

ESTTA Tracking number: **ESTTA1256329**

Filing date: **12/23/2022**

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	Equibal, Inc.
Granted to date of previous extension	02/08/2023
Address	63-65 JERSEY AVE. PO BOX 180 UNIONVILLE, NY 10988-0180 UNITED STATES
Attorney information	MICHAEL E ZALL MICHAEL E. ZALL LAW FIRM 100 MARKET STREET SUITE 134 MONTVALE, NJ 07645 UNITED STATES Primary email: Mike@Zall-Law.com Secondary email(s): zalllawny@gmail.com 8453576800
Docket no.	Equibal

Applicant information

Application no.	97411722	Publication date	10/11/2022
Opposition filing date	12/23/2022	Opposition period ends	02/08/2023
Applicant	Borges Garcia, Bruno RUA GOMES DE CARVALHO 1266 SÃO PAULO, 04547-005 BRAZIL		

Goods/services affected by opposition

Class 003. First Use: Apr 26, 2016 First Use In Commerce: Apr 26, 2016
All goods and services in the class are opposed, namely: Cosmetic preparations for the hair and scalp; Hair care preparations; Hair shampoos and conditioners

Grounds for opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
No use of mark in commerce before application, amendment to allege use, or statement of use was due	Trademark Act Section 1(a) and (c)
Dilution by blurring	Trademark Act Sections 2 and 43(c)

Dilution by tarnishment	Trademark Act Sections 2 and 43(c)
Applicant not rightful owner of mark for identified goods or services	Trademark Act Section 1

Mark cited by opposer as basis for opposition

U.S. registration no.	1912931	Application date	06/13/1994
Register	Principal		
Registration date	08/22/1995	Foreign priority date	NONE
Word mark	NUFREE		
Design mark			
Description of mark	NONE		
Goods/services	Class 003. First use: First Use: Dec 1, 1985 First Use In Commerce: Dec 1, 1985 non-medicated hair removing lotion		

Related proceedings	Equibal, Inc. v. 365 SUN LLC dba Nutree Cosmetics, NUTREE PROFESSIONAL BRAZIL, THOMPSON AND NATALIA Y LIKHACHEVA'S, BRUNO BORGES GARCIA, and CHROMUS COMERCIAL EIRELLI Docket No. 7:21-cv-06254-VB US District Court, Southern District of NY
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Attachments	Notice of Opposition.pdf(2025487 bytes) Exhibit A.pdf(2431503 bytes) Exhibit B.pdf(4589501 bytes)
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Signature	/Michael E. Zall/
Name	MICHAEL E ZALL
Date	12/23/2022

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

In re Application Serial No. 97/411722
Filed: May 16, 2022
Published: November 11, 2022 in the Official Gazette
For: NUTREE PROFESSIONAL

EQUIBAL, INC.
Opposer
vs.

Opposition No. _____

NOTICE OF OPPOSITION

BORGES GARCIA, BRUNO
Applicant

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, Virginia 22313-1451
Dear Sir or Madam:


Equibal, Inc. (“Opposer”) believes that it will be damaged by the registration of the mark shown in Application Serial No. 97/411722, (the “Application”) and hereby opposes this application. Having timely filed a request for extension of time to oppose the Application, Opposer now timely files this Notice of Opposition.

As grounds for its opposition, Opposer alleges as follows:

1. Equibal, Inc. (“Opposer” or “Equibal”) is a New York business corporation with a principal place of business at 63-35 Jersey Avenue, P.O. Box 180, Unionville, New York 10988. Equibal manufactures and distributes numerous items in the cosmetics, salon, and hair care fields, *e.g.* cleaning products, acne treatment products, cold sore products, hair removal products, skincare products, shower essentials, all day lotions, cleansing spheres, shampoos and body washes.

2. According to information included in the Application, the Applicant is Bruno Borges Garcia, an individual having an address of Rua Gomes de Carvalho 1266, Sao Paulo, Brazil 04547-005.

3. On May 16, 2022, Applicant filed Application Serial No. 97/411722, to register the

trademark  for *Cosmetic preparations for the hair and scalp; Hair care preparations; Hair shampoos and conditioners* in Class 003 on the basis of Applicant's alleged use of the mark in commerce in the United States pursuant to Section 1(a) of the Lanham Act, 15 U.S.C. §1051(a), see **Exhibit A**. Applicant alleges it first used the mark in April 2016.

4. Opposer is now and has for many years been engaged in the development, marketing, advertising, distribution and sale of various products and services, including, numerous salon and hair removal products under its NUFREE Marks.

5. Opposer owns a federal trademark registration on NUFREE for use on *non-medicated hair removing lotion* in IC 003. A true and correct copy of Opposer's registration (US Reg. No. 1912931) for the NUFREE Mark is attached hereto as **Exhibit B**. Opposer's first use of the NUFREE mark in commerce was December 01, 1985.

6. The NUFREE Mark is used and recognized throughout the world and is registered in Brazil, Canada, China, Colombia, Europe, UK, Hong Kong, India, Japan, Korea, Mexico, Panama, Philippines, Singapore, Taiwan, Thailand.

7. Opposer has common law rights for its mark NUFREE and NUFREE PROFESSIONALS (together, the "NUFREE Marks") in that it has been used for years on numerous goods, including but not limited to hair removal products, body applicators, and heaters used by salons.

8. Opposer has become well known for its salon and hair removal and related products which are offered by thousands of spas, salons, and medical practices around the globe.
9. Opposer sells and has sold numerous other products in the cosmetic and hair treatment field using other marks, e.g., hair shampoo, body washes, skin moisturizers, body lotions and creams, skin toners, disinfectants, antibacterial cleaners, cold sore treatment preparations, topical analgesics, skin cleansers and treatments, shaving products, massage products, and sunscreen products.
10. The NUFREE Marks have been used on numerous products by Opposer prior to Applicant's asserted date of first use, for example:



11. The NUFREE Marks have been used on Opposer's family of websites: <https://nufree-professionals.com/> to advertise and sell its NUFREE products.
12. Further examples of Opposer's use of the NUFREE Marks may be found on the following websites:
 - <https://nufree-professionals.com/32-oz-pro-servicenter/>
 - <https://nufree-professionals.com/nufree-4-men-only-servicenter/>

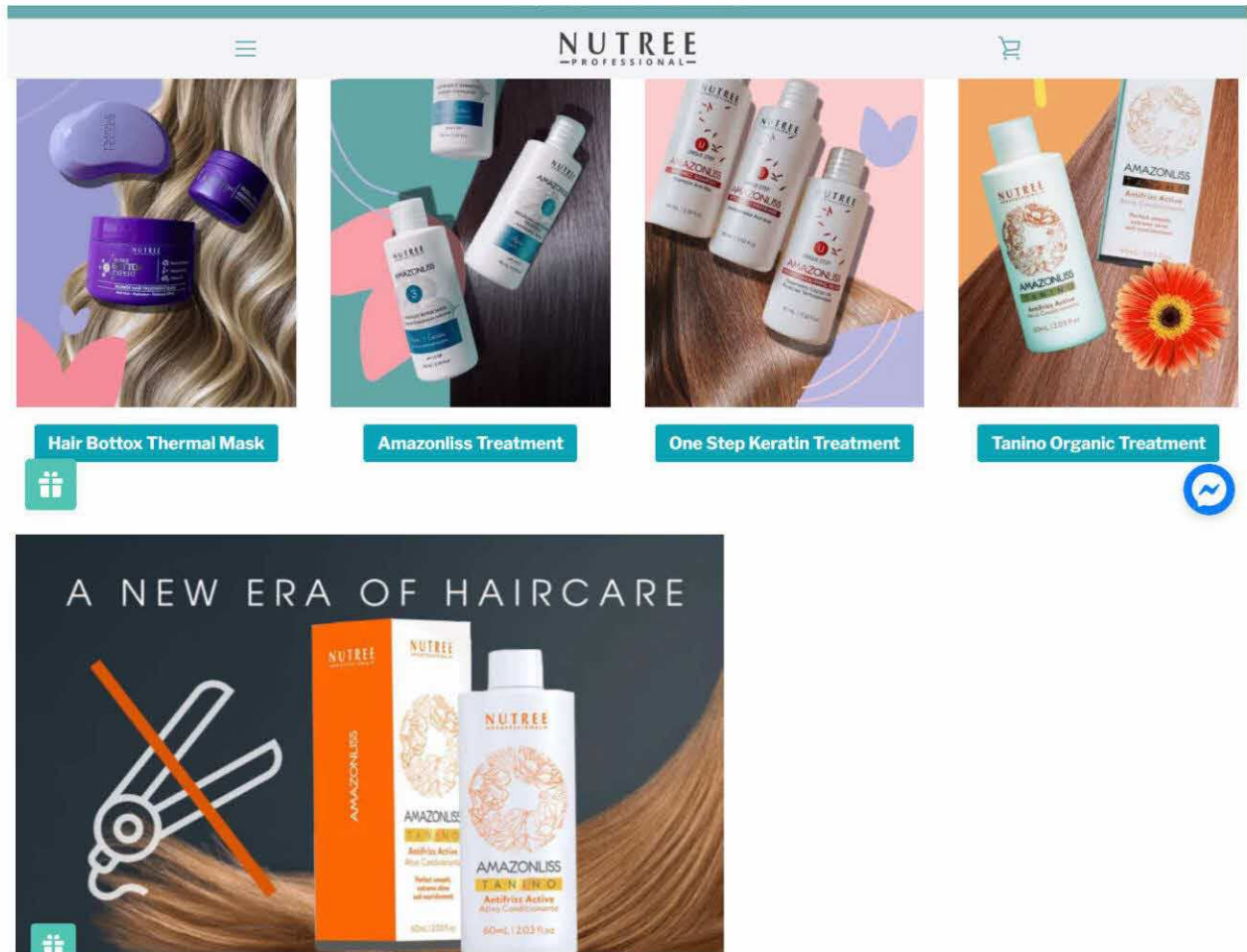
- <https://nufree-professionals.com/nufree-nudesse-9oz-servicenter/>
- <https://nufree-professionals.com/32-oz-pro-heater/>
- <https://nufree-professionals.com/little-one-6-oz-servicenter-kit/>
- <https://nufree-professionals.com/16-oz-double-jar-pack/>
- <https://www.universalcompanies.com/collections/nufree>

13. As a result of Opposer's efforts and investments in advertising and promoting the NUFREE Marks on its products, the public has come to recognize the NUFREE Marks as exclusively identifying Opposer's quality products and the NUFREE Marks have developed invaluable goodwill.

14. Applicant through its alleged US related entity has blatantly and willfully traded upon Opposer's goodwill and infringed its intellectual property through its unauthorized use of marks confusingly similar to Opposer's NUFREE Marks in connection with hair and cosmetic related products, such as cosmetic preparations for the hair and scalp, including shampoos, conditioners, and cosmetics

15. In particular, *365 SUN LLC d/b/a Nutree Cosmetics*, an allegedly related entity to Applicant, advertises, promotes and sells hair and cosmetic products using the NUTREE Mark, and the NUTREE PROFESSIONAL Mark, a mark covered by the Application herein (together, the "NUTREE Marks").

