

ESTTA Tracking number: **ESTTA1264662**

Filing date: **02/07/2023**

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 | Cosmetic Warriors Limited |
| Granted to date of previous extension | 02/15/2023 |
| Address | 29 HIGH STREET POOLE, DORSET, BH15 1AB UNITED KINGDOM |
| Attorney information | HEATHER KLIEBENSTEIN MERCHANT & GOULD P.C. SUITE 2200 150 SOUTH FIFTH STREET MINNEAPOLIS, MN 55402 UNITED STATES Primary email: dockmpls@merchantgould.com Secondary email(s): akrueger@merchantgould.com, imcfarland@merchantgould.com, ljones@merchantgould.com 6123325300 |
| Docket no. | 16244120USTW |

Applicant information

| | | | |
|------------------------|---|------------------------|------------|
| Application no. | 97137879 | Publication date | 10/18/2022 |
| Opposition filing date | 02/07/2023 | Opposition period ends | 02/15/2023 |
| Applicant | Bare & Lush LLC BRANDY WATSON 10043 S WESTERN AVE CHICAGO, IL 60643 UNITED STATES | | |

Goods/services affected by opposition


Class 044. First Use: May 15, 2020 First Use In Commerce: May 15, 2020
All goods and services in the class are opposed, namely: Cosmetic skin care services, namely, hair removal, waxing, facials, and skin correction and repair; makeup application services; eyelash extension services; beauty services in the nature of beauty care services

Grounds for opposition

| | |
|--------------------------------------|----------------------------|
| Priority and likelihood of confusion | Trademark Act Section 2(d) |
|--------------------------------------|----------------------------|

Marks cited by opposer as basis for opposition

| | | | |
|-----------------------|---|-----------------------|------------|
| U.S. registration no. | 2853483 | Application date | 11/25/2002 |
| Register | Principal | | |
| Registration date | 06/15/2004 | Foreign priority date | 08/14/2002 |
| Word mark | LUSH | | |
| Design mark | | | |
| Description of mark | NONE | | |
| Goods/services | Class 035. First use: First Use: None First Use In Commerce: None bringing together, for the benefit of others, of a variety of goods enabling customers to conveniently view and purchase those goods in a retail cosmetics and toiletries store; the bringing together, for the benefit of others, of a variety of goods, enabling customers to conveniently view and purchase those goods from a mail order catalogue, or from an Internet web site, specializing in the marketing of cosmetics and toiletries | | |

| | | | |
|-----------------------|--|-----------------------|------------|
| U.S. registration no. | 3001303 | Application date | 04/27/2004 |
| Register | Principal | | |
| Registration date | 09/27/2005 | Foreign priority date | NONE |
| Word mark | LUSH | | |
| Design mark |  | | |
| Description of mark | NONE | | |
| Goods/services | Class 016. First use: First Use: May 1996 First Use In Commerce: May 1996 Catalogues listing and illustrating cosmetics and toiletry products; printed product lists featuring cosmetic products and toiletry products; printed point of sales display in the nature of signs and display boards; and paper bags | | |

| | | | |
|-------------------|---------|------------------|------------|
| U.S. registration | 2282428 | Application date | 02/25/1997 |
|-------------------|---------|------------------|------------|

| | | | |
|---------------------|---|-----------------------|------|
| no. | | | |
| Register | Principal | | |
| Registration date | 10/05/1999 | Foreign priority date | NONE |
| Word mark | LUSH | | |
| Design mark | | | |
| Description of mark | NONE | | |
| Goods/services | <p>Class 003. First use: First Use: Apr 10, 1995 First Use In Commerce: Apr 10, 1995 perfumes; non-medicated toilet and cosmetic preparations, namely, lotions, powders and creams for use on the skin, [dentifrices, cosmetic depilatory creams,] personal deodorants, preparations for the care of the hair, shampoos, soaps [, and essential oils for personal use]</p> <p>Class 005. First use: First Use: Apr 10, 1995 First Use In Commerce: Apr 10, 1995 [medicated hair care, skin care, teeth care and nail care preparations]</p> | | |

| | | | |
|-----------------------|--|-----------------------|------------|
| U.S. registration no. | 3102767 | Application date | 01/06/2005 |
| Register | Principal | | |
| Registration date | 06/13/2006 | Foreign priority date | NONE |
| Word mark | LUSH FRESH HANDMADE COSMETICS | | |
| Design mark | | | |
| Description of mark | NONE | | |
| Goods/services | <p>Class 003. First use: First Use: Jun 1996 First Use In Commerce: Jun 1996 Perfumes; non-medicated toilet and cosmetic preparations, namely lotions, powders and creams for use on the skin; preparations for cleansing and care of the skin; bath oils in solid and liquid form; personal deodorants; hair care preparations; oil based massage bars that melt on contact with the skin; solid moisturizers and skin conditioners in the form of a paste or face mask; bath bars that melt on contact with hot water to produce a soapy or oily suspension; soaps; and essential oils for personal use</p> | | |

| | | | |
|-----------------------|------------|-----------------------|------------|
| U.S. registration no. | 3008685 | Application date | 04/27/2004 |
| Register | Principal | | |
| Registration date | 10/25/2005 | Foreign priority date | NONE |
| Word mark | LUSH | | |

| | | | |
|-----------------------|---|-----------------------|------------|
| Design mark | <h1>LUSH</h1> | | |
| Description of mark | NONE | | |
| Goods/services | <p>Class 003. First use: First Use: Apr 10, 1995 First Use In Commerce: Apr 10, 1995</p> <p>Perfumes; non-medicated toilet and cosmetic preparations, namely lotions, powders and creams for use on the skin; preparations for cleansing and care of the skin; bath oils in solid and liquid form; personal deodorants; hair care preparations; oil based massage bars that melt on contact with the skin; solid skin moisturizers and skin conditioners in the form of a paste or face mask; bath bars that melt on contact with hot water to produce a soapy or oily suspension; soaps; and essential oils for personal use</p> | | |
| U.S. registration no. | 3987808 | Application date | 11/04/2005 |
| Register | Principal | | |
| Registration date | 07/05/2011 | Foreign priority date | 06/21/2005 |
| Word mark | LUSH | | |
| Design mark | <h1>LUSH</h1> | | |
| Description of mark | NONE | | |
| Goods/services | <p>Class 044. First use: First Use: None First Use In Commerce: None</p> <p>Hair salon services, namely, hair styling, coloring, washing, shampooing, condi-</p> | | |

| | |
|--|--|
| | tioning, applying hair masks, head massages, and scalp massages; Beauty salon therapy services, namely, cleansing of the skin, applying face masks, applying back pack masks, skin peelers, steam treatments, toning, shaving, exfoliation treatments, treatments using creams and lotions against problem skin or older skin, and facial and body treatments consisting of a combination of creams/lotions and massage; Beauty salon services; Aromatherapy services; Skin care salon services; Massage services; Nail care and manicure services; Trichology services, namely, providing advice and consultancy relating to hair disorders in the nature of greasy hair, lank hair, dry hair, dandruff and split hairs; Counseling, advisory and information services in the field of beauty and cosmetics, and providing information about beauty by way of beauty demonstrations |
|--|--|

| | | | |
|-----------------------|--|-----------------------|------------|
| U.S. registration no. | 4118438 | Application date | 08/09/2011 |
| Register | Principal | | |
| Registration date | 03/27/2012 | Foreign priority date | NONE |
| Word mark | LUSH | | |
| Design mark | | | |
| Description of mark | NONE | | |
| Goods/services | Class 003. First use: First Use: Apr 10, 1995 First Use In Commerce: Apr 10, 1995 Cosmetics | | |

| | | | |
|-----------------------|--|-----------------------|------------|
| U.S. registration no. | 4532289 | Application date | 06/12/2013 |
| Register | Principal | | |
| Registration date | 05/20/2014 | Foreign priority date | NONE |
| Word mark | LUSH TIMES | | |
| Design mark | | | |
| Description of mark | NONE | | |
| Goods/services | Class 016. First use: First Use: 1996 First Use In Commerce: 1996 publications, namely, a magazine featuring cosmetics, hair care, skincare, culture, current events, humanitarianism, animal welfare and the environment | | |

| | |
|-------------|---|
| Attachments | 78408741#TMSN.png(bytes) 78408752#TMSN.png(bytes) 78747180#TMSN.png(bytes) 2023 02 07 Notice of Opposition.pdf(199944 bytes) 2023 02 07 Exhibits.pdf(1163046 bytes) |
|-------------|---|

| | |
|-----------|------------------------|
| Signature | /Heather Kliebenstein/ |
| Name | Heather Kliebenstein |
| Date | 02/07/2023 |

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

| | | |
|----------------------------|---|------------------------------------|
| _____ |) | |
| |) | |
| Cosmetic Warriors Limited, |) | Opposition No. _____ |
| |) | |
| Opposer, |) | |
| |) | Serial No.: 97/137,879 |
| v. |) | |
| |) | Mark: BARE & LUSH |
| Bare & Lush LLC, |) | |
| |) | Filing Date: November 22, 2021 |
| Applicant. |) | |
| |) | Publication Date: October 18, 2022 |
| _____ |) | |

NOTICE OF OPPOSITION

Cosmetic Warriors Limited, a corporation duly organized and existing under the laws of the United Kingdom, with a mailing address of 29 High Street, Poole, Dorset, United Kingdom BH15 1AB (“Cosmetic Warriors” or “Opposer”), believes that it will be damaged by the registration of the BARE & LUSH mark shown in Application Serial No. 97/137,879 (the “Application”), filed November 22, 2021 by Bare & Lush LLC, an Illinois limited liability company with an address at 10043 South Western Avenue, Chicago, Illinois 60643 (“Applicant”), and hereby opposes registration of the mark on the following grounds:

1. By the Application herein opposed, Applicant is seeking to obtain under the provisions of the Trademark Act of 1946, as amended, registration on the Principal Register of the trademark BARE & LUSH for the following Class 44 services (“Applicant’s Mark”):

“Cosmetic skin care services, namely, hair removal, waxing, facials, and skin correction and repair; makeup application services; eyelash extension services; beauty services in the nature of beauty care services.”

2. Applicant filed its Application on November 22, 2021 under the provisions of Section 1(a) of the Trademark Act. The Application published for opposition on October 18, 2022. On November 4, 2022, Opposer filed a 90-day extension of time to oppose registration of the Application. On December 16, 2022, Opposer filed a 60-day extension of time to oppose registration of the Application with consent. This Notice of Opposition is timely filed on or before the deadline of February 15, 2023.

3. Opposer is the owner of the following U.S. trademark registrations:

LUSH, U.S. Reg. No. 2,853,483, used in connection with bringing together, for the benefit of others, of a variety of goods enabling customers to conveniently view and purchase those goods in a retail cosmetics and toiletries store; the bringing together, for the benefit of others, of a variety of goods, enabling customers to conveniently view and purchase those goods from a mail order catalogue, or from an Internet web site, specializing in the marketing of cosmetics and toiletries, in International Class 35. Said registration was registered on the Principal Register on June 15, 2004 and was based on a foreign registration filed in the United Kingdom on August 14, 2002, which is a date prior to the date of filing of Applicants' application.

