

ESTTA Tracking number: **ESTTA829993**

Filing date: **06/28/2017**

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

Petition for Cancellation

Notice is hereby given that the following party has filed a petition to cancel the registration indicated below.

Petitioner Information

Name	Migros-Genossenschafts-Bund		
Entity	cooperative	Citizenship	Switzerland
Address	Limmatstrasse 152 Zurich, CH-8031 SWITZERLAND		

Attorney information	Alexandra MacKay Stites & Harbison PLLC 401 Commerce Street Suite 800 Nashville, TN 37219 UNITED STATES Email: alexandra.mackay@stites.com, tmnash@stites.com Phone: 615 782 2200
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Registration Subject to Cancellation

Registration No.	3381209	Registration date	02/12/2008
Registrant	InSpa Corporation 4001 1st Avenue South Seattle, WA 98134 UNITED STATES		

Goods/Services Subject to Cancellation

Class 003. First Use: 1999/07/07 First Use In Commerce: 1999/07/07 All goods and services in the class are subject to cancellation, namely: Skin and body care products, namely, skin cleansing lotions and soap bars; skintoning lotions; skin moisturizers and night moisturizing creams; eye moisturizers; hand creams; non-medicated creams used for firming and repair of skin; sun screen preparations; body washes; bubble bath, bath salts, bath oils for cosmetic purposes; foot cleansing scrubs

Grounds for Cancellation

Abandonment	Trademark Act Section 14(3)
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Attachments	Petition1.pdf(3402178 bytes)
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Signature	/Alex/
Name	Alexandra MacKay
Date	06/28/2017

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

Migros-Genossenschafts-Bund)	
Petitioner,)	
)	
v.)	Cancellation No. _____
)	Reg. No. 3,381,209
InSpa Corporation)	
)	Mark: INSPA
Registrant.)	
_____)	

PETITION TO CANCEL

Migros-Genossenschafts-Bund, a cooperative organized and existing under the laws of Switzerland and located at Limmatstrasse 152, Zurich, Switzerland CH-8031 (“Migros”), believes that it is or will be damaged by continued registration of the mark shown in Registration Number 3,381,209 and hereby petitions for cancellation of that registration based on abandonment.

As grounds for cancellation, Petitioner submits the following:

1. Petitioner is the owner of Application Serial Number 79/191,517 on the Principal Register for the mark NSPA EVER YOUTHFUL (stylized) for use on or in connection with:

Bleaching and cleaning preparations for cosmetic purposes, non-medicated toilet preparations in the nature of toilet water and toilet soap; cosmetics; soaps for personal use; make-up removing preparations; bath and shower additives, lotions, and preparations, namely, cosmetic preparations for bath and shower; bath milks; shower mousses, namely mousse for skin facial, shaving mousse; body butters and lotions; hand and nail cream; cosmetic creams, cosmetic lotions, cosmetic gels and skincare preparations, namely, body balms; shaving foams and gels; massage oils; cosmetic masks; non-medicated toiletry preparations; soaps; hair and body shampoos and conditioners; perfumery; colognes; after shaves; essential oils; non-medicated preparations for the care of the hair, skin, scalp, teeth and nails; exfoliators in the nature of non-medicated exfoliating preparations for use on skin, skin clarifier, wrinkle removing skin care preparations and skin moisturizer; sun care products; sun screen preparations; after sun creams and lotions; sun block preparations; cuticle cream, cuticle removal preparations, nail enamel, nail polish, nail polish base coat, nail polish top coat and nail

strengtheners; deodorants in roll-on and spray forms; cloths impregnated with cosmetic and cleaning preparations for the skin

in International Class 003, filed April 25, 2016, based on the Madrid Protocol under Section 66(a) of the Lanham Act (the “Application”).