16. The NUTREE Marks are used on numerous goods, including but not limited to hair treatments, including hair straightening treatments, shampoos, conditioners, for example:



17. Applicant has filed its Application herein for NUTREE Professional to assist and contribute to such infringing activities by its alleged related entity.
18. Applicant displays the NUTREE Marks in online advertising and on their commercial webpages in a confusing manner and is seeking registration of the NUTREE PROFESSIONAL mark that is likely to lead consumers to believe that these products are authorized by or are otherwise affiliated with, associated with, or approved by Opposer.

- 19.** Applicant's infringing acts, fortified by the registration Applicant seeks herein, are likely to cause confusion, mistake and deception among online purchasers and the relevant consuming public as to the source or origin of the products and have deceived and are likely to deceive online purchasers and the relevant consuming public into believing, mistakenly, that Applicants' goods and services originate from, are associated or affiliated with, or otherwise authorized by Opposer.
- 20.** The mark shown in the Application so resembles Opposer's NUFREE Marks as to be likely, when used on or in connection with the goods identified in the Application, to cause confusion, to cause mistake, or to deceive, and Applicant's mark is thus unregistrable under § 2(d) of the United States Trademark Act, 15 U.S.C. §1052(d).
- 21.** Opposer will be damaged by registration of the mark shown in the Opposed Application because such registration will give Applicant *prima facie* evidence of the validity of its confusingly-similar mark and the exclusive nationwide right to use its confusingly-similar mark in commerce in connection with the goods identified in the Application, in derogation of Opposer's rights in the NUFREE Marks.
- 22.** Opposer's marks are famous in the United States and became famous in the United States long before the filing date of the Application, or any earlier priority date upon which Applicant can rely and use of Applicant's mark is likely to cause dilution by blurring in that Applicant's target customers are likely to associate Applicant's goods with Opposer. Moreover, Applicant's mark is likely to cause dilution by tarnishment in that Applicant's use of its mark will harm the reputation of Opposer's famous

marks. Accordingly, the Application must be refused registration under Section 43(c) of the United States Trademark Act, 15 U.S.C. §1125(c), as amended.

23. The mark shown in the Application falsely suggests a connection between Opposer and Applicant, and Applicant's mark are thus unregistrable under § 2(a) of the United States Trademark Act, 15 U.S.C. §1052(a).

24. Applicant filed a use-based application under Section 1(a) of the Lanham Act, 15 U.S.C. § 1051(a) seeking registration of the NUTREE mark for the goods specified therein. On information and belief, Applicant has not used the NUTREE mark in commerce as of the filing date of the trademark Application. Any proof of use submitted to the USPTO was from an entity that is not owned by, related to or licensed by Applicant.

WHEREFORE, Opposer, Equibal, Inc. requests that this Opposition be sustained, and that registration of the mark in the Application be refused.

Respectfully submitted,

/Michael E. Zall/

Dated: 12/23/2022

Michael E. Zall

Attorney for Petitioner

100 Market Street

Suite 134

Montvale, NJ 07645

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

In re Application Serial No. 97/411722

Filed: May 16, 2022

Published: November 11, 2022 in the Official Gazette

For: NUTREE PROFESSIONAL

EQUIBAL, INC.

Opposer

vs.

BORGES GARCIA, BRUNO

Applicant

Opposition No. _____

NOTICE OF OPPOSITION

EXHIBIT A

**APPLICANT'S
US APPLICATION NO. 97/411722**



Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Thu Dec 22 04:07:22 EST 2022

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [BOTTOM](#) [HELP](#) [PREV LIST](#) [CURR LIST](#) [NEXT LIST](#)
[FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#) [LAST DOC](#)

Please logout when you are done to release system resources allocated for you.

List At: OR to record: **Record 1 out of 10**

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

NUTREE
— PROFESSIONAL —

Word Mark	NUTREE PROFESSIONAL
Translations	The wording "NUTREE" has no meaning in a foreign language.
Goods and Services	IC 003. US 001 004 006 050 051 052. G & S: Cosmetic preparations for the hair and scalp; Hair care preparations; Hair shampoos and conditioners. FIRST USE: 20160426. FIRST USE IN COMMERCE: 20160426
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	26.17.01 - Bands, straight ; Bars, straight ; Lines, straight ; Straight line(s), band(s) or bar(s) 26.17.05 - Bands, horizontal ; Bars, horizontal ; Horizontal line(s), band(s) or bar(s) ; Lines, horizontal
Serial Number	97411722
Filing Date	May 16, 2022
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	October 11, 2022
Owner	(APPLICANT) Borges Garcia, Bruno INDIVIDUAL BRAZIL Rua Gomes de Carvalho 1266 São Paulo BRAZIL 04547-005
Attorney of Record	Paul Cosmovici
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "PROFESSIONAL" APART FROM THE MARK AS SHOWN
Description of Mark	Color is not claimed as a feature of the mark. The mark consists of the word "NUTREE" written in an uppercase stylized font, below which there is the word "PROFESSIONAL" written in a smaller uppercase stylized font, with a horizontal small line on either side.
Type of Mark	TRADEMARK
Register	PRINCIPAL

Live/Dead
Indicator

LIVE

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	SEARCH OG	TOP	HELP	PREV LIST	CURR LIST	NEXT LIST
FIRST DOC	PREV DOC	NEXT DOC	LAST DOC							

Letter Of Protest (LOP) Memorandum

Date: October 17, 2022

To: Examining Attorney -Emma Sirignano

From: Dawn-Marie Sanok
Attorney Advisor
Office of the Deputy Commissioner for Trademark Examination Policy

Subject: Letter of protest concerning U.S. Application Serial No. 97411722 for the mark NUTREE PROFESSIONAL

Upon consideration of evidence included with a letter of protest filed before publication of the above-referenced mark, it has been determined that the evidence is relevant to the following ground for refusal and/or requirement:

Possible likelihood of confusion under Trademark Act Section 2(d) with U.S. Registration No. 1912931 for the mark NUFREE.

U.S. Registration No. 1912931 is available in the XSearch database for your consideration. Please review and determine whether to issue a refusal or make a requirement. 37 C.F.R. §2.149(d)(1); TMEP §1715.02.

NOTE: The consideration of a letter of protest filed before publication is not a legal determination by the USPTO of registrability, nor is it meant to compromise the integrity of the ex parte examination process. It merely serves to bring the submitted evidence to the attention of the examining attorney, who determines whether a refusal or requirement should be raised or ultimately made final. *See* 37 C.F.R. §2.149(d)(1).

From: TMOOfficialNotices@USPTO.GOV
Sent: Tuesday, October 11, 2022 01:01 AM
To: usmark@cosmovici-ip.com
Cc: usmark@cosmovici-ip.com
Subject: Official USPTO Notice of Publication Confirmation: U.S. Trademark SN 97411722: NUTREE PROFESSIONAL (Stylized/Design): Docket/Reference No. 14400

TRADEMARK OFFICIAL GAZETTE PUBLICATION CONFIRMATION

U.S. Serial Number: 97411722
Mark: NUTREE PROFESSIONAL (Stylized/Design)
International Class(es): 003
Owner: Borges Garcia, Bruno
Docket/Reference Number: 14400

The mark identified above has been published in the Trademark Official Gazette (TMOG) on Oct 11, 2022.

To Review the Mark in the TMOG:

Click on the following link or paste the URL into an internet browser: <https://tmog.uspto.gov/#issueDate=2022-10-11&serialNumber=97411722>

On the publication date or shortly thereafter, the applicant should carefully review the information that appears in the TMOG for accuracy. For corrections or amendments after publication, please use the Post-Approval/Publication/Post-Notice of Allowance (NOA) Amendment Form, accessible at <https://teas.uspto.gov/office/ppa>. For general information about this notice, please contact the Trademark Assistance Center at 1-800-786-9199.

Significance of Publication for Opposition:

- * Any party who believes it will be damaged by the registration of the mark may file a notice of opposition (or extension of time therefor) with the Trademark Trial and Appeal Board. If no party files an opposition or extension request within thirty (30) days after the publication date, then eleven (11) weeks after the publication date a certificate of registration should issue.

To check the status of the application, go to https://tsdr.uspto.gov/#caseNumber=97411722&caseType=SERIAL_NO&searchType=statusSearch or contact the Trademark Assistance Center at 1-800-786-9199. Please check the status of the application at least every three (3) months after the application filing date.

To view this notice and other documents for this application on-line, go to https://tsdr.uspto.gov/#caseNumber=97411722&caseType=SERIAL_NO&searchType=documentSearch. NOTE: This notice will only become available on-line the next business day after receipt of this e-mail.



UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

Commissioner for Trademarks
www.uspto.gov

OFFICIAL USPTO NOTICE OF PUBLICATION UNDER 12(a)

U.S. Application Serial No. 97411722

Mark: NUTREE PROFESSIONAL

International Class(es): 003

Owner: Borges Garcia, Bruno

Docket/Reference No. 14400

Issue Date: September 21, 2022

Your mark is scheduled to publish in the *Trademark Official Gazette (TMOG)* on October 11, 2022.

Your mark appears to be entitled to register on the Principal Register, subject to any claims of concurrent use.

What happens when your mark publishes. Within 30 days of the publication date, any party who believes it will be damaged by the registration of the mark may file a notice of opposition (or extension of time) with the Trademark Trial and Appeal Board. If no objection is filed, we will issue a registration.

View your mark in the TMOG after the publication date at <https://tmog.uspto.gov/> by selecting your publication date in the "issues" field, entering your serial number in the "search by" field, and clicking on the magnifying glass.

Ensure that the information in the TMOG is correct. If any information is incorrect, promptly request correction using the "Post-Approval/Publication/Post-Notice of Allowance (NOA) Amendment" form at <https://teas.uspto.gov/office/ppa/>. For more information, see <https://www.uspto.gov/trademark/trademark-updates-and-announcements/procedures-submitting-amendmentscorrections-trademark>.

Direct questions about this notice to the Trademark Assistance Center (TAC) at 1-800-786-9199 (select option 1) or TrademarkAssistanceCenter@uspto.gov.

Email Address(es):

usmark@cosmovici-ip.com
usmark@cosmovici-ip.com

From: TMOOfficialNotices@USPTO.GOV
Sent: Wednesday, September 21, 2022 04:18 AM
To: usmark@cosmovici-ip.com
Cc: usmark@cosmovici-ip.com
Subject: Official USPTO Notification of Notice of Publication: U.S. Trademark SN 97411722: NUTREE PROFESSIONAL (Stylized/Design): Docket/Reference No. 14400

NOTIFICATION OF "NOTICE OF PUBLICATION"

Your trademark application (U.S. Serial No. 97411722) is scheduled to publish in the *Official Gazette* on Oct 11, 2022. To preview the Notice of Publication, go to the Trademark Status & Document Retrieval (TSDR) database, accessible at <https://tsdr.uspto.gov/search.action?sn=97411722>. If you have difficulty accessing the Notice of Publication, contact the Trademark Assistance Center (TAC) by e-mail at TrademarkAssistanceCenter@uspto.gov or by telephone at 800-786-9199.

PLEASE NOTE:

1. The Notice of Publication may not be immediately available but will be viewable within 24 hours of this e-mail notification.
2. You will receive a second e-mail on the actual "Publication Date," which will include a link to the issue of the *Official Gazette* in which the mark has published.

Please confirm that the correspondence information shown in TSDR is correct. If the correspondence information is not correct, please update this information using the online Change of Correspondence Address Form, accessible at <https://teas.uspto.gov/ccr/cca>.