LUSH, U.S. Reg. No. 3,001,303, used in connection with catalogues listing and illustrating cosmetics and toiletry products; printed product lists featuring cosmetic products and toiletry products; printed point of sales display in the nature of signs and display boards; and paper bags, in International Class 16. Said registration registered on the Principal Register on September 27, 2005 and was based on an application filed in the U.S. Patent and Trademark Office on April 27, 2004 alleging a date of first use of May 1996, which is a date prior to the date of filing of Applicants' application.

LUSH, U.S. Reg. No. 2,282,428, used in connection with perfumes; non-medicated toilet and cosmetic preparations, namely, lotions, powders and creams for use on the skin, dentifrices, cosmetic depilatory creams, personal deodorants, preparations for the care of the hair, shampoos, soaps, and essential oils for personal use, in International Class 3. Said registration was registered on the Principal Register on October 5, 1999 and was based on an application filed in the U.S. Patent and Trademark Office on February 25, 1997 alleging a date of first use of April 10, 1995, which is a date prior to the date of filing of Applicants' application. This registration is also incontestable.



, U.S. Reg. No. 3,102,767, used in connection with perfumes; non-medicated toilet and cosmetic preparations, namely lotions, powders and creams for use on the skin; preparations for cleansing and care of the skin; bath oils in solid and liquid form; personal deodorants; hair care preparations; oil based massage bars that melt on contact with the skin; solid moisturizers and skin conditioners in the form of a paste or face mask; bath bars that melt on contact with hot water to produce a soapy or oily suspension; soaps; and essential oils for personal use, in International Class 3. Said registration registered on the Principal Register on June 13, 2006 and was based on an application filed in the U.S. Patent and Trademark Office on January 6, 2005 alleging a date of first use of June 1996, which is a date prior to the date of filing of Applicants' application.

LUSH, U.S. Reg. No. 3,008,685, used in connection with perfumes; non-medicated toilet and cosmetic preparations, namely lotions, powders and creams for use on the skin; preparations for cleansing and care of the skin; bath oils in solid and liquid form; personal deodorants; hair care preparations; oil based massage bars that melt on contact with the skin; solid skin moisturizers and skin conditioners in the form of a paste or face mask; bath bars that melt on contact with hot water to produce a soapy or oily suspension; soaps; and essential oils for personal use, in International Class 3. Said registration registered on the Principal Register on October 25, 2005 and was based on an application filed in the U.S. Patent and Trademark Office on April 27, 2004 alleging a date of first use of April 10, 1995, which is a date prior to the date of filing of Applicants' application.

LUSH, U.S. Reg. No. 3,987,808, for hair salon services, namely, hair styling, coloring, washing, shampooing, conditioning, applying hair masks, head massages, and scalp massages; beauty salon therapy services, namely, cleansing of the skin, applying face masks, applying back pack masks, skin peelers, steam treatments, toning, shaving, exfoliation treatments, treatments using creams and lotions against problem skin or older skin, and facial and body treatments consisting of a combination of creams/lotions and massage; beauty salon services; aromatherapy services; skin care salon services; massage services; nail care and manicure services; trichology services, namely, providing advice and consultancy relating to hair disorders in the nature of greasy hair, lank hair, dry hair, dandruff and split hairs; counseling, advisory and information services in the field of beauty and cosmetics, and providing information about beauty by way of beauty demonstrations, in International Class 44. Said registration registered on the Principal Register on July 5, 2011 alleging a date of first use of April 10, 1995, which is a date prior to the date of filing of Applicants' application.

LUSH, U.S. Reg. No. 4,118,438, for cosmetics in International Class 3. Said registration registered on the Principal Register on October 25, 2005 and was based on an application filed in the U.S. Patent and Trademark Office on March 27,

2012 alleging a date of first use of April 10, 1995, which is a date prior to the date of filing of Applicants' application.

LUSH TIMES, U.S. Reg. No. 4,532,289, for publications, namely, a magazine featuring cosmetics, hair care, skincare, culture, current events, humanitarianism, animal welfare and the environment in International Class 16. Said registration registered on the Principal Register on May 20, 2014 alleging a first use date of 1996 which is a date prior to the date of filing of Applicants' application.

True and correct printouts from the USPTO's Trademark Status and Document Retrieval (TSDR) database corresponding to each of the above LUSH registrations are attached hereto as **Exhibits A – H**.

4. Opposer's registered marks are valid and subsisting and are prima facie or conclusive evidence of Opposer's exclusive right to use the LUSH mark in commerce on the goods and services specified in each registration.

5. Since at least as early as April 10, 1995, Opposer has used the LUSH mark in the United States. Said use has been continuous since that date. None of Opposer's registered trademark rights have been abandoned.

6. In addition to Opposer's LUSH registrations identified above, Opposer also owns common law rights in the trademark LUSH in connection with various goods and services, including but not limited to information and website services relating to cosmetic products and beauty. Said goods and services have been promoted, offered for sale, sold, and/or rendered under the LUSH mark continuously in the United States since long before the date the Application was filed.

7. Opposer makes, sells, and provides a variety of products and services through its approximately 900 retail locations worldwide. Opposer operates these stores itself, or through entities licensed to use the LUSH marks. Opposer operates these shops under the name and

trademark LUSH and LUSH FRESH HANDMADE COSMETICS. The LUSH shops have been in continuous operation since the mid-1990s and have operated in the United States continuously since 2002.

8. Opposer and its licensees also operate various e-commerce websites, including lush.com, lushusa.com, and uk.lush.com, where LUSH products and services are promoted and sold to consumers around the world, including in the United States. Opposer has sold and continues to sell and offer for sale the following categories of goods, among others, on its websites: Bath bombs, shower gels and jellies, soap, bubble bars, body scrubs, jelly bombs, shower moisturizers, bath oils, face cleansers and scrubs, face masks, face moisturizers and oils, makeup, spot treatments, lip scrubs and balms, face toners, toothy tabs, shaving lotions, body lotions, body butters, deodorants and dusting powders, massage bars, foot and hand creams, shampoo, conditioner, hair styling preparations, hair treatments, henna hair dyes, perfume, cologne, body sprays, t-shirts, hoodies, hats, undergarments, aprons, tank tops, tote bags, knot wraps, patches, and more. It also provides cosmetic services relating to the same.

9. Opposer's LUSH mark is well known and famous in the United States. Hundreds of millions of dollars of LUSH products and services have been sold in the United States. Opposer's LUSH brand has been the subject of thousands of unsolicited media mentions, including on television, radio, print media and online. Millions of dollars have been spent promoting the LUSH mark in the United States through a variety of channels.

10. Opposer's LUSH mark points directly and uniquely to Opposer and has become so well-known with consumers that LUSH serves as the identity of Opposer, many of whom do not know Opposer's corporate name, Cosmetic Warriors Limited, and know Opposer simply as LUSH.

11. Opposer has priority with respect to the LUSH-formative mark at issue in this proceeding. Opposer has had priority of use of the LUSH mark long before the May 15, 2020 first use date stated in the Application.

12. Applicant's Mark is confusingly similar to Opposer's LUSH mark. Both parties' marks feature the dominant term LUSH. Because they feature the same dominant term – LUSH – they are similarly pronounced and convey substantially the same commercial impression. That Applicant's Mark also features the less distinctive term BARE does little to nothing to separate the parties' confusingly similar marks.

13. The Class 44 services listed in the Application are highly related to the products and services identified in Opposer's above-identified LUSH registrations. For example, both parties offer beauty care services. Opposer's U.S. Registration No. 3,987,808 lists hair salon services, beauty salon therapy services, beauty salon services, aromatherapy services, skin care salon services, massage services, trichology services, and counseling, advisory and information services in the field of beauty and cosmetics, among other things. Moreover, consumers recognize that those who provide cosmetic/bath products, like Opposer, often also offer the types of beauty care services claimed in the Application. Accordingly, consumers will believe Applicant's services stem from Opposer.

14. Applicant's Mark creates a false association with Opposer. The parties' marks have an overall confusingly similar appearance, sound, meaning and commercial impression. Consumers will mistakenly believe that Applicant's services are connected to, affiliated with, and/or sponsored by Opposer when the same is not true.

15. The Application contains no restrictions as to the channels of trade used in promoting and selling the identified services under Applicant's Mark. Accordingly, it is presumed

the services promoted, sold, and/or rendered under Applicant's Mark will occupy all ordinary and normal channels of trade for such services. Upon information and belief, the goods and services provided by Opposer under its LUSH marks and the services provided by Applicant under Applicant's Mark will be promoted, sold, and/or rendered in overlapping and similar channels of trade to the same consumers or class of consumers.

16. Because of the highly related and overlapping nature of the goods and services, the use of overlapping and similar channels of trade, and the confusingly similar nature of the marks in overall appearance, sound, meaning and commercial impression, the use of Applicant's Mark will be likely to cause confusion, or mistake, that Applicant's services are those of Opposer, or are otherwise endorsed, sponsored, or approved by Opposer, thereby causing further damage to Opposer.

17. Registration of the mark shown in Application Serial No. 97/137,879 will result in damage to Opposer as it may stand as an inappropriate bar to Opposer's ability to expand its LUSH mark and creates a cloud on Opposer's title to its mark pursuant to Section 2(d) of the Trademark Act, consistent with the allegations stated above.

WHEREFORE, Opposer asks that its Notice of Opposition be sustained and that Application Serial No. 97/137,879 in connection with the services set forth therein be refused.

Please direct all correspondence to the attention of:

Heather J. Kliebenstein
Ian G. McFarland
Lindsay M.R. Jones
Merchant & Gould, P.C.
P.O. Box 2910
Minneapolis, MN 55402
Tel: (612) 336-4616

Opposer also hereby appoints: John A. Clifford, Danielle I. Mattessich, Brian H. Batzli; Gregory C. Golla; Scott W. Johnston; Andrew S. Ehard; Christopher J. Schulte; and Brent E. Routman as its attorneys with the full power to represent the Opposer in connection with this proceeding.

Respectfully submitted,

COSMETIC WARRIORS LIMITED,

By its attorneys,



Date: February 7, 2023

Heather J. Kliebenstein
Ian G. McFarland
Lindsay M.R. Jones
MERCHANT & GOULD, P.C.
P.O. Box 2910
Minneapolis, MN 55402

CERTIFICATE OF FILING

I hereby certify that a true and correct copy of the foregoing **NOTICE OF OPPOSITION** was filed electronically with the Electronic System for Trademark Trials and Appeals this 7th day of February, 2023:


/Abigail Krueger/

Abigail Krueger

Exhibit A

For assistance with TSDR, email teas@uspto.gov and include your serial number, the document you are looking for, and a screenshot of any error messages you have received.