2. Migros’ Application is pending and has been refused registration because of the existence of Reg. No. 3,381,209.

3. Migros will be damaged by continued registration of the mark INSPA for use in association with the goods described in Reg. No. 3,381,209. If Reg. No. 3,381,209 is maintained, Migros will or may be unable to obtain registration of Migros’ mark NSPA EVER YOUTHFUL (& stylized) as set forth in the Application.

4. Migros seeks cancellation of Reg. No. 3,381,209 for the mark INSPA (the “Registered Mark”), for use on or in connection with “Skin and body care products, namely, skin cleansing lotions and soap bars; skin toning lotions; skin moisturizers and night moisturizing creams; eye moisturizers; hand creams; non-medicated creams used for firming and repair of skin; sun screen preparations; body washes; bubble bath, bath salts, bath oils for cosmetic purposes; foot cleansing scrubs” in International Class 003 (the “Subject Registration”). *See Exhibit A* (Registration Certificate), *Exhibit B* (TSDR pages), and *Exhibit C* (Declaration of Use, Office Action, Response, and Notice of Acceptance).

5. The Subject Registration was registered on February 12, 2008, based on an application filed on June 14, 2007, under Section 1(a) of the Lanham Act, claiming first use in commerce of July 7, 1999. *See Exhibits A, B.*

6. According to the online records of the U.S. Patent and Trademark Office (“PTO”), the current owner of the Subject Registration is InSpa Corporation (the “Registrant”), a

Washington corporation located at 40011st Avenue South, Seattle, Washington 98134. *See Exhibits A, B.*

7. According to the online records of the PTO, the current correspondence address for the Registrant is Dayna Christian, Immix Law Group PC, 600 NW Naito Pkwy Ste G, Portland, Oregon 97209, and the current correspondence email addresses listed for the Registrant are dayna.christian@immixlaw.com, leigh.gill@immixlaw.com, and ipdocket@immixlaw.com.

Exhibits B.

8. Migros has attempted to locate an indication of current use in commerce of the Registered Mark in connection with International Class 003 goods by Registrant and has been unable to do so.

9. Migros is informed and believes, and on that basis alleges, that Registrant has discontinued use of the Registered Mark in connection with International Class 003 goods, with intent not to resume such use.

10. Migros is informed and believes, and on that basis alleges, that Registrant has not used the Registered Mark with International Class 003 goods in commerce since 2011. Registrant's nonuse of the Registered Mark for more than three consecutive years constitutes *prima facie* evidence of Registrant's abandonment of the Registered Mark.

11. Migros requests that the Subject Registration be cancelled under Section 14(3) of the Lanham Act, 15 U.S.C. §1064(3), on the ground that the Registered Mark has been abandoned.

WHEREFORE, Migros prays that Registration No. 3,381,209 be cancelled.

Dated: June 28, 2017 Respectfully submitted,

s/ Alex

Alexandra MacKay
STITES & HARBISON PLLC
401 Commerce Street
Suite 800
Nashville, Tennessee 37219
Tel: 615 782 2200
Fax: 615 742 7209
Email: Alexandra.mackay@stites.com
Attorney for Petitioner, Migros-Genossenschafts-Bund

Exhibit A

Registration Certificate for Reg. No. 3,381,209

Int. Cl.: 3

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

Reg. No. 3,381,209

United States Patent and Trademark Office

Registered Feb. 12, 2008

**TRADEMARK
PRINCIPAL REGISTER**

INSPA

INSPA CORPORATION (WASHINGTON CORPORATION)
4001 1ST AVENUE SOUTH
SEATTLE, WA 98134

FOR: SKIN AND BODY CARE PRODUCTS, NAMELY, SKIN CLEANSING LOTIONS AND SOAP BARS; SKIN TONING LOTIONS; SKIN MOISTURIZERS AND NIGHT MOISTURIZING CREAMS; EYE MOISTURIZERS; HAND CREAMS; NON-MEDICATED CREAMS USED FOR FIRING AND REPAIR OF SKIN; SUN SCREEN PREPARATIONS; BODY WASHES; BUBBLE BATH, BATH SALTS, BATH OILS

FOR COSMETIC PURPOSES; FOOT CLEANSING SCRUBS, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 7-7-1999; IN COMMERCE 7-7-1999.