Do NOT hit "Reply" to this e-mail notification. If you find an error in the Notice of Publication, update the information using the Post-Approval/Publication/Post-Notice of Allowance (NOA) Amendment Form, accessible at <https://teas.uspto.gov/office/ppa>.

Trademark Snap Shot Publication Stylesheet
(Table presents the data on Publication Approval)

OVERVIEW

SERIAL NUMBER	97411722	FILING DATE	05/16/2022
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	SIRIGNANO, EMMA MARIE	L.O. ASSIGNED	113

PUB INFORMATION

RUN DATE	09/03/2022		
PUB DATE	N/A		
STATUS	680-APPROVED FOR PUBLICATION		
STATUS DATE	09/02/2022		
LITERAL MARK ELEMENT	NUTREE PROFESSIONAL		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	YES	1 (a)	YES	1 (a)	NO
1 (b)	NO	1 (b)	NO	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	NO
LITERAL MARK ELEMENT	NUTREE PROFESSIONAL
MARK DRAWING CODE	3-AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/LETTER(S)/NUMBER(S)
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

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PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Borges Garcia, Bruno
ADDRESS	Rua Gomes de Carvalho 1266 São Paulo, 04547-005
ENTITY	01-INDIVIDUAL
CITIZENSHIP	Brazil

GOODS AND SERVICES

INTERNATIONAL CLASS	003
DESCRIPTION TEXT	Cosmetic preparations for the hair and scalp; Hair care preparations; Hair shampoos and conditioners

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	003	FIRST USE DATE	04/26/2016	FIRST USE IN COMMERCE DATE	04/26/2016	CLASS STATUS	6-ACTIVE
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MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
COLORS CLAIMED STATEMENT	Color is not claimed as a feature of the mark.
DISCLAIMER W/PREDETER TXT	"PROFESSIONAL"
DESCRIPTION OF MARK	The mark consists of the word "NUTREE" written in an uppercase stylized font, below which there is the word "PROFESSIONAL" written in a smaller uppercase stylized font, with a horizontal small line on either side.
PSEUDO MARK	NU TREE PROFESSIONAL
TRANSLATION	The wording "NUTREE" has no meaning in a foreign language.

PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
09/02/2022	CNSA	O	APPROVED FOR PUB - PRINCIPAL REGISTER	005
09/02/2022	DOCK	D	ASSIGNED TO EXAMINER	004
05/24/2022	MDSM	E	NOTICE OF DESIGN SEARCH CODE E-MAILED	003
05/23/2022	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
05/19/2022	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	Paul Cosmovici
CORRESPONDENCE ADDRESS	PAUL COSMOVICI 80 BROAD STREET, 5TH FLOOR, #6377 NEW YORK, NY 10004
DOMESTIC REPRESENTATIVE	NONE

NUTREE

— P R O F E S S I O N A L —

Note To The File

Serial Number: 97411722

Date: 09/02/2022 10:43 am

Created by: Emma Sirignano



NUTREE PROFESSIONAL

Searched

- Google
- OneLook

Checked

- Geo. Sig.
- Surname
- Translation

User: Emma Sirignano

Statistics for Case 97411722						
#	Search	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/Search Duration
1	97411722[sn]	1	0	1	1	0:00
2	("Borges Garcia" and Bruno)[on]	2	0	2	2	0:01
3	*n{v0:2}{"t"1:2}r{v:2}*[bi,ti] not dead[ld]	30744	0	0	0	0:05
4	*pr{v:2}*[bi,ti] not dead[ld]	160384	0	0	0	0:01
5	3 and 4	2569	0	0	0	0:02
6	5 and "003"[cc]	1077	0	0	0	0:02
7	n{v:2}{"t"1:2}r{v:2}{"sz"0:1}[bi,ti] not dead[ld]	1600	0	0	0	0:03
8	7 and 4	35	0	35	35	0:01
9	*nutree*[bi,ti] not dead[ld]	8	0	8	8	0:01
10	*professional*[bi,ti] not dead[ld]	5588	0	0	0	0:01
11	9 and 10	1	0	1	1	0:00
12	(261701 261705)[dc] and (3 4)	7181	0	0	0	0:02
13	(261701 261705)[dc] and 3	1088	0	0	0	0:02
14	(261701 261705)[dc] and 4	6246	0	0	0	0:01
15	13 and "003"[cc]	457	0	2	400	0:02
16	14 and "003"[cc]	2314	0	0	0	0:01
17	14 and ("003" a b "200")[ic]	365	0	2	365	0:02

Session started 09/02/2022 10:31 am

Session ended 09/02/2022 10:42 am

Total search duration 27.00

Session duration 11 minutes 4 seconds

Adjacency Level 1

Near Level 1

From: TMDesignCodeComments
Sent: Tuesday, May 24, 2022 00:31 AM
To: usmark@cosmovici-ip.com
Cc: usmark@cosmovici-ip.com
Subject: Official USPTO Notice of Design Search Code: U.S. Trademark SN: 97411722: NUTREE PROFESSIONAL (Stylized/Design): Docket/Reference No. 14400

Docket/Reference Number: 14400

The USPTO has assigned design search codes to your application (U.S. serial number: 97411722).

Design search codes assigned to your application:

26.17.01 - Bands, straight
26.17.01 - Bars, straight
26.17.01 - Lines, straight
26.17.01 - Straight line(s), band(s) or bar(s)
26.17.05 - Bands, horizontal
26.17.05 - Bars, horizontal
26.17.05 - Horizontal line(s), band(s) or bar(s)
26.17.05 - Lines, horizontal

If you would like to request that we add or delete a design search code, please email TMDesignCodeComments@USPTO.GOV. Include your name, application serial number, a list of design search codes you would like to add or delete, and a brief justification. We will process your request within two business days. If we approve your request, the updated list of design search codes will appear in our Trademark Status and Document Retrieval (TSDR) database, accessible at <https://tsdr.uspto.gov/>, under the "Mark Information" tab.

Design search codes are numerical codes we assign to the prominent features of your mark's design. We call these features "design elements." A design element can be any component of your mark that is not a word, such as a depiction of a star or a flower. Assigning design search codes to your mark helps us more effectively search our database for marks that may conflict with yours. Design search codes have no legal significance and will not appear on the registration certificate.

For more information about design search codes, including why and how we use them and information on adding or deleting design search codes from your application, please visit our design search code webpage at <http://www.uspto.gov/DesignSearchCodes>. For a list of design search codes, see the design search code manual at <http://tess2.uspto.gov/tmdb/dscm/index.htm>.

For questions, please call 1-800-786-9199 (option 1) to speak to a Customer Service representative in the Trademark Assistance Center. Please visit <http://www.uspto.gov/TrademarkAssistance> for additional information about the Trademark Assistance Center.

This notice will be available in TSDR in one business day.

NUTREE

— P R O F E S S I O N A L —



NUTREE
PROFESSIONAL



AMAZONLISS
PRO KERATIN GEL

Anti-Frizz Conditioner
Condicionador Anti-Frizz

Smooth and Intense Nutrition
Maciez e Nutrição Intensa

250ml | 8.45 fl.oz

NUTREE
PROFESSIONAL



AMAZONLISS
PRO KERATIN GEL

Anti-Frizz Shampoo
Shampoo Anti-Frizz

Smooth and Intense Nutrition
Maciez e Nutrição Intensa

250ml | 8.45 fl.oz







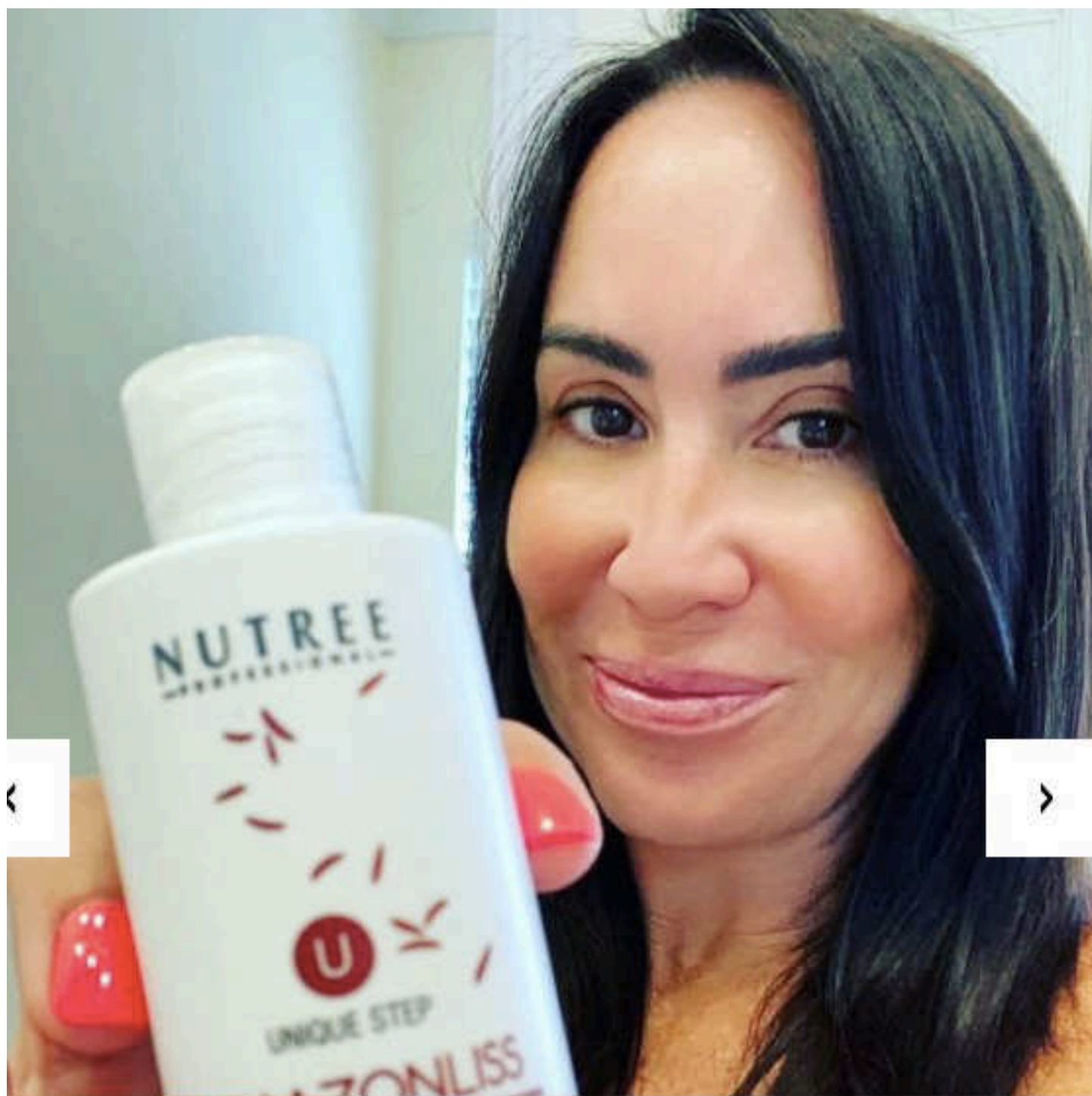






NUTREE
AMAZONIA
AMAZONIA
Kai + Caca
ANTI-FRIZZ SHAMPOO
SHAMPOO ANTI-FRIZZ
250ml | 8.45 fl.oz

NUTREE
AMAZONIA
AMAZONIA
Kai + Caca
ANTI-FRIZZ CONDITIONER
CONDITIONER ANTI-FRIZZ
250ml | 8.45 fl.oz



Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 97411722

Filing Date: 05/16/2022

NOTE: Data fields with the * are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.