Processing Wait Times: Please note that due to an extraordinary surge in applications, processing times are longer than usual. See [current trademark processing wait times](#) for more information.

| STATUS | DOCUMENTS | MAINTENANCE | Back to Search | Print |
|---|---|-------------------------------------|--|-------|
| Generated on: This page was generated by TSDR on 2023-02-07 17:56:24 EST | | | | |
| Mark: LUSH | | LUSH | | |
| US Serial Number: | 78188564 | Application Filing Date: | Nov. 25, 2002 | |
| US Registration Number: | 2853483 | Registration Date: | Jun. 15, 2004 | |
| Register: | Principal | | | |
| Mark Type: | Service Mark | | | |
| TM5 Common Status Descriptor: |  | LIVE/REGISTRATION/Issued and Active | The trademark application has been registered with the Office. | |
| Status: | The registration has been renewed. | | | |
| Status Date: | Jan. 03, 2014 | | | |
| Publication Date: | Mar. 23, 2004 | | | |
| ▼ Mark Information ▲ Collapse All | | | | |
| Mark Literal Elements: | LUSH | | | |
| Standard Character Claim: | No | | | |
| Mark Drawing Type: | 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S) | | | |
| ▼ Related Properties Information | | | | |
| Claimed Ownership of US Registrations: | 2282428 | | | |
| ▼ Foreign Information | | | | |
| Priority Claimed: | Yes | | | |
| Foreign Application Number: | 2308098 | Foreign Application Filing Date: | Aug. 14, 2002 | |
| Foreign Registration Number: | 2308098 | Foreign Registration Date: | Jan. 24, 2003 | |
| Foreign Application/Registration Country: | UNITED KINGDOM | Foreign Expiration Date: | Aug. 14, 2012 | |
| ▼ Goods and Services | | | | |
| Note: The following symbols indicate that the registrant/owner has amended the goods/services: | | | | |
| <ul style="list-style-type: none"> • 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: bringing together, for the benefit of others, of a variety of goods enabling customers to conveniently view and purchase those goods in a retail cosmetics and toiletries store; the bringing together, for the benefit of others, of a variety of goods, enabling customers to conveniently view and purchase those goods from a mail order catalogue, or from an Internet web site, specializing in the marketing of cosmetics and toiletries | | | | |
| International Class(es): | 035 - Primary Class | U.S Class(es): | 100, 101, 102 | |
| Class Status: | ACTIVE | | | |
| Basis: | 44(e) | | | |
| ▼ Basis Information (Case Level) | | | | |
| Filed Use: | Yes | Currently Use: | No | |
| Filed ITU: | No | Currently ITU: | No | |
| Filed 44D: | Yes | Currently 44E: | Yes | |
| Filed 44E: | No | Currently 66A: | No | |
| Filed 66A: | No | Currently No Basis: | No | |
| Filed No Basis: | No | | | |
| ▼ Current Owner(s) Information | | | | |
| Owner Name: | Cosmetic Warriors Limited | | | |
| Owner Address: | 29 1/2 High Street Poole, Dorset BH15 1AB UNITED KINGDOM | | | |
| Legal Entity Type: | COMPANY | State or Country Where Organized: | UNITED KINGDOM | |
| ▼ Attorney/Correspondence Information | | | | |

| | | | |
|--|---|---|----------------|
| Attorney of Record | | | |
| Attorney Name: | John A. Clifford | Docket Number: | 16244.8US01 |
| Attorney Primary Email Address: | dockmpls@merchantgould.com | Attorney Email Authorized: | Yes |
| Correspondent | | | |
| Correspondent Name/Address: | John A. Clifford MERCHANT & GOULD P.C. P.O. BOX 2910 MINNEAPOLIS, MINNESOTA UNITED STATES 55402-0910 | | |
| Phone: | 612-332-5300 | Fax: | 612.332.9081 |
| Correspondent e-mail: | dockmpls@merchantgould.com | Correspondent e-mail Authorized: | Yes |
| Domestic Representative | | | |
| Domestic Representative Name: | Frederick H. Rabin | Phone: | (212) 765-5070 |
| Fax: | (212) 258-2291 | | |
| Domestic Representative e-mail: | Rabin@fr.com | Domestic Representative e-mail Authorized: | Yes |

▼ **Prosecution History**

| Date | Description | Proceeding Number |
|---------------|--|-------------------|
| Oct. 29, 2021 | NOTICE OF SUIT | |
| Oct. 04, 2021 | NOTICE OF SUIT | |
| Sep. 27, 2021 | NOTICE OF SUIT | |
| May 13, 2021 | NOTICE OF SUIT | |
| Apr. 08, 2021 | NOTICE OF SUIT | |
| Jul. 16, 2020 | NOTICE OF SUIT | |
| May 13, 2020 | NOTICE OF SUIT | |
| Mar. 27, 2020 | NOTICE OF SUIT | |
| Jun. 28, 2019 | NOTICE OF SUIT | |
| Jun. 28, 2019 | NOTICE OF SUIT | |
| Oct. 10, 2018 | NOTICE OF SUIT | |
| Sep. 05, 2018 | NOTICE OF SUIT | |
| Jul. 31, 2018 | NOTICE OF SUIT | |
| May 08, 2018 | NOTICE OF SUIT | |
| May 04, 2018 | NOTICE OF SUIT | |
| Nov. 01, 2017 | NOTICE OF SUIT | |
| Nov. 01, 2017 | NOTICE OF SUIT | |
| May 11, 2017 | NOTICE OF SUIT | |
| May 11, 2017 | NOTICE OF SUIT | |
| Apr. 21, 2017 | NOTICE OF SUIT | |
| Apr. 21, 2017 | NOTICE OF SUIT | |
| Jul. 06, 2016 | NOTICE OF SUIT | |
| Jul. 06, 2016 | NOTICE OF SUIT | |
| Aug. 15, 2014 | NOTICE OF SUIT | |
| Jan. 03, 2014 | NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED | |
| Jan. 03, 2014 | REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS) | 69471 |
| Jan. 03, 2014 | REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED | 69471 |
| Dec. 20, 2013 | REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED | 69471 |
| Jan. 03, 2014 | CASE ASSIGNED TO POST REGISTRATION PARALEGAL | 69471 |
| Dec. 20, 2013 | TEAS SECTION 8 & 9 RECEIVED | |
| Aug. 01, 2013 | NOTICE OF SUIT | |
| Apr. 02, 2013 | NOTICE OF SUIT | |
| Mar. 11, 2013 | NOTICE OF SUIT | |
| Feb. 27, 2013 | NOTICE OF SUIT | |
| Feb. 21, 2013 | NOTICE OF SUIT | |
| Dec. 20, 2012 | NOTICE OF SUIT | |
| Oct. 09, 2012 | NOTICE OF SUIT | |
| Apr. 29, 2010 | NOTICE OF SUIT | |
| Mar. 30, 2010 | NOTICE OF SUIT | |
| Jan. 27, 2010 | REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK. | 68335 |
| Jan. 25, 2010 | TEAS SECTION 8 & 15 RECEIVED | |
| Oct. 28, 2008 | TEAS CHANGE OF CORRESPONDENCE RECEIVED | |
| Oct. 17, 2008 | AMENDMENT UNDER SECTION 7 - PROCESSED | |
| Oct. 16, 2008 | ASSIGNED TO PARALEGAL | 68335 |
| Sep. 29, 2008 | TEAS SECTION 7 REQUEST RECEIVED | |
| May 19, 2008 | NOTICE OF SUIT | |
| Jun. 15, 2004 | REGISTERED-PRINCIPAL REGISTER | |
| Mar. 23, 2004 | PUBLISHED FOR OPPOSITION | |

| | | |
|---------------|---------------------------------------|-------|
| Mar. 03, 2004 | NOTICE OF PUBLICATION | |
| Jan. 09, 2004 | APPROVED FOR PUB - PRINCIPAL REGISTER | |
| Nov. 19, 2003 | CORRESPONDENCE RECEIVED IN LAW OFFICE | |
| Nov. 19, 2003 | SEC. 1(A) CLAIM DELETED | 68171 |
| Nov. 24, 2003 | CORRESPONDENCE RECEIVED IN LAW OFFICE | |
| Nov. 24, 2003 | PAPER RECEIVED | |
| May 19, 2003 | NON-FINAL ACTION E-MAILED | |
| May 13, 2003 | ASSIGNED TO EXAMINER | 74812 |

▼ **TM Staff and Location Information**

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Jan. 03, 2014

▼ **Assignment Abstract Of Title Information - Click to Load**

▼ **Proceedings - Click to Load**

Exhibit B


For assistance with TSDR, email teas@uspto.gov and include your serial number, the document you are looking for, and a screenshot of any error messages you have received.
 Processing Wait Times: Please note that due to an extraordinary surge in applications, processing times are longer than usual. See [current trademark processing wait times](#) for more information.

STATUS
DOCUMENTS
MAINTENANCE
[Back to Search](#)
 Print

Generated on: This page was generated by TSDR on 2023-02-07 17:57:03 EST

Mark: LUSH

LUSH

| | | | |
|-------------------------------|---|--------------------------|---------------|
| US Serial Number: | 78408741 | Application Filing Date: | Apr. 27, 2004 |
| US Registration Number: | 3001303 | Registration Date: | Sep. 27, 2005 |
| Register: | Principal | | |
| Mark Type: | Trademark | | |
| TM5 Common Status Descriptor: |  LIVE/REGISTRATION/Issued and Active The trademark application has been registered with the Office. | | |
| Status: | The registration has been renewed. | | |
| Status Date: | Feb. 06, 2015 | | |
| Publication Date: | Jul. 05, 2005 | | |

▼ **Mark Information** ▲ Collapse All

| | |
|---------------------------|---|
| Mark Literal Elements: | LUSH |
| 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: | 2282428 |
|--|-------------------------|

▼ **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: | Catalogues listing and illustrating cosmetics and toiletry products; printed product lists featuring cosmetic products and toiletry products; printed point of sales display in the nature of signs and display boards; and paper bags | | |
| International Class(es): | 016 - Primary Class | U.S Class(es): | 002, 005, 022, 023, 029, 037, 038, 050 |
| Class Status: | ACTIVE | | |
| Basis: | 1(a) | | |
| First Use: | May 1996 | Use in Commerce: | Jun. 1996 |

▼ **Basis Information (Case Level)**

| | | | |
|-----------------|-----|---------------------|-----|
| Filed Use: | Yes | Currently Use: | Yes |
| Filed ITU: | No | Currently ITU: | No |
| Filed 44D: | No | Currently 44E: | No |
| Filed 44E: | No | Currently 66A: | No |
| Filed 66A: | No | Currently No Basis: | No |
| Filed No Basis: | No | | |

▼ **Current Owner(s) Information**

| | | | |
|--------------------|---|-----------------------------------|----------------|
| Owner Name: | COSMETIC WARRIORS LIMITED | | |
| Owner Address: | 29 High Street, Poole Dorset BH15 1AB UNITED KINGDOM | | |
| Legal Entity Type: | CORPORATION | State or Country Where Organized: | UNITED KINGDOM |

▼ **Attorney/Correspondence Information**

| | | | |
|---------------------------------|--|----------------------------|-------------|
| Attorney of Record | | | |
| Attorney Name: | John A. Clifford | Docket Number: | 16244.8US03 |
| Attorney Primary Email Address: | dockmpls@merchantgould.com | Attorney Email Authorized: | Yes |

| | |
|---|---|
| Correspondent | |
| Correspondent Name/Address: | John A. Clifford Merchant & Gould P.C. P.O. BOX 2910 MINNEAPOLIS, MINNESOTA UNITED STATES 55402-0910 |
| Phone: | 612.332.5300 |
| Fax: | 612.332.9081 |
| Correspondent e-mail: | dockmpls@merchantgould.com |
| Correspondent e-mail Authorized: | Yes |

| | |
|--------------------------------------|------------------|
| Domestic Representative | |
| Domestic Representative Name: | John A. Clifford |
| Phone: | 612.332.5300 |
| Fax: | 612.332.9081 |

