: [OBAGI, ZEIN, M.D.](#)

Execution Date:

Nov. 25, 1997

Legal Entity Type: INDIVIDUAL

Citizenship:

UNITED STATES

Assignee

Name:

[OMP ACQUISITION CORPORATION](#)

Legal Entity Type: CORPORATION

**State or Country Where
Organized:**

CALIFORNIA

Address:

625 ALASKA AVENUE
TORRANCE, CALIFORNIA 90503

Correspondent

Correspondent Name:

BROWN, MARTIN, HALLER & MCCLAIN

Correspondent Address:

JAMES W. MCCLAIN, ESQ.
1660 UNION STREET
SAN DIEGO, CALIFORNIA 92101

Domestic Representative - Not Found

Assignment 2 of 11

Conveyance:

CHANGE OF NAME

Reel/Frame: [1700/0831](#)

Pages:

15

Date Recorded: Mar. 05, 1998

Supporting Documents:

No Supporting Documents Available

Assignor

Name: [OMP ACQUISITION CORPORATION](#)

Execution Date:

Dec. 26, 1997

Legal Entity Type: CORPORATION

State or Country Where
Organized:

No Place Where Organized Found

Assignee

Name:

[OBAGI MEDICAL PRODUCTS, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where
Organized:

CALIFORNIA

Address:

625 ALASKA AVENUE
TORRANCE, CALIFORNIA 90503

Correspondent

Correspondent Name:

BROWN, MARTIN, HALLER & MCCLAIN

Correspondent Address:

JAMES W. MCCLAIN, ESQ.
1660 UNION STREET
SAN DIEGO, CA 92101

Domestic Representative - Not Found

Assignment 3 of 11

Conveyance:

SECURITY AGREEMENT

Reel/Frame: [1739/0656](#)

Pages:

5

Date Recorded: Jun. 03, 1998

Supporting Documents:

[assignment-tm-1739-0656.pdf](#)

Assignor

Name: [OBAGI MEDICAL PRODUCTS, INC.](#)

Execution Date:

May 19, 1998

Legal Entity Type: CORPORATION

State or Country Where
Organized:

No Place Where Organized Found

Assignee

Name:

[IMPERIAL BANK](#)

Legal Entity Type: CALIFORNIA CHARTERED BANK

State or Country Where
Organized:

No Place Where Organized Found

Address:

695 TOWN CENTER DRIVE, STE. 100
COSTA MESA, CALIFORNIA 92626-1924

Correspondent

Correspondent Name:

MITCHELL, SILBERBERG & KNUPP

Correspondent Address:

TONY ADLER, ESQ.
11377 WEST OLYMPIC BOULEVARD
LOS ANGELES, CALIFORNIA 90064

Domestic Representative - Not Found

Assignment 4 of 11

Conveyance:

MERGER AND CHANGE OF NAME

Reel/Frame: [2252/0203](#)

Pages:

5

Date Recorded: Mar. 02, 2001

Supporting Documents:

[assignment-tm-2252-0203.pdf](#)

Assignor

Name: [OBAGI MEDICAL PRODUCTS, INC.](#)

Execution Date:

Dec. 31, 2000

Legal Entity Type: CORPORATION

State or Country Where
Organized:

CALIFORNIA

Assignee

Name:

[OMP, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where
Organized:

DELAWARE

Address:

310 GOLDEN SHORE
LONG BEACH, CALIFORNIA 90802

Correspondent

Correspondent Name:

CLEARY & KOMEN, LLP

Correspondent Address:

J. MICHAEL CLEARY
600 PENNSYLVANIA, AVENUE, S.E.
SUITE 200
WASHINGTON, D.C. 20003

Domestic Representative - Not Found

Assignment 5 of 11

Conveyance:

REASSIGNMENT AND RELEASE OF SECURITY INTEREST

Reel/Frame: [3001/0490](#)

Pages:

4

Date Recorded: Jan. 04, 2005

Supporting Documents:

[assignment-tm-3001-0490.pdf](#)

Assignor

Name: [COMERICA BANK](#)

Execution Date:

Dec. 27, 2004

Legal Entity Type: MICHIGAN BANKING CORPORATION

State or Country Where
Organized:

No Place Where Organized Found

Assignee

Name:

[OBAGI MEDICAL PRODUCTS, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where
Organized:

CALIFORNIA

Address:

310 GOLDEN SHORE
LONG BEACH, CALIFORNIA 90802

Correspondent

Correspondent Name:

ERIN O'BRIEN

Correspondent Address:

4365 EXECUTIVE DRIVE
SUITE 1100
SAN DIEGO, CA 92121

Domestic Representative - Not Found

Assignment 6 of 11

Conveyance:

SECURITY AGREEMENT

Reel/Frame: [3024/0171](#)

Pages:

6

Date Recorded: Feb. 08, 2005

Supporting Documents:

[assignment-tm-3024-0171.pdf](#)

Assignor

Name: [OMP, INC.](#)

Execution Date:

Jan. 28, 2005

Legal Entity Type: CORPORATION

State or Country Where
Organized:

DELAWARE

Assignee

Name:

[MERRILL LYNCH CAPITAL, A DIVISION OF MERRILL LYNCH BUSINESS FINANCIAL SERVICES INC., AS ADMINISTRATIVE AGENT](#)

Legal Entity Type: CORPORATION

State or Country Where
Organized:

DELAWARE

Address:

222 N. LASALLE STREET
CHICAGO, ILLINOIS 60601

Correspondent

Correspondent Name:

CHRISTINE WILSON

Correspondent Address:

1750 K STREET, NW
SUITE 200
WASHINGTON, DC 20006

Domestic Representative - Not Found

Assignment 7 of 11

Conveyance:

RELEASE BY SECURED PARTY

Reel/Frame: [3912/0357](#)

Pages:

6

Date Recorded: Jan. 02, 2009

Supporting Documents:

[assignment-tm-3912-0357.pdf](#)

Assignor

Name: [GE BUSINESS FINANCIAL SERVICE INC.](#)

Execution Date:

Nov. 21, 2008

Legal Entity Type: CORPORATION

State or Country Where
Organized:

DELAWARE

DBA, AKA, TA, Formerly: FORMERLY MERRILL LYNCH CAPITAL, A
DIVISION OF MERRILL LYNCH BUSINESS
FINANCIAL SERVICES INC.

Assignee

Name:

[OBAGI MEDICAL PRODUCTS, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where
Organized:

DELAWARE

Address:

3760 KILROY AIRPORT WAY, SUITE 500
LONG BEACH, CALIFORNIA 90806

Name:

[OMP, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where
Organized:

DELAWARE

Address:

3760 KILROY AIRPORT WAY, SUITE 500
LONG BEACH, CALIFORNIA 90806

Correspondent

Correspondent Name:

ANGELA ALVAREZ SUJEK - BODMAN LLP

Correspondent Address:

201 S. DIVISION STREET, SUITE 400
ANN ARBOR, MI 48104

Domestic Representative - Not Found

Assignment 8 of 11

Conveyance:

SECURITY INTEREST

Reel/Frame: [3912/0382](#)

Pages:

10

Date Recorded: Jan. 02, 2009

Supporting Documents:

[assignment-tm-3912-0382.pdf](#)

Assignor

Name: [OBAGI MEDICAL PRODUCTS, INC.](#)

Execution Date:

Nov. 21, 2008

Legal Entity Type: CORPORATION

State or Country Where
Organized:

DELAWARE

Name: [OMP, INC.](#)

Execution Date:

Nov. 21, 2008

Legal Entity Type: CORPORATION

State or Country Where
Organized:

DELAWARE

Assignee

Name:

[COMERICA BANK, AS AGENT](#)

Legal Entity Type: BANKING ASSOCIATION

State or Country Where
Organized:

TEXAS

Address:

M/C 4770, 75 E. TRIMBLE ROAD
SAN JOSE, CALIFORNIA 95131

Correspondent

Correspondent Name:

ANGELA ALVAREZ SUJEK - BODMAN LLP

Correspondent Address:

201 S. DIVISION STREET, SUITE 400
ANN ARBOR, MI 48104

Domestic Representative - Not Found

Assignment 9 of 11

Conveyance:

RELEASE BY SECURED PARTY

Reel/Frame: [5037/0927](#)