The table below presents the data as entered.

Input Field	Entered
TEAS Plus	YES
MARK INFORMATION	
*MARK	\\TICRS\EXPORT18\IMAGEOUT18\974\117\97411722\xml1\FTK0002.JPG
*SPECIAL FORM	YES
USPTO-GENERATED IMAGE	NO
LITERAL ELEMENT	NUTREE PROFESSIONAL
*COLOR MARK	NO
*COLOR(S) CLAIMED (If applicable)	
*DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of the word "NUTREE" written in an uppercase stylized font, below which there is the word "PROFESSIONAL" written in a smaller uppercase stylized font, with a horizontal small line on either side.
PIXEL COUNT ACCEPTABLE	NO
PIXEL COUNT	320 x 179
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	Borges Garcia, Bruno
*MAILING ADDRESS	Rua Gomes de Carvalho 1266
*CITY	São Paulo
*COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	Brazil
*ZIP/POSTAL CODE (Required for U.S. and certain international addresses)	04547-005
*EMAIL ADDRESS	XXXX
LEGAL ENTITY INFORMATION	
*TYPE	INDIVIDUAL
*COUNTRY/REGION/JURISDICTION/U.S. TERRITORY OF	Brazil

CITIZENSHIP	
GOODS AND/OR SERVICES AND BASIS INFORMATION	
* INTERNATIONAL CLASS	003
* IDENTIFICATION	Cosmetic preparations for the hair and scalp; Hair care preparations; Hair shampoos and conditioners
* FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 04/26/2016
FIRST USE IN COMMERCE DATE	At least as early as 04/26/2016
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT18\IMAGEOUT 18\974\117\97411722\xml1 \ FTK0003.JPG
	\\TICRS\EXPORT18\IMAGEOUT 18\974\117\97411722\xml1 \ FTK0004.JPG
	\\TICRS\EXPORT18\IMAGEOUT 18\974\117\97411722\xml1 \ FTK0005.JPG
	\\TICRS\EXPORT18\IMAGEOUT 18\974\117\97411722\xml1 \ FTK0006.JPG
	\\TICRS\EXPORT18\IMAGEOUT 18\974\117\97411722\xml1 \ FTK0007.JPG
	\\TICRS\EXPORT18\IMAGEOUT 18\974\117\97411722\xml1 \ FTK0008.JPG
	\\TICRS\EXPORT18\IMAGEOUT 18\974\117\97411722\xml1 \ FTK0009.JPG
	\\TICRS\EXPORT18\IMAGEOUT 18\974\117\97411722\xml1 \ FTK0010.JPG
SPECIMEN DESCRIPTION	images of products bearing the mark
WEBPAGE URL	None Provided
WEBPAGE DATE OF ACCESS	None Provided
ADDITIONAL STATEMENTS SECTION	
* TRANSLATION (if applicable)	The wording "NUTREE" has no meaning in a foreign language.
* TRANSLITERATION (if applicable)	
* CLAIMED PRIOR REGISTRATION (if applicable)	
* CONSENT (NAME/LIKENESS) (if applicable)	
* CONCURRENT USE CLAIM (if applicable)	
DISCLAIMER	No claim is made to the exclusive right to use "PROFESSIONAL" apart from the mark as shown.
SIGNIFICANCE OF MARK	"NUTREE" appearing in the mark has no significance nor is it a term of art in the relevant trade or industry or as used in connection with the goods/services listed in the application, or any geographical significance.
SIGNIFICANCE OF MARK	The word(s) "NUTREE" has no meaning in a foreign

	language.
ATTORNEY INFORMATION	
NAME	Paul Cosmovici
ATTORNEY DOCKET NUMBER	14400
ATTORNEY BAR MEMBERSHIP NUMBER	XXX
YEAR OF ADMISSION	XXXX
U.S. STATE/ COMMONWEALTH/ TERRITORY	XX
STREET	80 Broad Street, 5th Floor, #6377
CITY	New York
STATE	New York
COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
ZIP/POSTAL CODE	10004
EMAIL ADDRESS	usmark@cosmovici-ip.com
CORRESPONDENCE INFORMATION	
NAME	Paul Cosmovici
PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE	usmark@cosmovici-ip.com
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)	usmark@cosmovici-ip.com
FEE INFORMATION	
APPLICATION FILING OPTION	TEAS Plus
NUMBER OF CLASSES	1
APPLICATION FOR REGISTRATION PER CLASS	250
*TOTAL FEES DUE	250
*TOTAL FEES PAID	250
SIGNATURE INFORMATION	
* SIGNATURE	/Paul Cosmovici/
* SIGNATORY'S NAME	Paul Cosmovici
* SIGNATORY'S POSITION	Attorney of record, New York Bar member
* DATE SIGNED	05/16/2022
SIGNATURE METHOD	Signed directly within the form

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 97411722

Filing Date: 05/16/2022

To the Commissioner for Trademarks:

MARK: NUTREE PROFESSIONAL (stylized and/or with design, see [mark](#))

The literal element of the mark consists of NUTREE PROFESSIONAL. The applicant is not claiming color as a feature of the mark. The mark consists of the word "NUTREE" written in an uppercase stylized font, below which there is the word "PROFESSIONAL" written in a smaller uppercase stylized font, with a horizontal small line on either side.

The applicant, Bruno Borges Garcia, a citizen of Brazil, having an address of

Rua Gomes de Carvalho 1266

São Paulo 04547-005

Brazil

XXXX

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 003: Cosmetic preparations for the hair and scalp; Hair care preparations; Hair shampoos and conditioners

Use in Commerce: The applicant is using the mark in commerce on or in connection with the identified goods/services. The applicant attaches, or will later submit, one specimen as a JPG/PDF image file showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, regardless of whether the mark itself is in the standard character format or is a stylized or design mark. The specimen image file may be in color, and the image must be in color if color is being claimed as a feature of the mark.

In International Class 003, the mark was first used by the applicant or the applicant's related company or licensee predecessor in interest at least as early as 04/26/2016, and first used in commerce at least as early as 04/26/2016, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, consisting of a(n) images of products bearing the mark.

[Specimen File1](#)

[Specimen File2](#)

[Specimen File3](#)

[Specimen File4](#)

[Specimen File5](#)

[Specimen File6](#)

[Specimen File7](#)

[Specimen File8](#)

Webpage URL: None Provided

Webpage Date of Access: None Provided

Disclaimer

No claim is made to the exclusive right to use "PROFESSIONAL" apart from the mark as shown.

Translation

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

Significance of wording, letter(s), or numeral(s)

"NUTREE" appearing in the mark has no significance nor is it a term of art in the relevant trade or industry or as used in connection with the goods/services listed in the application, or any geographical significance.

Significance of wording, letter(s), or numeral(s)

The word(s) "NUTREE" has no meaning in a foreign language.

The owner's/holder's proposed attorney information: Paul Cosmovici. Paul Cosmovici, is a member of the XX bar, admitted to the bar in XXXX, bar membership no. XXX, is located at

80 Broad Street, 5th Floor, #6377

New York, New York 10004

United States

usmark@cosmovici-ip.com

The docket/reference number is 14400.

Paul Cosmovici submitted the following statement: The attorney of record is an active member in good standing of the bar of the highest court of a U.S. state, the District of Columbia, or any U.S. Commonwealth or territory.

The applicant's current Correspondence Information:

Paul Cosmovici

PRIMARY EMAIL FOR CORRESPONDENCE: usmark@cosmovici-ip.com

SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): usmark@cosmovici-ip.com

Requirement for Email and Electronic Filing: I understand that a valid email address must be maintained by the applicant owner/holder and the applicant owner's/holder's attorney, if appointed, and that all official trademark correspondence must be submitted via the Trademark Electronic Application System (TEAS).

A fee payment in the amount of \$250 has been submitted with the application, representing payment for 1 class(es).

Declaration

☒ **Basis:**

If the applicant is filing the application based on use in commerce under 15 U.S.C. § 1051(a):

- The signatory believes that the applicant is the owner of the trademark/service mark sought to be registered;
- The mark is in use in commerce and was in use in commerce as of the filing date of the application on or in connection with the goods/services in the application;
- The specimen(s) shows the mark as used on or in connection with the goods/services in the application and was used on or in connection with the goods/services in the application as of the application filing date; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

And/Or

If the applicant is filing the application based on an intent to use the mark in commerce under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e):

- The signatory believes that the applicant is entitled to use the mark in commerce;
- The applicant has a bona fide intention to use the mark in commerce and had a bona fide intention to use the mark in commerce as of the application filing date on or in connection with the goods/services in the application; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

☒ To the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive.

☒ To the best of the signatory's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the allegations and other factual contentions made above have evidentiary support.

☒ The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Declaration Signature

Signature: /Paul Cosmovici/ Date: 05/16/2022
Signatory's Name: Paul Cosmovici
Signatory's Position: Attorney of record, New York Bar member
Signature method: Signed directly within the form
Payment Sale Number: 97411722
Payment Accounting Date: 05/16/2022

Serial Number: 97411722
Internet Transmission Date: Mon May 16 10:46:32 ET 2022
TEAS Stamp: USPTO/FTK-XX.XXX.XXX.XX-2022051610463209
5858-97411722-8207fdfe9d32c47209ec669149
1d44cadef67eed8fa5d29c77b03477995587-DA-
46314745-20220516102628878203

NUTREE

— P R O F E S S I O N A L —



NUTREE
PROFESSIONAL



AMAZONLISS
PRO KERATIN GEL

Anti-Frizz Conditioner
Condicionador Anti-Frizz

Smooth and Intense Nutrition
Maciez e Nutrição Intensa

250ml | 8.45 fl.oz.

NUTREE
PROFESSIONAL



AMAZONLISS
PRO KERATIN GEL

Anti-Frizz Shampoo
Shampoo Anti-Frizz

Smooth and Intense Nutrition
Maciez e Nutrição Intensa

250ml | 8.45 fl.oz.