▼ Prosecution History

| Date | Description | Proceeding Number |
|---------------|---|-------------------|
| Oct. 29, 2021 | NOTICE OF SUIT | |
| Oct. 04, 2021 | NOTICE OF SUIT | |
| Sep. 27, 2021 | NOTICE OF SUIT | |
| Jul. 16, 2020 | NOTICE OF SUIT | |
| May 13, 2020 | NOTICE OF SUIT | |
| Jun. 28, 2019 | NOTICE OF SUIT | |
| Jun. 28, 2019 | NOTICE OF SUIT | |
| Oct. 10, 2018 | NOTICE OF SUIT | |
| Sep. 05, 2018 | NOTICE OF SUIT | |
| Jul. 31, 2018 | NOTICE OF SUIT | |
| May 08, 2018 | NOTICE OF SUIT | |
| May 04, 2018 | NOTICE OF SUIT | |
| Nov. 01, 2017 | NOTICE OF SUIT | |
| Nov. 01, 2017 | NOTICE OF SUIT | |
| May 11, 2017 | NOTICE OF SUIT | |
| May 11, 2017 | NOTICE OF SUIT | |
| Apr. 21, 2017 | NOTICE OF SUIT | |
| Apr. 21, 2017 | NOTICE OF SUIT | |
| Jul. 06, 2016 | NOTICE OF SUIT | |
| Jul. 06, 2016 | NOTICE OF SUIT | |
| Feb. 06, 2015 | NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED | |
| Feb. 06, 2015 | REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS) | 68335 |
| Feb. 06, 2015 | REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED | 68335 |
| Feb. 05, 2015 | CASE ASSIGNED TO POST REGISTRATION PARALEGAL | 68335 |
| Jan. 22, 2015 | TEAS SECTION 8 & 9 RECEIVED | |
| Aug. 15, 2014 | NOTICE OF SUIT | |
| Aug. 01, 2013 | NOTICE OF SUIT | |
| Apr. 02, 2013 | NOTICE OF SUIT | |
| Mar. 11, 2013 | NOTICE OF SUIT | |
| Feb. 27, 2013 | NOTICE OF SUIT | |
| Feb. 21, 2013 | NOTICE OF SUIT | |
| Dec. 20, 2012 | NOTICE OF SUIT | |
| Oct. 09, 2012 | NOTICE OF SUIT | |
| Oct. 08, 2011 | NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - MAILED | |
| Oct. 07, 2011 | REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK. | 70619 |
| Oct. 07, 2011 | CASE ASSIGNED TO POST REGISTRATION PARALEGAL | 70619 |
| Sep. 21, 2011 | TEAS SECTION 8 & 15 RECEIVED | |
| Apr. 29, 2010 | NOTICE OF SUIT | |
| Mar. 30, 2010 | NOTICE OF SUIT | |
| Jul. 10, 2009 | TEAS CHANGE OF CORRESPONDENCE RECEIVED | |
| Jul. 10, 2009 | TEAS CHANGE OF CORRESPONDENCE RECEIVED | |
| May 19, 2008 | NOTICE OF SUIT | |
| May 12, 2007 | REVIEW OF CORRESPONDENCE COMPLETE | 67149 |
| Feb. 21, 2007 | PAPER RECEIVED | |
| Sep. 27, 2005 | REGISTERED-PRINCIPAL REGISTER | |
| Jul. 21, 2005 | TEAS CHANGE OF CORRESPONDENCE RECEIVED | |
| Jul. 05, 2005 | PUBLISHED FOR OPPOSITION | |
| Jun. 15, 2005 | NOTICE OF PUBLICATION | |
| Mar. 28, 2005 | LAW OFFICE PUBLICATION REVIEW COMPLETED | 74193 |
| Mar. 25, 2005 | ASSIGNED TO LIE | 74193 |
| Mar. 21, 2005 | APPROVED FOR PUB - PRINCIPAL REGISTER | |
| Mar. 21, 2005 | AMENDMENT FROM APPLICANT ENTERED | 74193 |

| | | |
|---------------|---------------------------------------|-------|
| Mar. 07, 2005 | CORRESPONDENCE RECEIVED IN LAW OFFICE | 74193 |
| Mar. 07, 2005 | PAPER RECEIVED | |
| Nov. 23, 2004 | NON-FINAL ACTION MAILED | |
| Nov. 22, 2004 | NON-FINAL ACTION WRITTEN | 76726 |
| Nov. 22, 2004 | ASSIGNED TO EXAMINER | 76726 |
| Nov. 22, 2004 | ASSIGNED TO EXAMINER | 76855 |
| Nov. 22, 2004 | ASSIGNED TO EXAMINER | 76726 |
| May 05, 2004 | NEW APPLICATION ENTERED | |

▼ **TM Staff and Location Information**

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Feb. 06, 2015


▼ **Assignment Abstract Of Title Information - Click to Load**

▼ **Proceedings - Click to Load**

Exhibit C

For assistance with TSDR, email teas@uspto.gov and include your serial number, the document you are looking for, and a screenshot of any error messages you have received.

Processing Wait Times: Please note that due to an extraordinary surge in applications, processing times are longer than usual. See [current trademark processing wait times](#) for more information.

| STATUS | DOCUMENTS | MAINTENANCE | Back to Search | Print |
|--|---|-------------------------------------|--------------------------------|-------|
| Generated on: This page was generated by TSDR on 2023-02-07 17:57:46 EST | | | | |
| Mark: LUSH | | LUSH | | |
| US Serial Number: | 75247408 | Application Filing Date: | Feb. 25, 1997 | |
| US Registration Number: | 2282428 | Registration Date: | Oct. 05, 1999 | |
| Register: | Principal | | | |
| Mark Type: | Trademark | | | |
| TM5 Common Status Descriptor: |  | LIVE/REGISTRATION/Issued and Active | | |
| Status: | The registration has been renewed. | | | |
| Status Date: | Oct. 22, 2018 | | | |
| Publication Date: | Jul. 13, 1999 | | | |
| ▼ Mark Information ▲ Collapse All | | | | |
| Mark Literal Elements: | LUSH | | | |
| Standard Character Claim: | No | | | |
| Mark Drawing Type: | 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S) | | | |
| ▼ Foreign Information | | | | |
| Foreign Registration Number: | 2013346 | Foreign Registration Date: | Mar. 07, 1995 | |
| Foreign Application/Registration Country: | UNITED KINGDOM | Foreign Expiration Date: | Mar. 07, 2005 | |
| ▼ Goods and Services | | | | |
| Note: The following symbols indicate that the registrant/owner has amended the goods/services: <ul style="list-style-type: none"> • 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: | perfumes; non-medicated toilet and cosmetic preparations, namely, lotions, powders and creams for use on the skin, [dentifrices, cosmetic depilatory creams,] personal deodorants, preparations for the care of the hair, shampoos, soaps [, and essential oils for personal use] | | | |
| International Class(es): | 003 - Primary Class | U.S Class(es): | 001, 004, 006, 050, 051, 052 | |
| Class Status: | ACTIVE | | | |
| Basis: | 1(a) 44(e) | | | |
| First Use: | Apr. 10, 1995 | Use in Commerce: | Jun. 1996 | |
| For: | [medicated hair care, skin care, teeth care and nail care preparations] | | | |
| International Class(es): | 005 - Primary Class | U.S Class(es): | 006, 018, 044, 046, 051, 052 | |
| Class Status: | SECTION 8 - CANCELLED | | | |
| Basis: | 1(a) 44(e) | | | |
| First Use: | Apr. 10, 1995 | Use in Commerce: | Jun. 1996 | |
| ▼ Basis Information (Case Level) | | | | |
| Filed Use: | Yes | Currently Use: | Yes | |
| Filed ITU: | No | Currently ITU: | No | |
| Filed 44D: | No | Currently 44E: | Yes | |
| Filed 44E: | Yes | Currently 66A: | No | |
| Filed 66A: | No | Currently No Basis: | No | |
| Filed No Basis: | No | | | |
| ▼ Current Owner(s) Information | | | | |
| Owner Name: | COSMETIC WARRIORS LIMITED | | | |
| Owner Address: | 29 1/2 HIGH STREET POOLE, DORSET BH15 1AB UNITED KINGDOM | | | |
| Legal Entity Type: | CORPORATION | State or Country Where Organized: | UNITED KINGDOM | |
| ▼ Attorney/Correspondence Information | | | | |
| Attorney of Record | | | | |

| | |
|--|---|
| Attorney Name: John A. Clifford | Docket Number: 16244.8US02 |
| Attorney Primary Email Address: dockmpls@merchantgould.com | Attorney Email Authorized: Yes |
| Correspondent | |
| Correspondent Name/Address: John A. Clifford Merchant & Gould P.C. P.O. Box 2910 MINNEAPOLIS, MINNESOTA UNITED STATES 55402-0910 | |
| Phone: 612.332.5300 | Fax: 612.332.9081 |
| Correspondent e-mail: dockmpls@merchantgould.com | Correspondent e-mail Authorized: Yes |
| Domestic Representative | |
| Domestic Representative Name: Fish & Richardson P.C. | |

▼ **Prosecution History**

| Date | Description | Proceeding Number |
|---------------|--|-------------------|
| Oct. 29, 2021 | NOTICE OF SUIT | |
| Oct. 04, 2021 | NOTICE OF SUIT | |
| Sep. 27, 2021 | NOTICE OF SUIT | |
| May 13, 2021 | NOTICE OF SUIT | |
| Apr. 08, 2021 | NOTICE OF SUIT | |
| Jul. 16, 2020 | NOTICE OF SUIT | |
| May 13, 2020 | NOTICE OF SUIT | |
| Mar. 27, 2020 | NOTICE OF SUIT | |
| Jun. 28, 2019 | NOTICE OF SUIT | |
| Jun. 28, 2019 | NOTICE OF SUIT | |
| Oct. 22, 2018 | NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED | |
| Oct. 22, 2018 | REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS) | 74272 |
| Oct. 22, 2018 | REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED | 74272 |
| Oct. 22, 2018 | CASE ASSIGNED TO POST REGISTRATION PARALEGAL | 74272 |
| Oct. 11, 2018 | TEAS SECTION 8 & 9 RECEIVED | |
| Oct. 10, 2018 | NOTICE OF SUIT | |
| Sep. 05, 2018 | NOTICE OF SUIT | |
| Jul. 31, 2018 | NOTICE OF SUIT | |
| May 08, 2018 | NOTICE OF SUIT | |
| May 04, 2018 | NOTICE OF SUIT | |
| Nov. 01, 2017 | NOTICE OF SUIT | |
| Nov. 01, 2017 | NOTICE OF SUIT | |
| May 11, 2017 | NOTICE OF SUIT | |
| May 11, 2017 | NOTICE OF SUIT | |
| Apr. 21, 2017 | NOTICE OF SUIT | |
| Apr. 21, 2017 | NOTICE OF SUIT | |
| Jul. 06, 2016 | NOTICE OF SUIT | |
| Jul. 06, 2016 | NOTICE OF SUIT | |
| Aug. 15, 2014 | NOTICE OF SUIT | |
| Aug. 01, 2013 | NOTICE OF SUIT | |
| Apr. 02, 2013 | NOTICE OF SUIT | |
| Mar. 11, 2013 | NOTICE OF SUIT | |
| Feb. 27, 2013 | NOTICE OF SUIT | |
| Feb. 21, 2013 | NOTICE OF SUIT | |
| Dec. 20, 2012 | NOTICE OF SUIT | |
| Oct. 09, 2012 | NOTICE OF SUIT | |
| Mar. 30, 2010 | NOTICE OF SUIT | |
| Jan. 27, 2010 | REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS) | 66607 |
| Jan. 27, 2010 | REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED | |
| Jan. 25, 2010 | TEAS SECTION 8 & 9 RECEIVED | |
| Jul. 10, 2009 | TEAS CHANGE OF CORRESPONDENCE RECEIVED | |
| Jul. 10, 2009 | TEAS CHANGE OF CORRESPONDENCE RECEIVED | |
| May 19, 2008 | NOTICE OF SUIT | |
| May 12, 2007 | REVIEW OF CORRESPONDENCE COMPLETE | 67149 |
| Feb. 21, 2007 | PAPER RECEIVED | |
| Sep. 14, 2006 | CASE FILE IN TICRS | |
| Nov. 02, 2005 | REGISTERED - PARTIAL SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK. | |
| Oct. 04, 2005 | REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED | |
| Oct. 04, 2005 | REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED | |
| Oct. 04, 2005 | TEAS SECTION 8 & 15 RECEIVED | |
| Oct. 05, 1999 | REGISTERED-PRINCIPAL REGISTER | |
| Jul. 13, 1999 | PUBLISHED FOR OPPOSITION | |