Pages:

7

Date Recorded: May 30, 2013

Supporting Documents:

[assignment-tm-5037-0927.pdf](#)

Assignor

Name: [COMERICA BANK, AS AGENT](#)

Execution Date:

May 28, 2013

Legal Entity Type: A TEXAS BANKING ASSOCIATION

State or Country Where
Organized:

TEXAS

Assignee

Name:

[OBAGI MEDICAL PRODUCTS, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where
Organized:

DELAWARE

Address:

3760 KILROY AIRPORT WAY
SUITE 500
LONG BEACH, CALIFORNIA 90806

Name:

[OMP, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where
Organized:

DELAWARE

Address:

3760 KILROY AIRPORT WAY
SUITE 500
LONG BEACH, CALIFORNIA 90806

Correspondent

Correspondent Name:

ANGELA ALVAREZ SUJEK - BODMAN PLC

Correspondent Address:

201 SOUTH DIVISION, SUITE 400
ANN ARBOR, MI 48104

Domestic Representative - Not Found

Assignment 10 of 11

Conveyance:

SECURITY AGREEMENT

Reel/Frame: [5079/0282](#)

Pages:

20

Date Recorded: Jul. 29, 2013

Supporting Documents:

[assignment-tm-5079-0282.pdf](#)

Assignor

Name: [OMP INC](#)

Execution Date:

Jul. 26, 2013

Legal Entity Type: CORPORATION

State or Country Where

Organized:

CALIFORNIA

Assignee

Name:

[GOLDMAN SACHS LENDING PARTNERS LLC](#)

Legal Entity Type: CORPORATION

State or Country Where Organized:

NEW YORK

Address:

200 WEST ST
NEW YORK, NEW YORK 10282

Correspondent

Correspondent Name:

ELAINE CARRERA, LEGAL ASSISTANT

Correspondent Address:

CAHILL GORDON & REINDEL LLP 80 PINE ST
NEW YORK, NY 10005

Domestic Representative - Not Found

Assignment 11 of 11

Conveyance:

NOTICE OF SUCCESSION OF AGENCY

Reel/Frame: [5439/0392](#)

Pages:

50

Date Recorded: Jan. 09, 2015

Supporting Documents:

[assignment-tm-5439-0392.pdf](#)

Assignor

Name: [GOLDMAN SACHS LENDING PARTNERS, LLC](#)

Execution Date:

Jan. 08, 2015

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized:

DELAWARE

Assignee

Name:

[BARCLAYS BANK PLC, AS SUCCESSOR AGENT](#)

Legal Entity Type: BANK

State or Country Where Organized:

UNITED KINGDOM

Address:

745 SEVENTH AVENUE
NEW YORK, NEW YORK 10019

Correspondent

Correspondent Name:

ELAINE CARRERA, LEGAL ASSISTANT

Correspondent Address:

80 PINE STREET
C/O CAHILL GORDON & REINDEL LLP
NEW YORK, NY 10005

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings:

1

Type of Proceeding: Opposition

Proceeding Number: [91206343](#)

Filing Date:

Aug 01, 2012

Status: Terminated

Status Date:

Jan 09, 2013

Interlocutory Attorney: ELIZABETH WINTER

Defendant

Name:

CellCeuticals Skin Care, Inc.

Correspondent Address:

LOUIS C PAUL
LOUIS C PAUL ASSOCIATES PLLC
150 EAST 58TH STREET, 34TH FLOOR
NEW YORK NY , 10155
UNITED STATES

Correspondent e-mail:

trademarks@cosmeticslaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
NEODERM	Abandoned - After Inter-Partes Decision	77469133	

Plaintiff(s)

Name:

OMP, Inc.