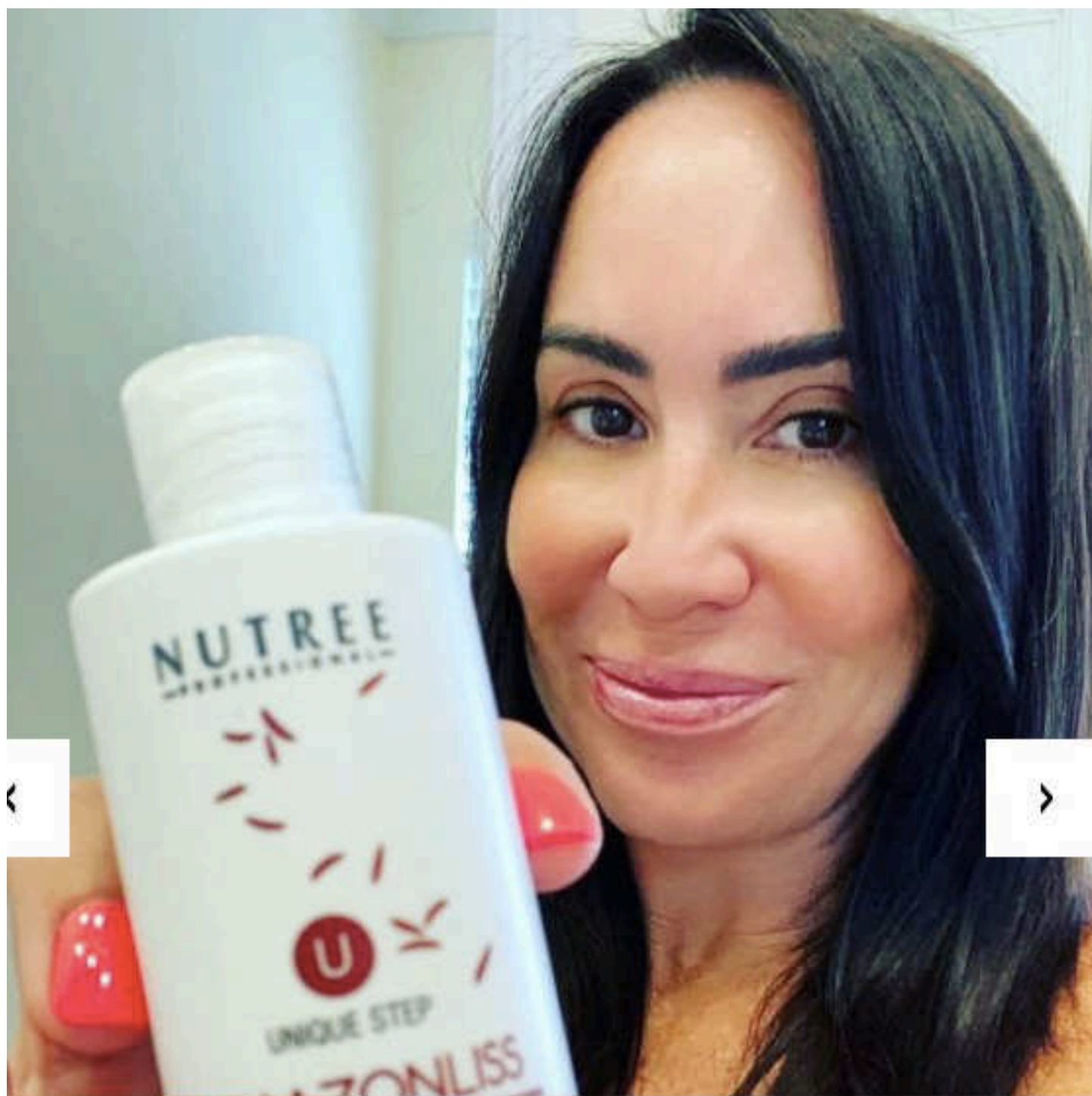












**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
TRADEMARK TRIAL AND APPEAL BOARD**

In re Application Serial No. 97/411722

Filed: May 16, 2022

Published: November 11, 2022 in the Official Gazette

For: NUTREE PROFESSIONAL

EQUIBAL, INC.

Opposer

vs.

BORGES GARCIA, BRUNO

Applicant

Opposition No. _____

NOTICE OF OPPOSITION

EXHIBIT B

**OPPOSER'S
US Registration No. 1,912,931**



Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Thu Dec 22 04:07:22 EST 2022

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BRANDS DICT](#) [SEARCH OC](#) [BOTTOM](#) [HELP](#) [PREV LIST](#) [CURR LIST](#) [NEXT LIST](#)
[FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#) [LAST DOC](#)

[Logout](#) Please logout when you are done to release system resources allocated for you.

[Start](#) List At: OR [Jump](#) to record: **Record 1 out of 2**

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

Typed Drawing

Word Mark NUFREE
Goods and Services IC 003, US 051, G & S: non-medicated hair removing lotion. FIRST USE: 19851201. FIRST USE IN COMMERCE: 19851201
Mark Drawing Code (1) TYPED DRAWING
Serial Number 74537002
Filing Date June 13, 1994
Current Basis 1A
Original Filing Basis 1A
Published for Opposition May 30, 1995
Registration Number 1912931
Registration Date August 22, 1995
Owner (REGISTRANT) Fusco, NormaJean INDIVIDUAL UNITED STATES 63-65 JERSEY AVE. UNIONVILLE NEW YORK 10921
(LAST LISTED OWNER) EQUIBAL, INC. CORPORATION NEW YORK 63-65 JERSEY AVE. PO BOX # 180 UNIONVILLE NEW YORK 10988
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Michael E. Zall
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20150507.
Renewal 2ND RENEWAL 20150507
Live/Dead Indicator LIVE

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BRANDS DICT](#) [SEARCH OC](#) [TOP](#) [HELP](#) [PREV LIST](#) [CURR LIST](#) [NEXT LIST](#)
[FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#) [LAST DOC](#)

AO 120 (Rev. 08/10)

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
---	---

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Southern District of New York on the following

☒ Trademarks or ☐ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO. 7:21-cv-06254	DATE FILED 7/22/2021	U.S. DISTRICT COURT Southern District of New York
PLAINTIFF EQUIBAL, INC.		DEFENDANT 365 SUN LLC d/b/a Nutree Cosmetics, NUTREE PROFESSIONAL BRAZIL, LANCE THOMPSON, NATALIA Y LIKHACHEVA et al,
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 1912931	8/22/1995	Plaintiff, Equibal Inc.
2 90/573033	3/11/2021	Defendant, Garcia, Bruno Borges
3		
4		
5		

In the above entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1		
2		
3		
4		
5		

In the above entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK Ruby J. Krajick	(BY) DEPUTY CLERK /S/ S. James	DATE July 26, 2021
--------------------------	-----------------------------------	-----------------------

Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

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From: TMOfficialNotices@USPTO.GOV
Sent: Thursday, May 7, 2015 11:01 PM
To: Mike@Zall-Law.com
Subject: Official USPTO Notice of Acceptance and Renewal Sections 8 and 9: U.S. Trademark RN 1912931: NUFREE: Docket/Reference No. US-Nufree

Serial Number: 74537002
Registration Number: 1912931
Registration Date: Aug 22, 1995
Mark: NUFREE
Owner: Fusco, Normajeau

May 7, 2015

NOTICE OF ACCEPTANCE UNDER SECTION 8

The declaration of use or excusable nonuse filed for the above-identified registration meets the requirements of Section 8 of the Trademark Act, 15 U.S.C. §1058. **The Section 8 declaration is accepted.**

NOTICE OF REGISTRATION RENEWAL UNDER SECTION 9

The renewal application filed for the above-identified registration meets the requirements of Section 9 of the Trademark Act, 15 U.S.C. §1059. **The registration is renewed.**

The registration will remain in force for the class(es) listed below for the remainder of the ten-year period, calculated from the registration date, unless canceled by an order of the Commissioner for Trademarks or a Federal Court.

Class(es):
003

TRADEMARK SPECIALIST
POST-REGISTRATION DIVISION
571-272-9500

REQUIREMENTS FOR MAINTAINING REGISTRATION IN SUCCESSIVE TEN-YEAR PERIODS

WARNING: Your registration will be canceled if you do not file the documents below during the specified time 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. See 15 U.S.C. §§1058, 1059.

Grace Period Filings

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

*****The USPTO WILL NOT SEND ANY FURTHER NOTICE OR REMINDER OF THESE REQUIREMENTS. THE REGISTRANT SHOULD CONTACT THE USPTO ONE YEAR BEFORE THE EXPIRATION OF THE TIME PERIODS SHOWN ABOVE TO DETERMINE APPROPRIATE REQUIREMENTS AND FEES.*****

To view this notice and other documents for this application on-line, go to <http://tdr.uspto.gov/search.action?sn=74537002>. NOTE: This notice will only be available on-line the next business day after receipt of this e-mail.

Combined Declaration of Use and/or Excusable Nonuse/Application for Renewal of Registration of a Mark under Sections 8 & 9

The table below presents the data as entered.

Input Field	Entered
REGISTRATION NUMBER	1912931
REGISTRATION DATE	08/22/1995
SERIAL NUMBER	74537002
MARK SECTION	
MARK	NUFREE
ATTORNEY SECTION (current)	
NAME	Gail E. Nickols
FIRM NAME	GRAHAM, CAMPAIGN PC
STREET	36 W 44TH ST
CITY	NEW YORK
STATE	New York
POSTAL CODE	10036
COUNTRY	United States
ATTORNEY SECTION (proposed)	
NAME	Michael E. Zall
FIRM NAME	Michael E. Zall Law Firm
STREET	Two Yorkshire Drive
CITY	Suffern
STATE	New York
POSTAL CODE	10901
COUNTRY	United States
PHONE	(845) 357-6800
FAX	(845) 357-4616
EMAIL	Mike@Zall-Law.com
AUTHORIZED TO COMMUNICATE VIA E-MAIL	Yes
DOCKET/REFERENCE NUMBER	US-Nufree
CORRESPONDENCE SECTION (current)	
NAME	GAIL E NICKOLS
FIRM NAME	GRAHAM, CAMPAIGN PC
STREET	36 W 44TH ST

CITY	NEW YORK
STATE	New York
POSTAL CODE	10036
COUNTRY	United States
CORRESPONDENCE SECTION (proposed)	
NAME	Michael E. Zall
FIRM NAME	Michael E. Zall Law Firm
STREET	Two Yorkshire Drive
CITY	Suffern
STATE	New York
POSTAL CODE	10901
COUNTRY	United States
PHONE	(845) 357-6800
FAX	(845) 357-4616
EMAIL	Mike@Zall-Law.com
AUTHORIZED TO COMMUNICATE VIA E-MAIL	Yes
DOCKET/REFERENCE NUMBER	US-Nufree
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	003
GOODS OR SERVICES	non-medicated hair removing lotion
SPECIMEN FILE NAME(S)	
ORIGINAL PDF FILE	SPN0-68192247249-20150422144807057924 . NufreeSpecimen.pdf
CONVERTED PDF FILE(S) (1 page)	\\TICRS\EXPORT16\IMAGEOUT16\745\370\74537002\xml1\S890002.JPG
SPECIMEN DESCRIPTION	Advertisement showing photograph od product with mark thereon
OWNER SECTION (current)	
NAME	Fusco, Normajean
STREET	63-65 JERSEY AVE.
CITY	UNIONVILLE
STATE	New York
ZIP/POSTAL CODE	10921
COUNTRY	United States
OWNER SECTION (proposed)	
NAME	Fusco, Normajean
INTERNAL ADDRESS	PO BOX 180
STREET	63-65 JERSEY AVE.
CITY	UNIONVILLE
STATE	New York

ZIP/POSTAL CODE	10921
COUNTRY	United States
PHONE	(845) 357-6800
FAX	(845) 357-4616
EMAIL	XXXX
AUTHORIZED TO COMMUNICATE VIA E-MAIL	Yes
LEGAL ENTITY SECTION (current)	
TYPE	individual
COUNTRY OF CITIZENSHIP	United States
PAYMENT SECTION	
NUMBER OF CLASSES	1
NUMBER OF CLASSES PAID	1
SUBTOTAL AMOUNT	400
TOTAL FEE PAID	400
SIGNATURE SECTION	
SIGNATURE	/Michael E. Zall/
SIGNATORY'S NAME	Michael E. Zall
SIGNATORY'S POSITION	Attorney for Registrant
DATE SIGNED	04/22/2015
SIGNATORY'S PHONE NUMBER	(845) 357-6800
PAYMENT METHOD	CC
FILING INFORMATION	
SUBMIT DATE	Wed Apr 22 14:59:42 EDT 2015
TEAS STAMP	USPTO/S08N09-XX.XXX.XXX.X XX-20150422145942604767-1 912931-5303aa0b5eb87ac435 df4b1b4cb5dd4b684e8dc7aa1 ec7506ec42aabf1f25e3268-C C-1307-201504221448070579 24

Combined Declaration of Use and/or Excusable Nonuse/Application for Renewal of Registration of a Mark under Sections 8 & 9

To the Commissioner for Trademarks:

REGISTRATION NUMBER: 1912931

REGISTRATION DATE: 08/22/1995

MARK: NUFREE

The owner, Normajeau Fusco, a citizen of United States, having an address of

PO BOX 180

63-65 JERSEY AVE.