| | | |
|---------------|---------------------------------------|-------|
| Jun. 11, 1999 | NOTICE OF PUBLICATION | |
| Mar. 15, 1999 | APPROVED FOR PUB - PRINCIPAL REGISTER | |
| Mar. 12, 1999 | ASSIGNED TO EXAMINER | 69800 |
| Jan. 27, 1999 | CORRESPONDENCE RECEIVED IN LAW OFFICE | |
| Mar. 04, 1998 | LETTER OF SUSPENSION MAILED | |
| Feb. 02, 1998 | CORRESPONDENCE RECEIVED IN LAW OFFICE | |
| Aug. 08, 1997 | NON-FINAL ACTION MAILED | |
| Jul. 31, 1997 | ASSIGNED TO EXAMINER | 68788 |
| Jul. 23, 1997 | ASSIGNED TO EXAMINER | 72414 |

▼ **TM Staff and Location Information**

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Oct. 22, 2018

▼ **Assignment Abstract Of Title Information - Click to Load**

▼ **Proceedings - Click to Load**


Exhibit D


For assistance with TSDR, email teas@uspto.gov and include your serial number, the document you are looking for, and a screenshot of any error messages you have received.
 Processing Wait Times: Please note that due to an extraordinary surge in applications, processing times are longer than usual. See [current trademark processing wait times](#) for more information.

[STATUS](#) | [DOCUMENTS](#) | [MAINTENANCE](#) | [Back to Search](#) | Print

Generated on: This page was generated by TSDR on 2023-02-07 17:58:18 EST

Mark: LUSH FRESH HANDMADE COSMETICS



| | |
|--|--|
| US Serial Number: 76627078 | Application Filing Date: Jan. 06, 2005 |
| US Registration Number: 3102767 | Registration Date: Jun. 13, 2006 |
| Register: Principal | |
| Mark Type: Trademark | |
| TM5 Common Status Descriptor:  LIVE/REGISTRATION/Issued and Active | The trademark application has been registered with the Office. |
| Status: The registration has been renewed. | |
| Status Date: Mar. 01, 2016 | |
| Publication Date: Mar. 21, 2006 | |

▼ Mark Information ▲ Collapse All

| | |
|----------------------------------|--|
| Mark Literal Elements: | LUSH FRESH HANDMADE COSMETICS |
| Standard Character Claim: | No |
| Mark Drawing Type: | 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S) |
| Color Drawing: | Yes |
| Color(s) Claimed: | The colors green, yellow, white and black is/are claimed as a feature of the mark. |
| Color Location: | The color green appears in the larger oval, the color yellow appears in the smaller oval, the color white appears in all wording, and the color black appears in the rectangular background design and the borders of the lettering for the words. |
| Disclaimer: | FRESH HANDMADE COSMETICS |
| Design Search Code(s): | 26.03.02 - Plain single line ovals; Ovals, plain single line 26.11.21 - Rectangles that are completely or partially shaded |

▼ 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: Perfumes; non-medicated toilet and cosmetic preparations, namely lotions, powders and creams for use on the skin; preparations for cleansing and care of the skin; bath oils in solid and liquid form; personal deodorants; hair care preparations; oil based massage bars that melt on contact with the skin; solid moisturizers and skin conditioners in the form of a paste or face mask; bath bars that melt on contact with hot water to produce a soapy or oily suspension; soaps; and essential oils for personal use

| | |
|---|--|
| International Class(es): 003 - Primary Class | U.S Class(es): 001, 004, 006, 050, 051, 052 |
| Class Status: ACTIVE | |
| Basis: 1(a) | |
| First Use: Jun. 1996 | Use in Commerce: Dec. 2002 |

▼ Basis Information (Case Level)

| | |
|---------------------------|-------------------------------|
| Filed Use: Yes | Currently Use: Yes |
| Filed ITU: No | Currently ITU: No |
| Filed 44D: No | Currently 44E: No |
| Filed 44E: No | Currently 66A: No |
| Filed 66A: No | Currently No Basis: No |
| Filed No Basis: No | |

▼ Current Owner(s) Information

| | |
|---|---|
| Owner Name: Cosmetic Warriors Limited | |
| Owner Address: 29 High Street, Poole Dorset BH15 1AB UNITED KINGDOM | |
| Legal Entity Type: COMPANY | State or Country Where Organized: UNITED KINGDOM |

▼ Attorney/Correspondence Information

Attorney of Record

| | | | |
|--|---|---|--------------|
| Attorney Name: | John A. Clifford | Docket Number: | 16244.42US01 |
| Attorney Primary Email Address: | dockmpls@merchantgould.com | Attorney Email Authorized: | Yes |
| Correspondent | | | |
| Correspondent Name/Address: | John A. Clifford Merchant & Gould P.c. P.O. Box 2910 Minneapolis, MINNESOTA UNITED STATES 55402-0910 | | |
| Phone: | 612.332.5300 | Fax: | 612.332.9081 |
| Correspondent e-mail: | dockmpls@merchantgould.com | Correspondent e-mail Authorized: | Yes |
| Domestic Representative | | | |
| Domestic Representative Name: | John A. Clifford | Phone: | 612.332.5300 |
| Fax: | 612.332.9081 | | |

▼ Prosecution History

| Date | Description | Proceeding Number |
|---------------|---|-------------------|
| Oct. 29, 2021 | NOTICE OF SUIT | |
| Oct. 04, 2021 | NOTICE OF SUIT | |
| May 13, 2021 | NOTICE OF SUIT | |
| Apr. 08, 2021 | NOTICE OF SUIT | |
| Jul. 16, 2020 | NOTICE OF SUIT | |
| May 13, 2020 | NOTICE OF SUIT | |
| Mar. 27, 2020 | NOTICE OF SUIT | |
| Jun. 28, 2019 | NOTICE OF SUIT | |
| Jun. 28, 2019 | NOTICE OF SUIT | |
| Oct. 10, 2018 | NOTICE OF SUIT | |
| Sep. 05, 2018 | NOTICE OF SUIT | |
| Jul. 31, 2018 | NOTICE OF SUIT | |
| May 04, 2018 | NOTICE OF SUIT | |
| Nov. 01, 2017 | NOTICE OF SUIT | |
| Nov. 01, 2017 | NOTICE OF SUIT | |
| May 11, 2017 | NOTICE OF SUIT | |
| May 11, 2017 | NOTICE OF SUIT | |
| Apr. 21, 2017 | NOTICE OF SUIT | |
| Apr. 21, 2017 | NOTICE OF SUIT | |
| Jul. 06, 2016 | NOTICE OF SUIT | |
| Jul. 06, 2016 | NOTICE OF SUIT | |
| Mar. 01, 2016 | NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED | |
| Mar. 01, 2016 | REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS) | 76533 |
| Mar. 01, 2016 | REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED | 76533 |
| Mar. 01, 2016 | CASE ASSIGNED TO POST REGISTRATION PARALEGAL | 76533 |
| Dec. 16, 2015 | TEAS SECTION 8 & 9 RECEIVED | |
| Aug. 15, 2014 | NOTICE OF SUIT | |
| Aug. 01, 2013 | NOTICE OF SUIT | |
| Apr. 02, 2013 | NOTICE OF SUIT | |
| Mar. 11, 2013 | NOTICE OF SUIT | |
| Feb. 27, 2013 | NOTICE OF SUIT | |
| Feb. 21, 2013 | NOTICE OF SUIT | |
| Dec. 20, 2012 | NOTICE OF SUIT | |
| Oct. 09, 2012 | NOTICE OF SUIT | |
| Jun. 13, 2012 | NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - MAILED | |
| Jun. 13, 2012 | REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK. | 76538 |
| Jun. 08, 2012 | REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED | 76538 |
| Jun. 08, 2012 | TEAS RESPONSE TO OFFICE ACTION-POST REG RECEIVED | |
| Jun. 07, 2012 | POST REGISTRATION ACTION MAILED - SEC. 8 & 15 | 76538 |
| Jun. 06, 2012 | CASE ASSIGNED TO POST REGISTRATION PARALEGAL | 76538 |
| May 25, 2012 | TEAS SECTION 8 & 15 RECEIVED | |
| Apr. 29, 2010 | NOTICE OF SUIT | |
| Mar. 30, 2010 | NOTICE OF SUIT | |
| May 19, 2008 | NOTICE OF SUIT | |
| May 12, 2007 | REVIEW OF CORRESPONDENCE COMPLETE | 67149 |
| Feb. 21, 2007 | PAPER RECEIVED | |
| Jun. 13, 2006 | REGISTERED-PRINCIPAL REGISTER | |
| Mar. 21, 2006 | PUBLISHED FOR OPPOSITION | |
| Mar. 01, 2006 | NOTICE OF PUBLICATION | |
| Feb. 07, 2006 | LAW OFFICE PUBLICATION REVIEW COMPLETED | 66230 |

| | | |
|---------------|---|-------|
| Feb. 03, 2006 | ASSIGNED TO LIE | 66230 |
| Jan. 31, 2006 | APPROVED FOR PUB - PRINCIPAL REGISTER | |
| Jan. 31, 2006 | EXAMINER'S AMENDMENT ENTERED | 66230 |
| Jan. 27, 2006 | EXAMINERS AMENDMENT MAILED | |
| Jan. 27, 2006 | EXAMINERS AMENDMENT -WRITTEN | 62126 |
| Jan. 26, 2006 | PREVIOUS ALLOWANCE COUNT WITHDRAWN | |
| Jan. 23, 2006 | WITHDRAWN FROM PUB - OG REVIEW QUERY | 77908 |
| Jan. 04, 2006 | LAW OFFICE PUBLICATION REVIEW COMPLETED | 70824 |
| Dec. 16, 2005 | ASSIGNED TO LIE | 70824 |
| Dec. 12, 2005 | APPROVED FOR PUB - PRINCIPAL REGISTER | |
| Dec. 08, 2005 | AMENDMENT FROM APPLICANT ENTERED | 66230 |
| Nov. 28, 2005 | CORRESPONDENCE RECEIVED IN LAW OFFICE | 66230 |
| Nov. 28, 2005 | PAPER RECEIVED | |
| Aug. 10, 2005 | NON-FINAL ACTION MAILED | |
| Aug. 09, 2005 | NON-FINAL ACTION WRITTEN | 62126 |
| Aug. 08, 2005 | ASSIGNED TO EXAMINER | 62126 |
| Jan. 21, 2005 | NEW APPLICATION ENTERED | |

▼ **TM Staff and Location Information**

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Mar. 01, 2016

▼ **Assignment Abstract Of Title Information - Click to Load**

▼ **Proceedings - Click to Load**

Exhibit E

For assistance with TSDR, email teas@uspto.gov and include your serial number, the document you are looking for, and a screenshot of any error messages you have received.