Correspondent Address:

SANDRA EDELMAN
DORSEY WHITNEY LLP
51 WEST 52ND STREET
NEW YORK NY , 10019
UNITED STATES

Correspondent e-mail:

edelman.sandra@dorsey.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
NEW TO NU-DERM	Registered	85685521	4601982
NU-DERM	Abandoned - No Statement Of Use Filed	77927918	
NU-DERM	Registered	85449656	4329021
OBAGI NU-DERM	Renewed	74442192	2155067
OBAGI NU-DERM	Registered	77816505	3813278

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Aug 01, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 01, 2012	Sep 10, 2012
3	PENDING, INSTITUTED	Aug 01, 2012	
4	D'S MOT TO SUSP PEND SETLMT NEGOTIATIONS	Aug 07, 2012	
5	SUSPENDED	Aug 07, 2012	
6	D'S MOT TO SUSP PEND SETLMT NEGOTIATIONS	Nov 07, 2012	
7	SUSPENDED	Nov 07, 2012	
8	D'S MOT TO SUSP PEND SETLMT NEGOTIATIONS	Dec 06, 2012	
9	SUSPENDED	Dec 06, 2012	
10	WITHDRAWAL OF APPLICATION	Jan 04, 2013	
11	BOARD'S DECISION: SUSTAINED	Jan 09, 2013	
12	TERMINATED	Jan 09, 2013	

Int. Cl.: 3

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

Reg. No. 2,155,067

United States Patent and Trademark Office

Registered May 5, 1998

**TRADEMARK
PRINCIPAL REGISTER**

OBAGI NU-DERM

OBAGI, ZEIN E. (UNITED STATES CITIZEN)
444 NORTH CAMDEN DRIVE
BEVERLY HILLS, CA 90210

FOR: SKIN CARE PRODUCTS; NAMELY,
SKIN CREAM, CLARIFIERS, SUN BLOCK,
LOTION, CLEANSING CREAM AND LOTION,
LIGHTENERS, TONERS, AND MOISTURIZ-

ERS, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND
52).

FIRST USE 1-0-1993; IN COMMERCE
1-0-1993.

SN 74-442,192, FILED 9-30-1993.

NANCY L. HANKIN, EXAMINING ATTORNEY

Generated on:

This page was generated by TSDR on 2016-01-25 11:38:57 EST

Mark: OBAGI NU-DERM

OBAGI NU-DERM

US Serial Number: 77816505
Aug. 31, 2009
Application Filing Date:

US Registration Number: 3813278
Jul. 06, 2010
Registration Date:

Filed as TEAS Plus: Yes
Yes
Currently TEAS Plus:

Register:
Principal

Mark Type:
Trademark

Status:
Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date:
Jul. 06, 2010

Publication Date: Apr. 20, 2010

Mark Information

Mark Literal Elements:
OBAGI NU-DERM

Standard Character Claim:
Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type:
4 - STANDARD CHARACTER MARK

Related Properties Information

Claimed Ownership of US Registrations:
2155067, 2838572, 3410886 and others

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:
Medicated skin care preparations

International Class(es): 005 - Primary Class
006, 018, 044, 046, 051, 052
U.S Class(es):

Class Status:
ACTIVE

Basis:
1(a)

First Use: Jan. 1993
Jan. 1993
Use in Commerce:

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name:

OMP, INC.

Owner Address:

50 Technology Dr.
Irvine, CALIFORNIA 92618
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized:

DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Christopher L. Graff

Docket Number:

VPOG003

Attorney Primary Email Address: tmcentral@pirkeybarber.com

Attorney Email Authorized:

Yes

Correspondent

Correspondent Name/Address:

Christopher L. Graff
PIRKEY BARBER PLLC
600 Congress Avenue, Suite 2120
Austin, TEXAS 78701
UNITED STATES

Phone: 512-322-5200

Fax:

512-322-5201

Correspondent e-mail: tmcentral@pirkeybarber.com

Correspondent e-mail Authorized:

Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jul. 06, 2015	COURTESY REMINDER - SEC. 8 (6-YR) E-MAILED	
Jan. 21, 2015	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Dec. 02, 2014	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Dec. 02, 2014	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Aug. 07, 2013	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jul. 11, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
Jul. 11, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jun. 20, 2011	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 06, 2010	REGISTERED-PRINCIPAL REGISTER	
Apr. 20, 2010	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Apr. 20, 2010	PUBLISHED FOR OPPOSITION	
Mar. 17, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	70997
Mar. 12, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 11, 2010	TEAS/EMAIL CORRESPONDENCE ENTERED	70997
Mar. 11, 2010	CORRESPONDENCE RECEIVED IN LAW OFFICE	70997
Mar. 11, 2010	ASSIGNED TO LIE	70997
Feb. 24, 2010	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Nov. 16, 2009	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325

Nov. 16, 2009	NON-FINAL ACTION E-MAILED	6325
Nov. 16, 2009	NON-FINAL ACTION WRITTEN	72620
Nov. 10, 2009	ASSIGNED TO EXAMINER	72620
Sep. 04, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Sep. 03, 2009	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None File Location

Current Location: PUBLICATION AND ISSUE SECTION **Date in Location:**

Jul. 06, 2010

Assignment Abstract Of Title Information

Summary

Total Assignments: 4

Registrant:

OMP, INC.