UNIONVILLE, New York 10921

United States

is filing a Combined Declaration of Use and/or Excusable Nonuse/Application for Renewal of Registration of a Mark under Sections 8 & 9.

For International Class 003, the mark is in use in commerce on or in connection with **all** goods/services, or to indicate membership in the collective membership organization, listed in the existing registration for this specific class: non-medicated hair removing lotion ; or, the owner is making the listed excusable nonuse claim.

The owner is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in this class, consisting of a(n) Advertisement showing photograph of product with mark thereon.

Original PDF file:

SPN0-68192247249-20150422144807057924 . NufreeSpecimen.pdf

Converted PDF file(s) (1 page)

Specimen File1.

The registrant's current Attorney Information: Gail E. Nickols of GRAHAM, CAMPAIGN PC

36 W 44TH ST

NEW YORK, New York (NY) 10036

United States

The registrant's proposed Attorney Information: Michael E. Zall of Michael E. Zall Law Firm

Two Yorkshire Drive

Suffern, New York (NY) 10901

United States

The docket/reference number is US-Nufree.

The phone number is (845) 357-6800.

The fax number is (845) 357-4616.

The email address is Mike@Zall-Law.com.

The registrant's current Correspondence Information: GAIL E NICKOLS of GRAHAM, CAMPAIGN PC

36 W 44TH ST

NEW YORK, New York (NY) 10036

United States

The registrant's proposed Correspondence Information: Michael E. Zall of Michael E. Zall Law Firm

Two Yorkshire Drive

Suffern, New York (NY) 10901

United States

The docket/reference number is US-Nufree.

The phone number is (845) 357-6800.

The fax number is (845) 357-4616.

The email address is Mike@Zall-Law.com.

A fee payment in the amount of \$400 will be submitted with the form, representing payment for 1 class(es), plus any additional grace period fee, if necessary.

Declaration

Section 8: Declaration of Use and/or Excusable Nonuse in Commerce

Unless the owner has specifically claimed excusable nonuse, the mark is in use in commerce on or in connection with the goods/services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce.

The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of this submission, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Section 9: Application for Renewal

The registrant requests that the registration be renewed for the goods/services/collective organization identified above.

Signature: /Michael E. Zall/ Date: 04/22/2015

Signatory's Name: Michael E. Zall

Signatory's Position: Attorney for Registrant

Signatory's Phone Number: (845) 357-6800

Mailing Address (current):

GRAHAM, CAMPAIGN PC
36 W 44TH ST
NEW YORK, New York 10036

Mailing Address (proposed):

Michael E. Zall Law Firm
Two Yorkshire Drive
Suffern, New York 10901

Serial Number: 74537002

Internet Transmission Date: Wed Apr 22 14:59:42 EDT 2015

TEAS Stamp: USPTO/S08N09-XX.XXX.XXX.XXX-201504221459

42604767-1912931-5303aa0b5eb87ac435df4b1

b4cb5dd4b684e8dc7aa1ec7506ec42aabf1f25e3

268-CC-1307-20150422144807057924

Nufree® finipil®

"I Don't Have Unwanted Hair ...
My Salon Uses Nufree® finipil®."

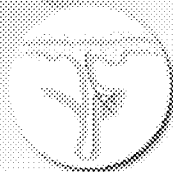
Clinically Proven Antibacterial Hair Removal.

Scan to find a salon.



**Hair Follicle after
Nufree®**

(Notice the entire
bulb and hair shaft removed.)



**Hair Follicle after
other hair removals**

shaving



chemical
depilatories



waxing



With antibacterial, soya based, non-wax Nufree, you know that you're getting the safest hair removal treatment available. And with Nufree there is 75% less pain than a typical wax service and no ingrown hairs. Use patented finipil daily and stay hair free for weeks. Find a salon near you! Visit nufree.com.



Made in the USA

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ROUTING SHEET TO POST REGISTRATION (PRU)**Registration Number:** 1912931**Serial Number:** 74537002**RAM Sale Number:** 1912931**RAM Accounting Date:** 20150423**Total Fees:** \$400

Note: Process in accordance with Post Registration Standard Operating Procedure (SOP)

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Number of Classes Paid</u>	<u>Total Fee</u>
§8 affidavit	7205	20150422	\$100	1	1	\$100
Application for Renewal (§9)	7201	20150422	\$300	1	1	\$300

Physical Location: 900 - FILE REPOSITORY (FRANCONIA)

Lost Case Flag: False

In TICS (AM-FLG-IN-TICS): True

Transaction Date: 20150422



Nufree® finipil®

"I Don't Have Unwanted Hair ...
My Salon Uses Nufree® finipil®."

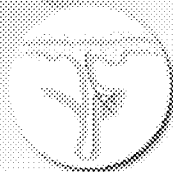
Clinically Proven Antibacterial Hair Removal.

Scan to find a salon.



Hair Follicle after
Nufree®

(Notice the entire
bulb and hair shaft removed.)



Hair Follicle after
other hair removals

shaving



chemical
depilatories



waxing



With antibacterial, soya based, non-wax Nufree, you know that you're getting the safest hair removal treatment available. And with Nufree there is 75% less pain than a typical wax service and no ingrown hairs. Use patented finipil daily and stay hair free for weeks. Find a salon near you! Visit nufree.com.



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NAME: Moses JefferiesLAW OFFICE: G-4

ITU: Y

or

NSERIAL NO.: 74/537882

TRADEMARK APPLICATION FILE DATA WORKSHEET

CLASS DATA

1. INTERNATIONAL CLASS	<u>883</u>									
2. COLLECTIVE TM or SM	T	S	T	S	T	S	T	S	T	S
3. FEE PAID	<u>Y</u>	N	Y	N	Y	N	Y	N	Y	N
4. PRIOR US CLASS(ES)	<u>851</u>									
5. 1ST USE DATE	<u>12-81-1985</u>									
6. 1ST USE IN COMM DATE	<u>12-81-1985</u>									
7. IN ANOTHER FORM CODE	1	2	1	2	1	2	1	2	1	2
8. IN ANOTHER FORM STATEMENT	AF CODE IN MARGIN TEXT IN []									
9. GOODS/SERVICES	<u>GS</u> INTERNATIONAL CLASS IN MARGIN, TEXT []									
10. CERTIFICATION STATEMENT	CS IN MARGIN, TEXT IN []									

FOREIGN DATA

1. PRIORITY CLAIMED	Y	N	Y	N	Y	N	Y	N	Y	N
2. COUNTRY CODE										
3. FOREIGN APPLICATION										
4. FOREIGN FILING DATE										
5. FOREIGN REG #										
6. FOREIGN REG DATE										
7. FOREIGN EXPIRATION DATE										
8. RENEWAL #										
9. RENEWAL REG DATE										
10. RENEWAL EXPIRATION DATE										

NOTES TO DATA ENTRY PERSONNEL:

CODING SHEET FOR PSEUDO MARKS AND DESIGN SEARCH CODES

SERIES CODE AND SERIAL NUMBER

74-587002

MARK DRAWING CODE

(please circle appropriate MDC)

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2

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5

6

PSEUDO MARK (PM)

NEW FREE

WIPO/DESIGN SEARCH CODES

[illegible]

NAME: Lathya Brown

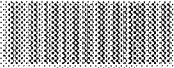
INITIAL EXAMINATION CHECK LIST

REG. # 1,912,931

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CORRECT <input checked="" type="checkbox"/>	COMMERCE STATEMENT	INCORRECT <input type="checkbox"/>
CORRECT <input checked="" type="checkbox"/>	CHECK GOODS OR SERVICES	INCORRECT <input type="checkbox"/>
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CORRECT <input checked="" type="checkbox"/>	REGISTRATION DATE	INCORRECT <input type="checkbox"/>

15377802

CH



15377802

3

CONTENTS

	Entry	Date	Initials
1			
2	La. Hulla	3/21/08	/
3			10.29.08
4	NOY		
5	Section 8.8.15	3/21/08	/
6	Section 8.8.9	3/21/08	/
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☐ One made up for additional service

APR 11 1968 Y.

5370812

U.S. PATENT AND TRADEMARK OFFICE

1. INTL. NO. 972 731		2. MARK XOFXST		4. SER. NO. 747137001	
3. REG. DATE 8-28-95				5. REGISTERED 2015/1921	
8. INTERNATIONAL CLASS 3		7. PRIOR U.S. CLASS 1		6. FILING DATE 10/13/74	
9. LAW OFFICE 11		10. APPLICANT AND POST OFFICE Furnco Corporation 41 Bridge Street Flushing, NEW YORK 11357 INDIVIDUAL UNITED STATES CITIZEN			
		16. EXAMINING ATTORNEY Erin M. Palko			
		17. TYPE OF MARK REGISTERED			
		18. FIRST USE 11 10/1/1974			
		19. IN COMMENCE 11 10/1/1974			
11. CORRESPONDENCE ADDRESS Suite F, Bicknell Yonkers, New York 10 West 12th Street New York, NY 10013		20. FOREIGN REG. AND APPL. DATA			
12. DOMESTIC REPRESENTATIVE					
13. APPLICANT'S ATTORNEY Suite F, Bicknell					
14. GOODS - SERVICES Men's medical hair removing device					
21. OTHER DATA					

PTO-MN, INTL. REG. U.S. DEPT. OF COMMERCE - PATENT AND TRADEMARK OFFICE

22. PRINCIPAL REGISTER		23. Examiner L. Palko	
		24. Section 103 Accepted	
		25. Section 104 Accepted	
26. Examiner's Jeffrey W. Warden		27. Approved for Publication L. Palko 10/1/95	
28. Examiner's Jeffrey W. Warden		29. Approved for Supplemental Registration	
30. Approved for Registration Jeffrey W. Warden		31. Date Recd. MAY 30 1995	
32. Received from 8-28-95			

FORM 201 (10-1-91)

NUFREE
THERMAL UNIT

*Nu free
Beauty*®

The organic cosmetic method of liquid hair removal

Nu desse®
98.6°

NUFREE NUDESSE INT'L, INC.
MADE IN U.S.A.

7/537002 7/537002



Assignment Data Not Available

For Registration Number: 1912931

Search Results as of: 5/5/2005 8:36:25 A.M.

If you have any comments or questions concerning the data displayed, contact OPR / Assignments at 703-308-9723
Web interface last modified: Oct. 5, 2002

Side - 1



**NOTICE OF ACCEPTANCE OF §8
DECLARATION AND §9 RENEWAL
MAILING DATE: May 5, 2005**

The declaration and renewal application filed in connection with the registration identified below meets the requirements of Sections 8 and 9 of the Trademark Act, 15 U.S.C. §§1058 and 1059. The declaration is accepted and renewal is granted. The registration remains in force.