Processing Wait Times: Please note that due to an extraordinary surge in applications, processing times are longer than usual. See [current trademark processing wait times](#) for more information.

| STATUS | DOCUMENTS | MAINTENANCE | Back to Search | Print |
|---|---|-------------------------------------|--|-------|
| Generated on: This page was generated by TSDR on 2023-02-07 17:59:02 EST | | | | |
| Mark: LUSH | | | | |
| <h1>LUSH</h1> | | | | |
| US Serial Number: | 78408752 | Application Filing Date: | Apr. 27, 2004 | |
| US Registration Number: | 3008685 | Registration Date: | Oct. 25, 2005 | |
| Register: | Principal | | | |
| Mark Type: | Trademark | | | |
| TM5 Common Status Descriptor: | | LIVE/REGISTRATION/Issued and Active | The trademark application has been registered with the Office. | |
| Status: | The registration has been renewed. | | | |
| Status Date: | Feb. 06, 2015 | | | |
| Publication Date: | Aug. 02, 2005 | | | |
| ▼ Mark Information ▲ Collapse All | | | | |
| Mark Literal Elements: | LUSH | | | |
| 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: | 2282428 , 2853483 | | | |
| ▼ Goods and Services | | | | |
| Note: | The following symbols indicate that the registrant/owner has amended the goods/services: | | | |
| | <ul style="list-style-type: none"> • 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: | Perfumes; non-medicated toilet and cosmetic preparations, namely lotions, powders and creams for use on the skin; preparations for cleansing and care of the skin; bath oils in solid and liquid form; personal deodorants; hair care preparations; oil based massage bars that melt on contact with the skin; solid skin moisturizers and skin conditioners in the form of a paste or face mask; bath bars that melt on contact with hot water to produce a soapy or oily suspension; soaps; and essential oils for personal use | | | |
| International Class(es): | 003 - Primary Class | U.S Class(es): | 001, 004, 006, 050, 051, 052 | |
| Class Status: | ACTIVE | | | |
| Basis: | 1(a) | | | |
| First Use: | Apr. 10, 1995 | Use in Commerce: | Jun. 1996 | |
| ▼ Basis Information (Case Level) | | | | |
| Filed Use: | Yes | Currently Use: | Yes | |
| Filed ITU: | No | Currently ITU: | No | |
| Filed 44D: | No | Currently 44E: | No | |
| Filed 44E: | No | Currently 66A: | No | |
| Filed 66A: | No | Currently No Basis: | No | |
| Filed No Basis: | No | | | |
| ▼ Current Owner(s) Information | | | | |
| Owner Name: | COSMETIC WARRIORS LIMITED | | | |
| Owner Address: | 29 High Street, Poole Dorset BH15 1AB UNITED KINGDOM | | | |
| Legal Entity Type: | CORPORATION | State or Country Where Organized: | UNITED KINGDOM | |
| ▼ Attorney/Correspondence Information | | | | |
| Attorney of Record | | | | |
| Attorney Name: | John A. Clifford | Docket Number: | 16244.8US04 | |

| | | | | |
|---------------------------------|---|----------------------------------|--------------|--------------|
| Attorney Primary Email Address: | dockmpls@merchantgould.com | Attorney Email Authorized: | Yes | |
| Correspondent | | | | |
| Correspondent Name/Address: | John A. Clifford MERCHANT & GOULD P.C. P.O. BOX 2910 MINNEAPOLIS, MINNESOTA UNITED STATES 55402-0910 | | | |
| Phone: | 612.332.5300 | Fax: | 612.332.9081 | |
| Correspondent e-mail: | dockmpls@merchantgould.com | Correspondent e-mail Authorized: | Yes | |
| Domestic Representative | | | | |
| Domestic Representative Name: | John A. Clifford | | Phone: | 612.332.5300 |
| Fax: | 612.332.9081 | | | |

▼ Prosecution History

| Date | Description | Proceeding Number |
|---------------|---|-------------------|
| Oct. 29, 2021 | NOTICE OF SUIT | |
| Oct. 04, 2021 | NOTICE OF SUIT | |
| Sep. 27, 2021 | NOTICE OF SUIT | |
| May 13, 2021 | NOTICE OF SUIT | |
| Apr. 08, 2021 | NOTICE OF SUIT | |
| Jul. 16, 2020 | NOTICE OF SUIT | |
| May 13, 2020 | NOTICE OF SUIT | |
| Mar. 27, 2020 | NOTICE OF SUIT | |
| Jun. 28, 2019 | NOTICE OF SUIT | |
| Jun. 28, 2019 | NOTICE OF SUIT | |
| Oct. 10, 2018 | NOTICE OF SUIT | |
| Sep. 05, 2018 | NOTICE OF SUIT | |
| Jul. 31, 2018 | NOTICE OF SUIT | |
| May 08, 2018 | NOTICE OF SUIT | |
| May 04, 2018 | NOTICE OF SUIT | |
| Nov. 01, 2017 | NOTICE OF SUIT | |
| Nov. 01, 2017 | NOTICE OF SUIT | |
| May 11, 2017 | NOTICE OF SUIT | |
| May 11, 2017 | NOTICE OF SUIT | |
| Apr. 21, 2017 | NOTICE OF SUIT | |
| Apr. 21, 2017 | NOTICE OF SUIT | |
| Jul. 06, 2016 | NOTICE OF SUIT | |
| Jul. 06, 2016 | NOTICE OF SUIT | |
| Feb. 06, 2015 | NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED | |
| Feb. 06, 2015 | REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS) | 68335 |
| Feb. 06, 2015 | REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED | 68335 |
| Feb. 05, 2015 | CASE ASSIGNED TO POST REGISTRATION PARALEGAL | 68335 |
| Jan. 22, 2015 | TEAS SECTION 8 & 9 RECEIVED | |
| Aug. 15, 2014 | NOTICE OF SUIT | |
| Aug. 01, 2013 | NOTICE OF SUIT | |
| Apr. 02, 2013 | NOTICE OF SUIT | |
| Mar. 11, 2013 | NOTICE OF SUIT | |
| Feb. 27, 2013 | NOTICE OF SUIT | |
| Feb. 21, 2013 | NOTICE OF SUIT | |
| Oct. 09, 2012 | NOTICE OF SUIT | |
| Nov. 03, 2011 | NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - MAILED | |
| Nov. 03, 2011 | REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK. | 77315 |
| Nov. 02, 2011 | CASE ASSIGNED TO POST REGISTRATION PARALEGAL | 77315 |
| Oct. 10, 2011 | TEAS SECTION 8 & 15 RECEIVED | |
| Apr. 29, 2010 | NOTICE OF SUIT | |
| Mar. 30, 2010 | NOTICE OF SUIT | |
| Jul. 14, 2009 | TEAS CHANGE OF CORRESPONDENCE RECEIVED | |
| May 19, 2008 | NOTICE OF SUIT | |
| May 12, 2007 | REVIEW OF CORRESPONDENCE COMPLETE | 67149 |
| Feb. 21, 2007 | PAPER RECEIVED | |
| Oct. 25, 2005 | REGISTERED-PRINCIPAL REGISTER | |
| Aug. 02, 2005 | PUBLISHED FOR OPPOSITION | |
| Jul. 21, 2005 | TEAS CHANGE OF CORRESPONDENCE RECEIVED | |
| Jul. 13, 2005 | NOTICE OF PUBLICATION | |
| Apr. 13, 2005 | LAW OFFICE PUBLICATION REVIEW COMPLETED | 69350 |
| Apr. 01, 2005 | ASSIGNED TO LIE | 69350 |
| Mar. 30, 2005 | APPROVED FOR PUB - PRINCIPAL REGISTER | |

| | | |
|---------------|---------------------------------------|-------|
| Mar. 24, 2005 | AMENDMENT FROM APPLICANT ENTERED | 59272 |
| Mar. 07, 2005 | CORRESPONDENCE RECEIVED IN LAW OFFICE | 59272 |
| Mar. 07, 2005 | PAPER RECEIVED | |
| Nov. 24, 2004 | NON-FINAL ACTION MAILED | |
| Nov. 23, 2004 | NON-FINAL ACTION WRITTEN | 76855 |
| Nov. 22, 2004 | ASSIGNED TO EXAMINER | 76855 |
| May 05, 2004 | NEW APPLICATION ENTERED | |

▼ TM Staff and Location Information

TM Staff Information - None

File Location
Current Location: GENERIC WEB UPDATE Date in Location: Feb. 06, 2015


▼ Assignment Abstract Of Title Information - Click to Load

▼ Proceedings - Click to Load

Exhibit F

For assistance with TSDR, email teas@uspto.gov and include your serial number, the document you are looking for, and a screenshot of any error messages you have received.