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

SER. NO. 77-206,548, FILED 6-14-2007.

DAVID MURRAY, EXAMINING ATTORNEY

Exhibit B

TSDR pages for Reg. No. 3,381,209

Generated on: This page was generated by TSDR on 2017-06-27 22:18:46 EDT

Mark: INSPA

INSPA

US Serial Number: 77206548

Application Filing Date: Jun. 14, 2007

US Registration Number: 3381209

Registration Date: Feb. 12, 2008

Register: Principal

Mark Type: Trademark

Status: A Section 8 declaration has been accepted.

Status Date: Jul. 25, 2013

Publication Date: Nov. 27, 2007

Mark Information

Mark Literal Elements: INSPA

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

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *.* identify additional (new) wording in the goods/services.

For: Skin and body care products, namely, skin cleansing lotions and soap bars; skin toning lotions; skin moisturizers and night moisturizing creams; eye moisturizers; hand creams; non-medicated creams used for firming and repair of skin; sun screen preparations; body washes; bubble bath, bath salts, bath oils for cosmetic purposes; foot cleansing scrubs

International Class(es): 003 - Primary Class

U.S Class(es): 001, 004, 006, 050, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Jul. 07, 1999

Use in Commerce: Jul. 07, 1999

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: InSpa Corporation

Owner Address: 4001 1st Avenue South
Seattle, WASHINGTON 98134
UNITED STATES

Legal Entity Type: CORPORATION

State or Country: WASHINGTON

Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Dayna Christian

Attorney Primary Email Address: dayna.christian@immixlaw.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Dayna Christian
Immix Law Group PC
600 NW Naito Pkwy STE G
Portland, OREGON 97209
UNITED STATES

Phone: 503-802-5533

Fax: 503-802-5351

Correspondent e-mail: dayna.christian@immixlaw.com leigh.gill@immixlaw.com
w.com_ipdocket@immixlaw.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Feb. 12, 2017	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Sep. 06, 2016	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 25, 2013	NOTICE OF ACCEPTANCE OF SEC. 8 - E-MAILED	
Jul. 25, 2013	REGISTERED - SEC. 8 (6-YR) ACCEPTED	76873
Jul. 25, 2013	REGISTERED - SEC. 8 (6-YR) FILED	76873
Jul. 23, 2013	TEAS RESPONSE TO OFFICE ACTION-POST REG RECEIVED	
May 07, 2013	POST REGISTRATION ACTION MAILED - SEC. 8	76873
May 07, 2013	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76873
Apr. 26, 2013	TEAS SECTION 8 RECEIVED	
Apr. 17, 2013	WITHDRAWAL OF ATTORNEY GRANTED	
Apr. 17, 2013	TEAS WITHDRAWAL OF ATTORNEY RECEIVED	
Feb. 12, 2008	REGISTERED-PRINCIPAL REGISTER	
Nov. 27, 2007	PUBLISHED FOR OPPOSITION	
Nov. 07, 2007	NOTICE OF PUBLICATION	
Oct. 22, 2007	LAW OFFICE PUBLICATION REVIEW COMPLETED	69712
Oct. 22, 2007	ASSIGNED TO LIE	69712
Sep. 19, 2007	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 19, 2007	EXAMINER'S AMENDMENT ENTERED	88888
Sep. 19, 2007	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Sep. 19, 2007	EXAMINERS AMENDMENT E-MAILED	6328
Sep. 19, 2007	EXAMINERS AMENDMENT -WRITTEN	78324
Sep. 19, 2007	ASSIGNED TO EXAMINER	78324
Jun. 20, 2007	NOTICE OF PSEUDO MARK MAILED	
Jun. 19, 2007	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMO LAW OFFICE 113