For further information about this notice, visit our website at: <http://www.uspto.gov>. To review information regarding the referenced registration, go to <http://tarr.uspto.gov>.

REG NUMBER: 1912931
MARK: NUFREE
OWNER: Fusco, Normajean

Side - 2

UNITED STATES PATENT AND TRADEMARK OFFICE
COMMISSIONER FOR TRADEMARKS
P.O. BOX 1451
ALEXANDRIA, VA 22313-1451

FIRST-CLASS MAIL
U.S POSTAGE
PAID

GAIL E NICKOLS
GRAHAM, CAMPAIGN PC
36 W 44TH ST
NEW YORK, NY 10036

46

**COMBINED DECLARATION OF USE & APPLICATION FOR RENEWAL
UNDER
SECTIONS 8 & 9**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mark: NUFREE ✓

Reg. No. 1,912,931 ✓

Dated: August 22, 1995 ✓

Class No.: IC 3

To: The Honorable Assistant Commissioner of Trademarks

Section 8

Normajeon Fusco, a United States citizen, with a business address at 63-65 Jersey Avenue, Unionville, New York is the owner of the captioned registration and is using the registered mark in commerce on, or in connection with, the goods/services described in the registration, as evidenced by the attached specimen (s) showing the mark as currently used in commerce, with the exception of the following goods/services:

Section 9

The registrant requests that that registration be renewed for the goods and/or services identified above for which the mark is still in use in commerce.

Verification

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements may jeopardize the validity of this document or the registration referred to herein, declares that he/she is authorized to executed this combined declaration of use and application for renewal on behalf of the registrant; that;

All statements made herein of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Power of Attorney

Gail E. Nickols and H. John Campaign, members of the New York Bar, whose postal address is GRAHAM CAMPAIGN, P.C., 36 West 44th Street, New York, New York 10036-8178, telephone number (212)-354-5650 and Fax number (212)-354-6354 are hereby authorized to file this combined declaration of use and application for renewal and to transact all business in the Patent and Trademark Office or the Courts, in

04/05/2005 ZCLIFT01 00000006 1912931

01 FC:6205
02 FC:6201

100.00 OP
400.00 OP ✓



03-22-2005

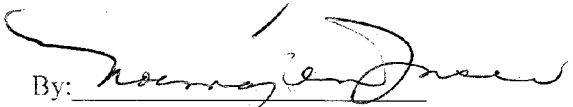
U.S. Patent & TMOfo/TM Mail Rcpt Dt. #64

connection therewith, with full powers of substitution, revocation and addition,
simultaneously revoking all previous powers of attorney.

Appointment of Domestic Representative

GRAHAM CAMPAIGN, P.C. having a business address of The Bar Building, 36
West 44th Street, New York, New York 10036-8178, USA, is hereby designated our
domestic representative in the United States upon whom notices or process in
proceedings affecting the mark may be served.

Dated: 2-28-05

By: 
Normajean Fusco

*Nufree[®]
Beauty*

The botanical method Antimicrobial of liquid hair removal

*Nudesse[®]
98.6°
Thermal Unit*

MADE IN U.S.A.
For Over 30 Yrs.
HELPLINE:
1-800-247-2405

Nufree & Nudesse are
registered Trademarks
of Equibal, Inc.
© Equibal, Inc.

Incoming Correspondence Routing Sheet

Work Location: ~~CENTRAL DOCKET~~ PRV

Mark: NUFREE

Reg. No.: 1912931



Serial No: 74537002



Mail Date: 03222005 ✓



Doc. Type: Combined Section 8 and 9



Examiner: 68181 - FALK, ERIN

CASE IN TICRS: NO

Process in Accordance with Standard Operating Procedure and Work Steps.

Fee

RAM Mail Date: 032205



Incoming Correspondence Routing Sheet

Physical Location: CENTRAL DOCKET

Mark: NUFREE

Reg. No.: 1912931



Serial No: 74537002



Mail Date: 03222005



Doc. Type: Combined Section 8 and 9



Examiner: 68181 - FALK, ERIN

CASE IN TICRS: NO

Process in Accordance with Standard Operating Procedure and Work Steps.

Fee

RAM Mail Date: 032205



**COMBINED DECLARATION OF USE & APPLICATION FOR RENEWAL
UNDER
SECTIONS 8 & 9**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mark: NUFREE

Reg. No. 1,912,931

Dated: August 22, 1995

Class No.: IC 3

To: The Honorable Assistant Commissioner of Trademarks

Section 8

Normajeau Fusco, a United States citizen, with a business address at 63-65 Jersey Avenue, Unionville, New York is the owner of the captioned registration and is using the registered mark in commerce on, or in connection with, the goods/services described in the registration, as evidenced by the attached specimen (s) showing the mark as currently used in commerce, with the exception of the following goods/services:

Section 9

The registrant requests that that registration be renewed for the goods and/or services identified above for which the mark is still in use in commerce.

Verification

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements may jeopardize the validity of this document or the registration referred to herein, declares that he/she is authorized to executed this combined declaration of use and application for renewal on behalf of the registrant; that:

All statements made herein of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Power of Attorney

Gail E. Nickols and H. John Campaign, members of the New York Bar, whose postal address is GRAHAM CAMPAIGN, P.C., 36 West 44th Street, New York, New York 10036-8178, telephone number (212)-354-5650 and Fax number (212)-354-6354 are hereby authorized to file this combined declaration of use and application for renewal and to transact all business in the Patent and Trademark Office or the Courts, in



03-22-2005

U.S. Patent & TMO/TM Mail Rpt Dt. #64

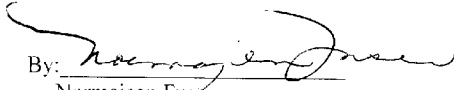
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connection therewith, with full powers of substitution, revocation and addition, simultaneously revoking all previous powers of attorney.

Appointment of Domestic Representative

GRAHAM CAMPAIGN, P.C. having a business address of The Bar Building, 36 West 44th Street, New York, New York 10036-8178, USA, is hereby designated our domestic representative in the United States upon whom notices or process in proceedings affecting the mark may be served.

Dated: 2 - 28 - 05

By: 
Normajean Fusco

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*Sufree[®]
Beauty*

The botanical method Antimicrobial of liquid hair removal

*Suadesse[®]
98.6°
Thermal Unit*

MADE IN U.S.A.
For Over 30 Yrs.
HELPLINE:
1-800-217-2405

Suadesse & Suadesse are
registered Trademarks
of Escabel, Inc.
© Escabel, Inc.



10-23-2000

U.S. Patent & TMO/TM Mail Rcpt Dt. #57

COMBINED DECLARATION OF USE AND INCONTESTABILITY
UNDER SECTIONS 8 AND 15
IN UNITED STATES PATENT AND TRADEMARK OFFICE

MARK : NUFREE ✓
REG. NO. : 1,912,931 ✓
DATED : August 22, 1995
CLASS NO(S) : IC 3
REGISTRANT : Norma Jean Fusco ✓

(5)

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of this declaration or the registration referred to herein, declares:

that he/she is _____ the registrant, a citizen
of the United States.

_____, located and doing business at _____
P.O. Box #753, Florida, NY 10921; that
he/she is authorized to execute this declaration on behalf of the registrant; that the registrant owns the above-identified registration, as shown by records in the Patent and Trademark Office; that the mark shown therein has been in continuous use in interstate commerce

for five consecutive years from the date of the registration to the present, as evidenced by the attached specimen showing the mark as currently used for the following goods or services recited in the registration:

~~non-medicated~~ hair removing lotion

10/26/2000 KIBBONS 00000098 1912931

01 FC:372
02 FC:373100.00 OP ✓
200.00 OP ✓

that said mark is still in use in such commerce; that there has been no final decision adverse to the registrant's claim of ownership of said mark for such goods or services or to its right to register the same or maintain it on the register, and that there is no proceeding involving any of said rights pending and not disposed of either in the Patent and Trademark Office or

in the Courts; that all statements made herein of his/her own knowledge are true and that all statements made on information and belief are believed to be true. ✓

Power of Attorney

H. John Campaign, Charles H. Knull and Gail E. Nickols, members of the New York Bar, of GRAHAM, CAMPAIGN P.C., whose postal address is 36 West 44th Street, New York, New York 10036-8178, telephone number (212) 354-5650, fax number (212) 354-6354, are hereby authorized to file this declaration and to transact all business in the Patent and Trademark Office, or the Courts, in connection therewith, with full powers of substitution, revocation and addition, simultaneously revoking all previous powers.

Appointment of Domestic Representative ✓

GRAHAM, CAMPAIGN P.C., whose postal address is 36 West 44th Street, New York, New York 10036-8178, is hereby designated the registrant's representative upon whom notices or process in proceedings affecting the mark may be served.

Normajean Fusco ✓

Registrant's Name

Dated: 9.11.00

By Normajean Fusco ✓

(No legalization or other authentication required.)



THE NEW IDEA WITH 30 YEARS BEHIND IT.
THE NUFREE ANTIMICROBIAL BOTANICAL METHOD OF LIQUID HAIR REMOVAL.

EQUIBAL INC.

WHERE ANCIENT NATURAL THERAPY MEETS 21ST CENTURY SCIENCE, BEAUTIFULLY. 1-800-247-2405

For More Information Circle 74 on Reader Service Card

Int. Cl.: 3

Prior U.S. Cl.: 51

United States Patent and Trademark Office

Reg. No. 1,912,931

Registered Aug. 22, 1995

**TRADEMARK
PRINCIPAL REGISTER**

NUFREE

FUSCO, NORMAJEAN (UNITED STATES CITI-
ZEN)
41 BRIDGE STREET
FLORIDA, NY 10921

FIRST USE 12-1-1985; IN COMMERCE
12-1-1985.

SER. NO. 74-537,002, FILED 6-13-1994.

FOR: NON-MEDICATED HAIR REMOVING
LOTION, IN CLASS 3 (U.S. CL. 51).

ERIN FALK, EXAMINING ATTORNEY

Int. Cl.: 3

Prior U.S. Cl.: 51

United States Patent and Trademark Office

Reg. No. 1,912,931

Registered Aug. 22, 1995

**TRADEMARK
PRINCIPAL REGISTER**

NUFREE

FUSCO, NORMAJEAN (UNITED STATES CITI-
ZEN)
41 BRIDGE STREET
FLORIDA, NY 10921

FIRST USE 12-1-1985; IN COMMERCE
12-1-1985.

SER. NO. 74-537,002, FILED 6-13-1994.

FOR: NON-MEDICATED HAIR REMOVING
LOTION, IN CLASS 3 (U.S. CL. 51).

ERIN FALK, EXAMINING ATTORNEY



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

ASSISTANT COMMISSIONER FOR TRADEMARKS
2900 Crystal Drive
Arlington, Virginia 22202-3513

APR. 28, 1995

NOTICE OF PUBLICATION UNDER 12(a)

1. Serial No.:
74/537,002

2. Mark:
NUFREE

3. Applicant:
Fusco, Normajean

4. Publication Date:
MAY. 30, 1995

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the Official Gazette on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filed within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a certificate of registration.