Processing Wait Times: Please note that due to an extraordinary surge in applications, processing times are longer than usual. See [current trademark processing wait times](#) for more information.

| STATUS | DOCUMENTS | MAINTENANCE | Back to Search | Print |
|---|---|-------------------------------------|--------------------------------|-------|
| Generated on: This page was generated by TSDR on 2023-02-07 17:59:48 EST | | | | |
| Mark: LUSH | | LUSH | | |
| US Serial Number: | 78747180 | Application Filing Date: | Nov. 04, 2005 | |
| US Registration Number: | 3987808 | Registration Date: | Jul. 05, 2011 | |
| Register: | Principal | | | |
| Mark Type: | Service Mark | | | |
| TM5 Common Status Descriptor: |  | LIVE/REGISTRATION/Issued and Active | | |
| Status: | The registration has been renewed. | | | |
| Status Date: | Jan. 30, 2021 | | | |
| Publication Date: | Aug. 14, 2007 | | | |
| ▼ Mark Information ▲ Collapse All | | | | |
| Mark Literal Elements: | LUSH | | | |
| 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: | 2282428 , 2853483 , 3001303 , 3008685 and others | | | |
| ▼ Foreign Information | | | | |
| Priority Claimed: | Yes | | | |
| Foreign Application Number: | 2394773 | Foreign Application Filing Date: | Jun. 21, 2005 | |
| Foreign Registration Number: | 2394773 | Foreign Registration Date: | Jun. 21, 2005 | |
| Foreign Application/Registration Country: | UNITED KINGDOM | Foreign Expiration Date: | Jun. 21, 2015 | |
| ▼ Goods and Services | | | | |
| Note: | The following symbols indicate that the registrant/owner has amended the goods/services: | | | |
| | <ul style="list-style-type: none"> • 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: | Hair salon services, namely, hair styling, coloring, washing, shampooing, conditioning, applying hair masks, head massages, and scalp massages; Beauty salon therapy services, namely, cleansing of the skin, applying face masks, applying back pack masks, skin peelers, steam treatments, toning, shaving, exfoliation treatments, treatments using creams and lotions against problem skin or older skin, and facial and body treatments consisting of a combination of creams/lotions and massage; Beauty salon services; Aromatherapy services; Skin care salon services; Massage services; Nail care and manicure services; Trichology services, namely, providing advice and consultancy relating to hair disorders in the nature of greasy hair, lank hair, dry hair, dandruff and split hairs; Counseling, advisory and information services in the field of beauty and cosmetics, and providing information about beauty by way of beauty demonstrations | | | |
| International Class(es): | 044 - Primary Class | U.S Class(es): | 100, 101 | |
| Class Status: | ACTIVE | | | |
| Basis: | 44(e) | | | |
| ▼ Basis Information (Case Level) | | | | |
| Filed Use: | No | Currently Use: | No | |
| Filed ITU: | Yes | Currently ITU: | No | |
| Filed 44D: | Yes | Currently 44E: | Yes | |
| Filed 44E: | No | Currently 66A: | No | |
| Filed 66A: | No | Currently No Basis: | No | |
| Filed No Basis: | No | | | |
| ▼ Current Owner(s) Information | | | | |
| Owner Name: | Cosmetic Warriors Limited | | | |
| Owner Address: | 29 High Street, Poole Dorset UNITED KINGDOM BH15 1AB | | | |

Legal Entity Type: CORPORATION State or Country Where Organized: UNITED KINGDOM

▼ Attorney/Correspondence Information

Attorney of Record

Attorney Name: Danielle I. Mattessich Docket Number: 16244.3US01
 Attorney Primary Email Address: dockmpis@merchantgould.com Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Danielle I. Mattessich
 Merchant & Gould P.C.
 P.O. BOX 2910
 Minneapolis, MINNESOTA UNITED STATES 55402-9944
 Phone: 612.332.5300 Fax: 612.332.9081
 Correspondent e-mail: dockmpis@merchantgould.com mmorris@merchantgould.com
16244.0003US01.active@ef.merchantgould.com
hkliebenstein@merchantgould.com
dmattessich@merchantgould.com Correspondent e-mail Authorized: Yes

Domestic Representative

Domestic Representative Name: Danielle I. Mattessich Phone: 612.332.5300
 Fax: 612.332.9081
 Domestic Representative e-mail: dockmpis@merchantgould.com Domestic Representative e-mail Authorized: Yes

▼ Prosecution History

| Date | Description | Proceeding Number |
|---------------|--|-------------------|
| Oct. 29, 2021 | NOTICE OF SUIT | |
| Oct. 04, 2021 | NOTICE OF SUIT | |
| May 13, 2021 | NOTICE OF SUIT | |
| Apr. 08, 2021 | NOTICE OF SUIT | |
| Jan. 30, 2021 | NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED | |
| Jan. 30, 2021 | REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS) | 77315 |
| Jan. 30, 2021 | REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED | 77315 |
| Jan. 30, 2021 | CASE ASSIGNED TO POST REGISTRATION PARALEGAL | 77315 |
| Nov. 06, 2020 | TEAS SECTION 8 & 9 RECEIVED | |
| Jul. 16, 2020 | NOTICE OF SUIT | |
| Jul. 05, 2020 | COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED | |
| May 13, 2020 | NOTICE OF SUIT | |
| Mar. 27, 2020 | NOTICE OF SUIT | |
| Jun. 28, 2019 | NOTICE OF SUIT | |
| Jun. 28, 2019 | NOTICE OF SUIT | |
| Oct. 10, 2018 | NOTICE OF SUIT | |
| May 04, 2018 | NOTICE OF SUIT | |
| Dec. 27, 2017 | SEC. 15 ACKNOWLEDGEMENT - E-MAILED | |
| Dec. 27, 2017 | REGISTERED - SEC. 15 ACKNOWLEDGED | 76873 |
| Nov. 11, 2017 | CASE ASSIGNED TO POST REGISTRATION PARALEGAL | 76873 |
| Nov. 01, 2017 | NOTICE OF SUIT | |
| Nov. 01, 2017 | NOTICE OF SUIT | |
| Oct. 31, 2017 | TEAS RESPONSE TO OFFICE ACTION-POST REG RECEIVED | |
| Oct. 19, 2017 | NOTICE OF ACCEPTANCE OF SEC. 8 - E-MAILED | |
| Oct. 19, 2017 | POST REGISTRATION ACTION MAILED NO RESPONSE REQUIRED | 76873 |
| Oct. 19, 2017 | REGISTERED - SEC. 8 (6-YR) ACCEPTED | 76873 |
| Sep. 18, 2017 | REGISTERED - SEC. 8 (6-YR) FILED | 76873 |
| Oct. 12, 2017 | CASE ASSIGNED TO POST REGISTRATION PARALEGAL | 76873 |
| Sep. 18, 2017 | TEAS SECTION 8 & 15 RECEIVED | |
| May 11, 2017 | NOTICE OF SUIT | |
| May 11, 2017 | NOTICE OF SUIT | |
| Apr. 21, 2017 | NOTICE OF SUIT | |
| Apr. 21, 2017 | NOTICE OF SUIT | |
| Jul. 06, 2016 | NOTICE OF SUIT | |
| Jul. 06, 2016 | NOTICE OF SUIT | |
| Aug. 15, 2014 | NOTICE OF SUIT | |
| Aug. 01, 2013 | NOTICE OF SUIT | |
| Apr. 02, 2013 | NOTICE OF SUIT | |
| Mar. 11, 2013 | NOTICE OF SUIT | |
| Feb. 21, 2013 | NOTICE OF SUIT | |
| Dec. 20, 2012 | NOTICE OF SUIT | |
| Oct. 09, 2012 | NOTICE OF SUIT | |

| | | |
|---------------|---|--------|
| Jul. 05, 2011 | REGISTERED-PRINCIPAL REGISTER | |
| May 26, 2011 | TTAB RELEASE CASE TO TRADEMARKS | 179491 |
| May 26, 2011 | OPPOSITION TERMINATED NO. 999999 | 179491 |
| Feb. 02, 2011 | OPPOSITION DISMISSED NO. 999999 | 179491 |
| Sep. 13, 2007 | OPPOSITION INSTITUTED NO. 999999 | 179491 |
| Sep. 13, 2007 | OPPOSITION PAPERS RECEIVED AT TTAB | |
| Aug. 14, 2007 | PUBLISHED FOR OPPOSITION | |
| Jul. 25, 2007 | NOTICE OF PUBLICATION | |
| May 17, 2007 | LAW OFFICE PUBLICATION REVIEW COMPLETED | 68658 |
| May 17, 2007 | APPROVED FOR PUB - PRINCIPAL REGISTER | |
| Apr. 30, 2007 | TEAS/EMAIL CORRESPONDENCE ENTERED | 88889 |
| Apr. 29, 2007 | CORRESPONDENCE RECEIVED IN LAW OFFICE | 88889 |
| Apr. 29, 2007 | TEAS RESPONSE TO OFFICE ACTION RECEIVED | |
| Mar. 22, 2007 | FINAL REFUSAL E-MAILED | |
| Mar. 22, 2007 | FINAL REFUSAL WRITTEN | 81855 |
| Feb. 26, 2007 | AMENDMENT FROM APPLICANT ENTERED | 68658 |
| Feb. 26, 2007 | CORRESPONDENCE RECEIVED IN LAW OFFICE | 68658 |
| Feb. 21, 2007 | PAPER RECEIVED | |
| Jan. 19, 2007 | PRIORITY ACTION E-MAILED | 6326 |
| Jan. 19, 2007 | PRIORITY ACTION WRITTEN | 81855 |
| Dec. 15, 2006 | TEAS/EMAIL CORRESPONDENCE ENTERED | 88889 |
| Dec. 14, 2006 | CORRESPONDENCE RECEIVED IN LAW OFFICE | 88889 |
| Dec. 14, 2006 | TEAS RESPONSE TO OFFICE ACTION RECEIVED | |
| Dec. 05, 2006 | AMENDMENT FROM APPLICANT ENTERED | 68658 |
| Nov. 13, 2006 | CORRESPONDENCE RECEIVED IN LAW OFFICE | 68658 |
| Dec. 05, 2006 | ASSIGNED TO LIE | 68658 |
| Nov. 13, 2006 | PAPER RECEIVED | |
| May 11, 2006 | NON-FINAL ACTION E-MAILED | 6325 |
| May 11, 2006 | NON-FINAL ACTION WRITTEN | 81855 |
| May 10, 2006 | ASSIGNED TO EXAMINER | 81855 |
| Nov. 09, 2005 | NEW APPLICATION ENTERED | |

▼ **TM Staff and Location Information**

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Jan. 30, 2021


▼ **Assignment Abstract Of Title Information - Click to Load**

▼ **Proceedings - Click to Load**

Exhibit G

For assistance with TSDR, email teas@uspto.gov and include your serial number, the document you are looking for, and a screenshot of any error messages you have received.