Assignment 1 of 4

Conveyance:

SECURITY INTEREST

Reel/Frame: [4059/0118](#)

Pages:

9

Date Recorded: Sep. 10, 2009

Supporting Documents:

[assignment-tm-4059-0118.pdf](#)

Assignor

Name: [OMP, INC.](#)

Execution Date:

Nov. 21, 2008

Legal Entity Type: CORPORATION

State or Country Where Organized:

DELAWARE

Assignee

Name:

[COMERICA BANK, AS AGENT](#)

Legal Entity Type: A TEXAS BANKING ASSOCIATION

State or Country Where Organized:

No Place Where Organized Found

Address:

75 E. TRIMBLE ROAD
M/C 4770
SAN JOSE, CALIFORNIA 95131

Correspondent

Correspondent Name:

ANGELA ALVAREZ SUJEK

Correspondent Address:

201 SOUTH DIVISION, STE 400
ANN ARBOR, MI 48104

Domestic Representative - Not Found

Assignment 2 of 4

Conveyance:

RELEASE BY SECURED PARTY

Reel/Frame: [5037/0927](#)

Pages:

7

Date Recorded: May 30, 2013

Supporting Documents:

[assignment-tm-5037-0927.pdf](#)

Assignor

Name: [COMERICA BANK, AS AGENT](#)

Execution Date:

May 28, 2013

Legal Entity Type: A TEXAS BANKING ASSOCIATION

State or Country Where Organized:

TEXAS

Assignee

Name:

[OBAGI MEDICAL PRODUCTS, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized:

DELAWARE

Address:

3760 KILROY AIRPORT WAY
SUITE 500
LONG BEACH, CALIFORNIA 90806

Name:

[OMP, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized:

DELAWARE

Address:

3760 KILROY AIRPORT WAY
SUITE 500
LONG BEACH, CALIFORNIA 90806

Correspondent

Correspondent Name:

ANGELA ALVAREZ SUJEK - BODMAN PLC

Correspondent Address:

201 SOUTH DIVISION, SUITE 400
ANN ARBOR, MI 48104

Domestic Representative - Not Found

Assignment 3 of 4

Conveyance:

SECURITY AGREEMENT

Reel/Frame: [5079/0282](#)

Pages:

20

Date Recorded: Jul. 29, 2013

Supporting Documents:

[assignment-tm-5079-0282.pdf](#)

Assignor

Name: [OMP INC](#)

Execution Date:

Jul. 26, 2013

Legal Entity Type: CORPORATION

State or Country Where Organized:

CALIFORNIA

Assignee

Name:

[GOLDMAN SACHS LENDING PARTNERS LLC](#)

Legal Entity Type: CORPORATION

State or Country Where Organized:

NEW YORK

Address:

200 WEST ST
NEW YORK, NEW YORK 10282

Correspondent

Correspondent Name:

ELAINE CARRERA, LEGAL ASSISTANT

Correspondent Address:

CAHILL GORDON & REINDEL LLP 80 PINE ST
NEW YORK, NY 10005

Domestic Representative - Not Found

Assignment 4 of 4

Conveyance:

NOTICE OF SUCCESSION OF AGENCY

Reel/Frame: [5439/0392](#)

Pages:

50

Date Recorded: Jan. 09, 2015

Supporting Documents:

[assignment-tm-5439-0392.pdf](#)

Assignor

Name: [GOLDMAN SACHS LENDING PARTNERS, LLC](#)

Execution Date:

Jan. 08, 2015

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized:

DELAWARE

Assignee

Name:

[BARCLAYS BANK PLC, AS SUCCESSOR AGENT](#)

Legal Entity Type: BANK

State or Country Where Organized:

UNITED KINGDOM

Address:

745 SEVENTH AVENUE
NEW YORK, NEW YORK 10019

Correspondent

Correspondent Name:

ELAINE CARRERA, LEGAL ASSISTANT

Correspondent Address:

80 PINE STREET
C/O CAHILL GORDON & REINDEL LLP
NEW YORK, NY 10005

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings:

1

Type of Proceeding: Opposition

Proceeding Number: [91206343](#)

Filing Date:

Aug 01, 2012

Status: Terminated

Status Date:

Jan 09, 2013

Interlocutory Attorney: ELIZABETH WINTER

Defendant

Name:

CellCeuticals Skin Care, Inc.

Correspondent Address:

LOUIS C PAUL
LOUIS C PAUL ASSOCIATES PLLC
150 EAST 58TH STREET, 34TH FLOOR
NEW YORK NY , 10155
UNITED STATES

Correspondent e-mail:

trademarks@cosmeticslaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
NEODERM	Abandoned - After Inter-Partes Decision	77469133	

Plaintiff(s)

Name:

OMP, Inc.

Correspondent Address:

SANDRA EDELMAN
 DORSEY WHITNEY LLP
 51 WEST 52ND STREET
 NEW YORK NY , 10019
 UNITED STATES

Correspondent e-mail:edelman.sandra@dorsey.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
NEW TO NU-DERM	Registered	85685521	4601982
NU-DERM	Abandoned - No Statement Of Use Filed	77927918	
NU-DERM	Registered	85449656	4329021
OBAGI NU-DERM	Renewed	74442192	2155067
OBAGI NU-DERM	Registered	77816505	3813278

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Aug 01, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 01, 2012	Sep 10, 2012
3	PENDING, INSTITUTED	Aug 01, 2012	
4	D'S MOT TO SUSP PEND SETLMT NEGOTIATIONS	Aug 07, 2012	
5	SUSPENDED	Aug 07, 2012	
6	D'S MOT TO SUSP PEND SETLMT NEGOTIATIONS	Nov 07, 2012	
7	SUSPENDED	Nov 07, 2012	
8	D'S MOT TO SUSP PEND SETLMT NEGOTIATIONS	Dec 06, 2012	
9	SUSPENDED	Dec 06, 2012	
10	WITHDRAWAL OF APPLICATION	Jan 04, 2013	
11	BOARD'S DECISION: SUSTAINED	Jan 09, 2013	
12	TERMINATED	Jan 09, 2013	

United States of America

United States Patent and Trademark Office

OBAGI NU-DERM

Reg. No. 3,813,278

Registered July 6, 2010

Int. Cl.: 5

TRADEMARK

PRINCIPAL REGISTER

OMP, INC. (DELAWARE CORPORATION)
3760 KILROY AIRPORT WAY, SUITE 500
LONG BEACH, CA 90806

FOR: MEDICATED SKIN CARE PREPARATIONS, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE 1-0-1993; IN COMMERCE 1-0-1993.

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

OWNER OF U.S. REG. NOS. 2,155,067, 3,410,886 AND OTHERS.

SER. NO. 77-816,505, FILED 8-31-2009.

LINDA M. KING, EXAMINING ATTORNEY



David J. Kyffers

Director of the United States Patent and Trademark Office

Generated on:

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Mark: NEW TO NU-DERM

NEW TO NU-DERM

US Serial Number: 85685521

Application Filing Date:

Jul. 24, 2012

US Registration Number: 4601982

Registration Date:

Sep. 09, 2014

Register:

Principal

Mark Type:

Service Mark

Status:

Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date:

Sep. 09, 2014

Publication Date: Mar. 19, 2013

Notice of Allowance Date:

May 14, 2013

Mark Information

Mark Literal Elements:

NEW TO NU-DERM

Standard Character Claim:

Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type:

4 - STANDARD CHARACTER MARK

Related Properties Information

Claimed Ownership of US Registrations:

2155067, 3813278

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:

On-line electronic newsletters delivered by e-mail in the field of skin care

International Class(es): 041 - Primary Class

U.S Class(es):

100, 101, 107

Class Status:

ACTIVE

Basis:

1(a)

First Use: Oct. 05, 2012

Use in Commerce:

Oct. 05, 2012

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Amended Use: No

Filed ITU: Yes

Currently ITU: No

Amended ITU: No

Filed 44D: No
Filed 44E: No
Filed 66A: No
Filed No Basis: No

Currently 44D: No
Currently 44E: No
Currently 66A: No
Currently No Basis: No

Amended 44D: No
Amended 44E: No

Current Owner(s) Information

Owner Name:

OMP, Inc.