Copies of the trademark portion of the Official Gazette containing the publication of the mark may be obtained at \$19.00 each for domestic orders, or at \$23.75 each for foreign orders from:

The Superintendent of Documents
U.S. Government Printing Office
Washington, D.C. 20402

By direction of the Commissioner.

Gail E. Nickols
TEMKO & TEMKO
19 West 44th Street
New York, NY 10036

TMP&I

WORK SHEET
• 95 Serial No. 0

95 Serial No. *[Signature]*

95 Serial No. *[Signature]*

95 Serial No. *[Signature]*

95 Serial No. *[Signature]*

95 Serial No. *[Signature]*

95 Serial No. *[Signature]*

95 Serial No. *[Signature]*

AMENDMENT WORK SHEET

Name: Carolyn V. Spriggs

Ofc: 12

Date: 1-25-95

Serial No.:

INSTRUCTIONS: To certify amendments the R&A Clerk should check the "AMENDED" column. The Text Editor should check "ENTERED" after the amendment has been entered.

RETAIN IN FILE.

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			AM Register:
			AM Amended To-Register: Date Reg. Amended:
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			PY <input type="checkbox"/> Address
			PY <input type="checkbox"/> Entity Type
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CD			EN Entity Statement:
			DB Doing Business As (DBA) or (AKA) or (TA) Statement:
			AT Attorney Name:
			CD Correspondence: Name <input type="checkbox"/> Address <input type="checkbox"/>
CL			DN Docket No.: <input type="checkbox"/>
			DR Domestic Representative:
			CS Certification Statement:
			CL Date of First Use:
			CL Date of First Use in Commerce:
			GS Goods and Services:
AC			CL International Class:
			CL U.S. Class:
			AF Use in Another Form:
			CC Concurrent Use Statement:
MM			DS Description of Mark Statement:
			DI Disclaimer:
			LS Lining and Stippling Statement:
TR			NS Name/Portrait Description Statement:
TF			TR Translation of Words in Mark Statement:
PR			TF Section 2(f): <input type="checkbox"/> Entire Mark <input type="checkbox"/> In Part <input type="checkbox"/> Limitation Statement
FN			PR Prior U.S. Registrations: Registration Nos.:
			FN Foreign Entry Number:
			FN Country of Origin:
			FN Foreign Application Number: Filing Date:
			FN Foreign Registration Number: Registration Date:
			FN Foreign Reg. Exp. Date:
			FN Renewed: Foreign Reg. No.: Renewal Date:
		FN Renewed: Foreign Reg. Exp. Date:	
		FN Priority Claimed: Section 44(d):	

Other:

I certify that all corrections have been entered in accordance with the above instructions and text editing guidelines.

Text Editor

Date

Initial Box if No Amendments are required.

All previous versions obsolete. 11/12/92

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

SERIAL NO. 74/537002 Fusco, Normajean		APPLICANT		PAPER NO. 1A	
MARK NUFREE				ADDRESS: ASSISTANT COMMISSIONER FOR TRADEMARKS 2900 Crystal Drive Arlington, Virginia 22202-3513	
ADDRESS Gail E. Nickols TEMKO & TEMKO 19 West 44th Street New York, NY 10036			ACTION NO. 02	If no fees are enclosed, the address should include the words "Box 5." Please provide in all correspondence: 1. Filing Date, serial number, mark and Applicant's name. 2. Mailing date of this action. 3. Examining Attorney's name and Law Office number. 4. Your telephone number and ZIP code.	
			MAILING DATE 01/24/95		
			REF. NO.		
FORM PTO-1525 (5-90)		U.S. DEPT. OF COMM. PAT. & TM OFFICE			

EXAMINER'S AMENDMENT

EXAMINING ATTORNEY Erin M. Falk		PERSON CALLED/INTERVIEWED Sonja Keith		TELEPHONE NUMBER 212-840-2178	
X	TELEPHONE CALL		INTERVIEW DATE	X	ATTORNEY
	PERSONAL INTERVIEW		January 23, 1995		APPLICANT

CALL RECORD/NOTES

OFFICE SEARCH: The examining attorney has searched the Office records and has found no similar registered or pending mark which would bar registration under Trademark Act Section 2(d), 15 U.S.C. Section 1052(d). TMEP section 1105.01.

RE: Serial Number 74/537002

In accordance with the authorization granted by the above Applicant or attorney, the application has been **AMENDED** as indicated below. No response is necessary unless there is an objection to the amendment.

JP

The identification of goods is amended to "non-medicated hair removing lotion."

Enter

Applicant is sole owner of mark and all use of the mark inures to the applicant's benefit.

✓

Erin M. Falk

Erin M. Falk, Examining Attorney
Law Office 12, (703) 308-9112 ext. 226

App advised about (2)

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

SERIAL NO. 74/537002 APPLICANT Fusco, Normajeau <i>NH</i>		PAPER NO.
MARK NUFREE		ADDRESS: ASSISTANT COMMISSIONER FOR TRADEMARKS 2900 Crystal Drive Arlington, VA 22202-3513 <small>If no fees are enclosed, the address should include the words "Box 5."</small> <small>Please provide in all correspondence:</small> <ol style="list-style-type: none">1. Filing Date, serial number, mark and Applicant's name.2. Mailing date of this Office action.3. Examining Attorney's name and Law Office number.4. Your telephone number and ZIP code.
ADDRESS Gail E. Nickols TEMKO & TEMKO 19 West 44th Street New York, NY 10036	ACTION NO. 01	
MAILING DATE 11/30/94		
REF. NO.		
<small>FORM PTO-1525 (5-90) U.S. DEPT. OF COMM. PAT. & TM OFFICE</small>		

A PROPER RESPONSE TO THIS OFFICE ACTION MUST BE RECEIVED WITHIN 6 MONTHS FROM THE DATE OF THIS ACTION IN ORDER TO AVOID ABANDONMENT. For your convenience and to ensure proper handling of your response, a label has been enclosed. Please attach it to the upper right corner of your response. If the label is not enclosed, print or type the Trademark Law Office No., Serial No., and Mark in the upper right corner of your response.

RE: Serial Number 74/537002

The assigned examining attorney has reviewed the referenced application and determined the following.

The identification of goods is indefinite. Applicant may adopt any of the following:

- (1) "non-medicated hair removing [indicate medium, e.g., cream, lotion etc.]" or "non-medicated topical hair-growth retarding [again, indicate medium, e.g., cream, lotion, etc.]" in Int. class 3 (Prior U.S. class 51).
- (2) "medicated hair care preparation in the nature of a topically applied hair growth retarding preparation" in Int. class 5 (Prior U.S. classes 18 & 52).

If the applicant is doing business as, is also known as, or is trading as "Nufree Nudesse Int'l, Inc.," the applicant should amend the preamble of the application to read "Normajeau Fusco doing business as Nufree Nudesse Int'l, Inc." TMEP section 802.02.


Further, applicant should explain its ownership interest in this entity.

The specimens show use of the federal registration symbol with the mark; however, Office records do not show that the mark is registered. The applicant may not use the federal registration symbol until a mark is registered in this Office. After registration of the mark, the applicant may use the symbol only with the specific goods or services recited in the registration. TMEP section sections 906 and 906.01.

PLEASE NOTE: All of the issues raised can be resolved by telephone. The applicant may telephone the examining attorney, instead of submitting a written response, to expedite the application.

The examining attorney has searched the Office records and has found no similar registered or pending mark which would bar registration under Trademark Act Section 2(d), 15 U.S.C. Section 1052(d). TMEP section 1105.01.

EF:smt


Erin Falk
Trademark Attorney
Law Office 12
(703) 308-9112 ext.226

NOTE: The Trademark Office is committed to improving the quality of our service. The Assistant Commissioner for Trademarks would like to have your comments and suggestions on ways we can improve the quality of the examination process. In the event there are any areas causing you recurrent problems, please let us know of them.

COMMENTS SHOULD NOT BE INCLUDED WITH THE RESPONSE TO AN OFFICE ACTION, BUT SHOULD BE SENT IN A SEPARATE COMMUNICATION TO THE FOLLOWING ADDRESS:

Office of Trademark Quality Review
c/o Commissioner of Patents and Trademarks
Washington, DC 20231.

For your convenience, the Trademark Status Line (703) 305-8747 has been established for immediate case status inquiry. This services is available Monday through Friday from 6:30 a.m. until Midnight Eastern time.

smt

*** User: EX189509 ***

STMT NUMBER	TOTAL MARKS	LIVE VIEWED	DEAD VIEWED	SEARCH
01	39	0	0	PHRASCH /OW fusco
02	1	1	0	PHRASCH :nufree:
03	3622	0	0	PHRASCH :free:
04	530	0	0	PHRASCH (3 & 003/cc)~dead/ld
05	11682	0	0	PHRASCH 'nu' ^ :new: ^ :neu:
06	29	13	16	PHRASCH 3 & 5

TERMINAL SESSION STARTED 11/23/94 2:59 P.M. (EASTERN TIME)
TERMINAL SESSION FINISHED 11/23/94 3:06 P.M. (EASTERN TIME)
ELAPSED TIME THIS SESSION 0 HRS AND 7 MIN



\$245-361

27,117

4/537002

PR-D-304-1

APPLICATION FOR TRADEMARK REGISTRATION
(DECLARATION)

Mark: NUFREE

Class No.: IC 3

TO THE COMMISSIONER OF PATENTS:-

AA

Normajean Fusco, of 41 Bridge Street, Florida, New York, is

NY

10921

01

a citizen of the United States of America.

USX

The above identified applicant has adopted and is using the trademark shown in the accompanying drawing for

CS
[003]

non-medicated hair removing lotion
a topically applied hair growth retarding preparation

and requests that said mark be registered in the United States Patent Office on the Principal Register established by the Act of July 5, 1946.

The trademark was first used on or about December 1, 1985; was first used in interstate commerce on or about 12/1, 1985; and is now in use in such commerce.

The mark is used by applying it to the packaging of the goods.

three
and ~~five~~ specimens showing the mark as actually used are presented herewith.

Normajean Fusco

declares that she believes herself to be the owner of the mark sought to be registered; to the best of her knowledge and belief no other person, firm, corporation, or association has the right to use said mark in commerce, either in the identical form or in such near resemblance thereto as may be likely, when applied to the goods of such other person, to cause confusion, or to cause mistake, or to deceive; that all statements made herein of her own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or document or any registration resulting therefrom.

POWER OF ATTORNEY

Applicant hereby appoints

[Gail E. Nickols, Sonja Keith and Charles E. Temko Reg. No. 17,286]

[TEMKO & TEMKO, ESQS., of 19 West 44th Street, New York, N. Y. 10036]

members of the Bar of the State of New York

to prosecute this application to register, to transact all business in the Patent Office in connection therewith and to receive the certificate of registration.

✓ Dated 6.6.94

By Normajean Fusco
Normajean Fusco

TRADEMARK APPLICATION SERIAL NO. 74/537002

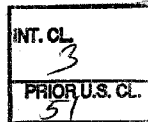
U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
FEE RECORD SHEET

090 BA 06/27/94 74537002

0 361 245.00 CK



Applicant: Normajeau Fusco
41 Bridge Street
Florida, NY 10921



74/537002

Goods: Applicant has adopted and is using the trademark shown in the accompanying drawing for a topically applied hair growth retarding preparation.

Date of first use: On or about December 1, 1985.

Date of first use in interstate commerce: On or about December 1, 1985.

Trademark:

NUFREE

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