Processing Wait Times: Please note that due to an extraordinary surge in applications, processing times are longer than usual. See [current trademark processing wait times](#) for more information.

| STATUS | DOCUMENTS | MAINTENANCE | Back to Search | Print |
|---|--|-------------------------------------|--|-------|
| Generated on: This page was generated by TSDR on 2023-02-07 18:00:40 EST | | | | |
| Mark: LUSH | | LUSH | | |
| US Serial Number: | 85393077 | Application Filing Date: | Aug. 09, 2011 | |
| US Registration Number: | 4118438 | Registration Date: | Mar. 27, 2012 | |
| Register: | Principal | | | |
| Mark Type: | Trademark | | | |
| TM5 Common Status Descriptor: |  | LIVE/REGISTRATION/Issued and Active | The trademark application has been registered with the Office. | |
| Status: | The registration has been renewed. | | | |
| Status Date: | Nov. 02, 2021 | | | |
| Publication Date: | Jan. 10, 2012 | | | |
| ▼ Mark Information ▲ Collapse All | | | | |
| Mark Literal Elements: | LUSH | | | |
| 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: | 2282428 , 2853483 , 3001303 and others | | | |
| ▼ Goods and Services | | | | |
| Note: | The following symbols indicate that the registrant/owner has amended the goods/services: | | | |
| | <ul style="list-style-type: none"> • Brackets [.] indicate deleted goods/services; • Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and • Asterisks "*" identify additional (new) wording in the goods/services. | | | |
| For: | Cosmetics | | | |
| International Class(es): | 003 - Primary Class | U.S Class(es): | 001, 004, 006, 050, 051, 052 | |
| Class Status: | ACTIVE | | | |
| Basis: | 1(a) | | | |
| First Use: | Apr. 10, 1995 | Use in Commerce: | Jun. 1996 | |
| ▼ Basis Information (Case Level) | | | | |
| Filed Use: | Yes | Currently Use: | Yes | |
| Filed ITU: | No | Currently ITU: | No | |
| Filed 44D: | No | Currently 44E: | No | |
| Filed 44E: | No | Currently 66A: | No | |
| Filed 66A: | No | Currently No Basis: | No | |
| Filed No Basis: | No | | | |
| ▼ Current Owner(s) Information | | | | |
| Owner Name: | Cosmetic Warriors Ltd. | | | |
| Owner Address: | 29 High Street Poole, Dorset UNITED KINGDOM BH151AB | | | |
| Legal Entity Type: | CORPORATION | State or Country Where Organized: | UNITED KINGDOM | |
| ▼ Attorney/Correspondence Information | | | | |
| Attorney of Record | | | | |
| Attorney Name: | Danielle I. Mattessich | Docket Number: | 16244.8US06 | |
| Attorney Primary Email Address: | dockmpls@merchantgould.com | Attorney Email Authorized: | Yes | |
| Correspondent | | | | |
| Correspondent Name/Address: | Danielle I. Mattessich MERCHANT & GOULD P.C. PO BOX 2910 MINNEAPOLIS, MINNESOTA UNITED STATES 55402-0910 | | | |

| | |
|---|--|
| Phone: 612.332.5300 | Fax: 612.332.9081 |
| Correspondent e-mail: dockmpls@merchantgould.com mmorris@merchantgould.com 16244.0008US06.active@ef.merchantgould.com dmattessich@merchantgould.com | Correspondent e-mail Authorized: Yes |
| Domestic Representative | |
| Domestic Representative Name: Danielle I. Mattessich | Phone: 612.332.5300 |
| Fax: 612.332.9081 | |
| Domestic Representative e-mail: dockmpls@merchantgould.com | Domestic Representative e-mail Authorized: Yes |

▼ Prosecution History

| Date | Description | Proceeding Number |
|---------------|---|-------------------|
| Nov. 02, 2021 | NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED | |
| Nov. 02, 2021 | REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS) | 70629 |
| Nov. 02, 2021 | REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED | 70629 |
| Nov. 02, 2021 | CASE ASSIGNED TO POST REGISTRATION PARALEGAL | 70629 |
| Oct. 29, 2021 | NOTICE OF SUIT | |
| Oct. 04, 2021 | NOTICE OF SUIT | |
| Sep. 27, 2021 | NOTICE OF SUIT | |
| Jun. 18, 2021 | TEAS SECTION 8 & 9 RECEIVED | |
| May 13, 2021 | NOTICE OF SUIT | |
| Apr. 08, 2021 | NOTICE OF SUIT | |
| Mar. 27, 2021 | COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED | |
| Jul. 16, 2020 | NOTICE OF SUIT | |
| May 13, 2020 | NOTICE OF SUIT | |
| Mar. 27, 2020 | NOTICE OF SUIT | |
| Jun. 28, 2019 | NOTICE OF SUIT | |
| Jun. 28, 2019 | NOTICE OF SUIT | |
| Oct. 10, 2018 | NOTICE OF SUIT | |
| May 08, 2018 | NOTICE OF SUIT | |
| May 04, 2018 | NOTICE OF SUIT | |
| Nov. 01, 2017 | NOTICE OF SUIT | |
| Nov. 01, 2017 | NOTICE OF SUIT | |
| May 12, 2017 | NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED | |
| May 12, 2017 | REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK. | 77315 |
| May 12, 2017 | CASE ASSIGNED TO POST REGISTRATION PARALEGAL | 77315 |
| Mar. 28, 2017 | TEAS SECTION 8 & 15 RECEIVED | |
| Mar. 27, 2012 | REGISTERED-PRINCIPAL REGISTER | |
| Jan. 10, 2012 | PUBLISHED FOR OPPOSITION | |
| Dec. 21, 2011 | NOTICE OF PUBLICATION | |
| Dec. 01, 2011 | APPROVED FOR PUB - PRINCIPAL REGISTER | |
| Dec. 01, 2011 | ASSIGNED TO EXAMINER | 83179 |
| Aug. 12, 2011 | NEW APPLICATION OFFICE SUPPLIED DATA ENTERED | |
| Aug. 12, 2011 | NEW APPLICATION ENTERED | |

▼ TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Nov. 02, 2021

▼ Assignment Abstract Of Title Information - Click to Load

▼ Proceedings - Click to Load

Exhibit H

For assistance with TSDR, email teas@uspto.gov and include your serial number, the document you are looking for, and a screenshot of any error messages you have received.
 Processing Wait Times: Please note that due to an extraordinary surge in applications, processing times are longer than usual. See [current trademark processing wait times](#) for more information.

STATUS
DOCUMENTS
MAINTENANCE
[Back to Search](#) Print

Generated on: This page was generated by TSDR on 2023-02-07 18:01:16 EST

Mark: LUSH TIMES

LUSH TIMES

| | |
|--|--|
| US Serial Number: 85958039 | Application Filing Date: Jun. 12, 2013 |
| US Registration Number: 4532289 | Registration Date: May 20, 2014 |
| Register: Principal | |
| Mark Type: Trademark | |
| TM5 Common Status Descriptor: | LIVE/REGISTRATION/Issued and Active |
| | The trademark application has been registered with the Office. |
| Status: A Section 8 declaration has been accepted. | |
| Status Date: Nov. 17, 2020 | |
| Publication Date: Mar. 04, 2014 | |

Mark Information ▲ Collapse All

Mark Literal Elements: LUSH TIMES

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

Disclaimer: "TIMES"

Related Properties Information

Claimed Ownership of US [2721499](#) Registrations:

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: publications, namely, a magazine featuring cosmetics, hair care, skincare, culture, current events, humanitarianism, animal welfare and the environment

| | |
|--|---|
| International Class(es): 016 - Primary Class | U.S Class(es): 002, 005, 022, 023, 029, 037, 038, 050 |
| Class Status: ACTIVE | |
| Basis: 1(a) | |
| First Use: 1996 | Use in Commerce: 1996 |

Basis Information (Case Level)

| | |
|--------------------|------------------------|
| Filed Use: Yes | Currently Use: Yes |
| Filed ITU: No | Currently ITU: No |
| Filed 44D: No | Currently 44E: No |
| Filed 44E: No | Currently 66A: No |
| Filed 66A: No | Currently No Basis: No |
| Filed No Basis: No | |

Current Owner(s) Information

Owner Name: COSMETIC WARRIORS LIMITED

Owner Address: 29 HIGH STREET
 POOLE, DORSET UNITED KINGDOM BH151AB

Legal Entity Type: CORPORATION State or Country Where Organized: UNITED KINGDOM

Attorney/Correspondence Information

Attorney of Record

| | |
|--|--------------------------------|
| Attorney Name: Danielle I. Mattessich | Docket Number: 16244.47US01 |
| Attorney Primary Email Address: dockmpls@merchantgould.com | Attorney Email Authorized: Yes |

Correspondent

Correspondent Name/Address: Danielle I. Mattessich
 MERCHANT & GOULD P.C.

| PO BOX 2910 MINNEAPOLIS, MINNESOTA UNITED STATES 55402-0910 | | | |
|---|---|--|--|
| Phone: 612.336.4725 | | Fax: 612.332.9081 | |
| Correspondent e-mail: dockmpls@merchantgould.com mmorris@merchantgould.com 16244.0047US01.active@ef.merchantgould.com dmattessich@merchantgould.com hkliebenstein@merchantgould.com | | Correspondent e-mail Authorized: Yes | |
| Domestic Representative | | | |
| Domestic Representative Name: Danielle I. Mattessich | | Phone: 612.336.4725 | |
| Fax: 612.332.9081 | | | |
| Domestic Representative e-mail: dockmpls@merchantgould.com | | Domestic Representative e-mail Authorized: Yes | |
| ▼ Prosecution History | | | |
| Date | Description | Proceeding Number | |
| Oct. 29, 2021 | NOTICE OF SUIT | | |
| Oct. 04, 2021 | NOTICE OF SUIT | | |
| May 13, 2021 | NOTICE OF SUIT | | |
| Apr. 08, 2021 | NOTICE OF SUIT | | |
| Nov. 17, 2020 | NOTICE OF ACCEPTANCE OF SEC. 8 - E-MAILED | | |
| Nov. 17, 2020 | REGISTERED - SEC. 8 (6-YR) ACCEPTED | 66607 | |
| Nov. 10, 2020 | CASE ASSIGNED TO POST REGISTRATION PARALEGAL | 66607 | |
| Aug. 12, 2020 | TEAS SECTION 8 RECEIVED | | |
| May 13, 2020 | NOTICE OF SUIT | | |
| Mar. 27, 2020 | NOTICE OF SUIT | | |
| May 20, 2019 | COURTESY REMINDER - SEC. 8 (6-YR) E-MAILED | | |
| Nov. 01, 2017 | NOTICE OF SUIT | | |
| May 20, 2014 | REGISTERED-PRINCIPAL REGISTER | | |
| Mar. 04, 2014 | OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED | | |
| Mar. 04, 2014 | PUBLISHED FOR OPPOSITION | | |
| Feb. 12, 2014 | NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED | | |
| Jan. 25, 2014 | LAW OFFICE PUBLICATION REVIEW COMPLETED | 68123 | |
| Jan. 25, 2014 | ASSIGNED TO LIE | 68123 | |
| Jan. 02, 2014 | APPROVED FOR PUB - PRINCIPAL REGISTER | | |
| Dec. 31, 2013 | TEAS/EMAIL CORRESPONDENCE ENTERED | 88889 | |
| Dec. 30, 2013 | CORRESPONDENCE RECEIVED IN LAW OFFICE | 88889 | |
| Dec. 30, 2013 | TEAS RESPONSE TO OFFICE ACTION RECEIVED | | |
| Oct. 01, 2013 | NOTIFICATION OF EXAMINER'S AMENDMENT/PRIORITY ACTION E-MAILED | 6326 | |
| Oct. 01, 2013 | EXAMINER'S AMENDMENT/PRIORITY ACTION E-MAILED | 6326 | |
| Oct. 01, 2013 | COMBINED EXAMINER'S AMENDMENT/PRIORITY ACTION AUTOMATIC ENTRY | 90288 | |
| Oct. 01, 2013 | EXAMINERS AMENDMENT AND/OR PRIORITY ACTION - COMPLETED | 90288 | |
| Sep. 23, 2013 | ASSIGNED TO EXAMINER | 90288 | |
| Jun. 20, 2013 | NEW APPLICATION OFFICE SUPPLIED DATA ENTERED | | |
| ▼ TM Staff and Location Information | | | |
| TM Staff Information - None | | | |
| File Location | | | |
| Current Location: TMO LAW OFFICE 114 | | Date in Location: Nov. 17, 2020 | |
| ▼ Assignment Abstract Of Title Information - Click to Load | | | |
| ▼ Proceedings - Click to Load | | | |