Owner Address:

50 Technology Dr.
Irvine, CALIFORNIA 92618
UNITED STATES

Legal Entity Type: CORPORATION

**State or Country Where
Organized:**

DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Christopher L. Graff

Docket Number:

VPOG003

**Attorney Primary Email
Address:** tmcentral@pirkeybarber.com

**Attorney Email
Authorized:**

Yes

Correspondent

**Correspondent
Name/Address:**

Christopher L. Graff
PIRKEY BARBER PLLC
600 Congress Avenue, Suite 2120
Austin, TEXAS 78701
UNITED STATES

Phone: 512-322-5200

Fax:

512-322-5201

Correspondent e-mail: tmcentral@pirkeybarber.com

**Correspondent e-mail
Authorized:**

Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jan. 21, 2015	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Dec. 02, 2014	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Dec. 02, 2014	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Sep. 09, 2014	REGISTERED-PRINCIPAL REGISTER	
Aug. 05, 2014	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Aug. 04, 2014	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jul. 21, 2014	TEAS/EMAIL CORRESPONDENCE ENTERED	68171
Jul. 21, 2014	CORRESPONDENCE RECEIVED IN LAW OFFICE	68171
Jul. 14, 2014	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jan. 13, 2014	NOTIFICATION OF NON-FINAL ACTION E-MAILED	
Jan. 13, 2014	NON-FINAL ACTION E-MAILED	
Jan. 13, 2014	SU - NON-FINAL ACTION - WRITTEN	83705
Dec. 15, 2013	STATEMENT OF USE PROCESSING COMPLETE	61813
Nov. 12, 2013	USE AMENDMENT FILED	61813
Dec. 09, 2013	CASE ASSIGNED TO INTENT TO USE PARALEGAL	61813
Nov. 12, 2013	TEAS STATEMENT OF USE RECEIVED	
Aug. 07, 2013	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jul. 11, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
Jul. 11, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	

Jul. 01, 2013	ASSIGNED TO EXAMINER	83705
May 14, 2013	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Mar. 19, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Mar. 19, 2013	PUBLISHED FOR OPPOSITION	
Feb. 27, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Feb. 11, 2013	LAW OFFICE PUBLICATION REVIEW COMPLETED	68171
Feb. 08, 2013	ASSIGNED TO LIE	68171
Jan. 28, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 26, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jan. 25, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jan. 25, 2013	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Nov. 19, 2012	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Nov. 19, 2012	NON-FINAL ACTION E-MAILED	6325
Nov. 19, 2012	NON-FINAL ACTION WRITTEN	81861
Nov. 19, 2012	ASSIGNED TO EXAMINER	81861
Aug. 01, 2012	NOTICE OF PSEUDO MARK MAILED	
Jul. 31, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jul. 27, 2012	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location:

Aug. 04, 2014

Assignment Abstract Of Title Information

Summary

Total Assignments: 2

Registrant:

OMP, Inc.

Assignment 1 of 2

Conveyance:

SECURITY AGREEMENT

Reel/Frame: [5079/0282](#)

Pages:

20

Date Recorded: Jul. 29, 2013

Supporting Documents:

[assignment-tm-5079-0282.pdf](#)

Assignor

Name: [OMP INC](#)

Execution Date:

Jul. 26, 2013

Legal Entity Type: CORPORATION

State or Country Where Organized:

CALIFORNIA

Assignee

Name:

[GOLDMAN SACHS LENDING PARTNERS LLC](#)

Legal Entity Type: CORPORATION

State or Country Where Organized:

NEW YORK

Address:

200 WEST ST
NEW YORK, NEW YORK 10282

Correspondent

Correspondent Name:

ELAINE CARRERA, LEGAL ASSISTANT

Correspondent Address:

CAHILL GORDON & REINDEL LLP 80 PINE ST
NEW YORK, NY 10005

Domestic Representative - Not Found

Assignment 2 of 2

Conveyance:

NOTICE OF SUCCESSION OF AGENCY

Reel/Frame: [5439/0392](#)

Pages:

50

Date Recorded: Jan. 09, 2015

Supporting Documents:

[assignment-tm-5439-0392.pdf](#)

Assignor

Name: [GOLDMAN SACHS LENDING PARTNERS, LLC](#)

Execution Date:

Jan. 08, 2015

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized:

DELAWARE

Assignee

Name:

[BARCLAYS BANK PLC, AS SUCCESSOR AGENT](#)

Legal Entity Type: BANK

State or Country Where Organized:

UNITED KINGDOM

Address:

745 SEVENTH AVENUE
NEW YORK, NEW YORK 10019

Correspondent

Correspondent Name:

ELAINE CARRERA, LEGAL ASSISTANT

Correspondent Address:

80 PINE STREET
C/O CAHILL GORDON & REINDEL LLP
NEW YORK, NY 10005

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings:

1

Type of Proceeding: Opposition

Proceeding Number: [91206343](#)

Filing Date:

Aug 01, 2012

Status: Terminated

Status Date:

Jan 09, 2013

Interlocutory Attorney: ELIZABETH WINTER

Defendant

Name:

CellCeuticals Skin Care, Inc.

Correspondent Address:

LOUIS C PAUL
LOUIS C PAUL ASSOCIATES PLLC
150 EAST 58TH STREET, 34TH FLOOR
NEW YORK NY , 10155
UNITED STATES

Correspondent e-mail:

trademarks@cosmeticslaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
NEODERM	Abandoned - After Inter-Partes Decision	77469133	

Plaintiff(s)

Name:

OMP, Inc.

Correspondent Address:

SANDRA EDELMAN
 DORSEY WHITNEY LLP
 51 WEST 52ND STREET
 NEW YORK NY , 10019
 UNITED STATES

Correspondent e-mail:edelman.sandra@dorsey.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
NEW TO NU-DERM	Registered	85685521	4601982
NU-DERM	Abandoned - No Statement Of Use Filed	77927918	
NU-DERM	Registered	85449656	4329021
OBAGI NU-DERM	Renewed	74442192	2155067
OBAGI NU-DERM	Registered	77816505	3813278

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Aug 01, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 01, 2012	Sep 10, 2012
3	PENDING, INSTITUTED	Aug 01, 2012	
4	D'S MOT TO SUSP PEND SETLMT NEGOTIATIONS	Aug 07, 2012	
5	SUSPENDED	Aug 07, 2012	
6	D'S MOT TO SUSP PEND SETLMT NEGOTIATIONS	Nov 07, 2012	
7	SUSPENDED	Nov 07, 2012	
8	D'S MOT TO SUSP PEND SETLMT NEGOTIATIONS	Dec 06, 2012	
9	SUSPENDED	Dec 06, 2012	
10	WITHDRAWAL OF APPLICATION	Jan 04, 2013	
11	BOARD'S DECISION: SUSTAINED	Jan 09, 2013	
12	TERMINATED	Jan 09, 2013	

United States of America

United States Patent and Trademark Office

NEW TO NU-DERM

Reg. No. 4,601,982

OMP, INC. (DELAWARE CORPORATION)
3760 KILROY AIRPORT WAY, SUITE 500
LONG BEACH, CA 90806

Registered Sep. 9, 2014

Int. Cl.: 41

FOR: ON-LINE ELECTRONIC NEWSLETTERS DELIVERED BY E-MAIL IN THE FIELD OF SKIN CARE, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

SERVICE MARK

FIRST USE 10-5-2012; IN COMMERCE 10-5-2012.

PRINCIPAL REGISTER

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

OWNER OF U.S. REG. NOS. 2,155,067 AND 3,813,278.

SN 85-685,521, FILED 7-24-2012.

JANET LEE, EXAMINING ATTORNEY



Michelle K. Lee

Deputy Director of the United States
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.