Date in Location: Jul. 25, 2013

Exhibit C

**Declaration of Use, Office Action, Response, and Notice of Acceptance
for Reg. No. 3,381,209**

From: TMOfficialNotices@USPTO.GOV
Sent: Thursday, July 25, 2013 11:00 PM
To: dayna.christian@immixlaw.com
Cc: robert.scott@immixlaw.com
Subject: Trademark RN 3381209: Official Notice of Acceptance under Section 8 of the Trademark Act

Serial Number: 77206548
Registration Number: 3381209
Registration Date: Feb 12, 2008
Mark: INSPA(STANDARD CHARACTER MARK)
Owner: InSpa Corporation

Jul 25, 2013

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.**

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

WARNING: Your registration will be canceled if you do not file the documents below during the specified time periods.

Requirements in the First Ten Years

What and When to File: You must file a declaration of use (or excusable nonuse) **and** an application for renewal between the 9th and 10th years after the registration date. See 15 U.S.C. §§1058, 1059.

Requirements in Successive Ten-Year Periods

What and When to File: You must file a declaration of use (or excusable nonuse) **and** an application for renewal between every 9th and 10th-year period, calculated from the registration date. 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=77206548>. NOTE: This notice will only be available on-line the next business day after receipt of this e-mail.

Response to Office Action for Post-Registration Matters

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77206548
REGISTRATION NUMBER	3381209
FORM TEXT	
Attached are substituted specimens for the good bearing the mark INSPA. The substitute specimen was in use in commerce during the relevant period for filing the 6-year Section 8.	
FORM FILE NAME(S)	\\TICRS\EXPORT16\IMAGEOUT 16\772\065\77206548\xml4\ TRS0002.jpg
	\\TICRS\EXPORT16\IMAGEOUT 16\772\065\77206548\xml4\ TRS0003.jpg
	\\TICRS\EXPORT16\IMAGEOUT 16\772\065\77206548\xml4\ TRS0004.jpg
	\\TICRS\EXPORT16\IMAGEOUT 16\772\065\77206548\xml4\ TRS0005.jpg
SIGNATURE SECTION	
DECLARATION SIGNATURE	/Dayna J. Christian/
SIGNATORY'S NAME	Dayna J. Christian
SIGNATORY'S POSITION	Attorney of record, Oregon bar member
SIGNATORY'S PHONE NUMBER	503-802-5537
DATE SIGNED	07/23/2013
SUBMISSION SIGNATURE	/Dayna J. Christian/
SIGNATORY'S NAME	Dayna J. Christian
SIGNATORY'S POSITION	Attorney of record, Oregon bar member
SIGNATORY'S PHONE NUMBER	503-802-5537
DATE SIGNED	07/23/2013
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
TEAS STAMP	USPTO/TRS-XX.XXX.XXX.XXX- 20130723182652253378-3381 209-20130723182002531321- N/A-N/A-20130723182002531 321

Response to Office Action for Post-Registration Matters
To the Commissioner for Trademarks:

The following is submitted for registration number. **3381209** :

FORM INFORMATION

Attached are substituted specimens for the good bearing the mark INSPA. The substitute specimen was in use in commerce during the relevant period for filing the 6-year Section 8.

FORM FILE NAME(S)

[Form File1](#)

[Form File2](#)

[Form File3](#)

[Form File4](#)

SIGNATURE(S)

Declaration Signature

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 the application or any resulting registration, declares that the facts set forth above are true; all statements made of his/her own knowledge are true; and all statements made on information and belief are believed to be true.

Signature: /Dayna J. Christian/ Date: 07/23/2013

Signatory's Name: Dayna J. Christian

Signatory's Position: Attorney of record, Oregon bar member

Signatory's Phone Number: 503-802-5537

Submission Signature

Signature: /Dayna J. Christian/ Date: 07/23/2013

Signatory's Name: Dayna J. Christian

Signatory's Position: Attorney of record, Oregon bar member

Signatory's Phone Number: 503-802-5537

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the trademark owner's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the trademark owner in this matter: (1) the trademark owner has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the trademark owner has filed a power of attorney appointing him/her in this matter; or (4) the trademark owner's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

Serial Number: 77206548

Internet Transmission Date:

TEAS Stamp: USPTO/TRS-XX.XXX.XXX.XXX-201307231826522

53378-3381209-20130723182002531321-N/A-N

/A-20130723182002531321





inSpa

inSpa

inSpa
1 fl oz (30 ml)

SURFACE REPAIR
COMPLEX
ALL SKIN TYPES

VISIBLE
RESULTS

NICKERS BOX





To: InSpa Corporation (dayna.christian@immixlaw.com)
Subject: TRADEMARK REGISTRATION NO. 3381209 - INSPA - N/A
Sent: 05/07/13 03:42:32 PM
Sent As: ecom113@uspto.gov
Attachments:

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT REGISTRANT'S TRADEMARK REGISTRATION
REGISTRATION NO. 3381209**

REGISTRANT: InSpa Corporation

CORRESPONDENT'S ADDRESS :

Dayna Christian
Immix Law Group PC
121 SW Salmon St. Ste. 1000
Portland OR 97204

77206548

CLICK HERE TO RESPOND TO THIS LETTER:
<http://www.uspto.gov/teas/eTEASpageC.htm>

MARK: INSPA

CORRESPONDENT'S REFERENCE/DOCKET NO. N/A

CORRESPONDENT'S EMAIL ADDRESS :
dayna.christian@immixlaw.com

POST REGISTRATION OFFICE ACTION

ISSUE/MAILING DATE: 5/7/2013
Registration Number 3381209

The Section 8 Affidavit, filed on April 26, 2013, is not accepted for the reason(s) set forth below.

Specimen Unacceptable:

The specimen submitted with the Section 8 Affidavit is unacceptable because it consists of advertising material for goods and does not show use of the registered mark on the goods or on packaging for the goods. See TMEP §904.04(b)-(c).

Material that functions merely to tell prospective purchasers about the goods, or to promote the sale of the goods, is unacceptable to show trademark use. TMEP §904.04(b). Invoices, business cards, announcements, price lists, listings in trade directories, order forms, bills of lading, leaflets, brochures, advertising circulars and other printed advertising material, while normally acceptable for showing use in connection with services, generally are not acceptable specimens for showing trademark use in connection with goods. See *In re MediaShare Corp.*, 43 USPQ2d 1304, 1307 (TTAB 1997); *In re Schiapparelli Searle*, 26 USPQ2d 1520, 1522 (TTAB 1993); TMEP §904.04(b)-(c).

Therefore, the owner must submit the following:

- (1) A substitute specimen showing current use of the registered mark in commerce for each class of goods specified in the registration; and
- (2) The following statement, verified with an affidavit or signed declaration under 37 C.F.R. §2.20: "**The substitute specimen was in use in commerce during the relevant period for filing the 6-year Section 8.**" 37 C.F.R. §2.161(g); TMEP §1604.12(c).

Examples of specimens for goods are tags, labels, instruction manuals, containers, photographs that show the mark on the actual goods or packaging, or displays associated with the actual goods at their point of sale. See TMEP §§904.03 *et seq.*

Statement and Declaration Required:

The following statement and declaration under 37 C.F.R. §2.20 can be used to verify the Section 8 Affidavit, if properly signed and dated:

The owner was using the mark in commerce on or in connection with the goods and/or services identified in the registration for which use of the mark in commerce is claimed, as evidenced by the submitted specimen, during the relevant period for filing the 6-year Section 8.

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 statement may jeopardize the validity of this document, declares that s/he is properly authorized to execute this document on behalf of the owner, and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Signature of Authorized Person

Type or Print Name

Date

RESPONSE TIME DEADLINE: A complete response must be received within 6 months from the issuance date of this Office action or prior to expiration of the 6th year anniversary date on **February 12, 2014**, whichever is later. The owner must respond to all inquiries set forth in this Office action to avoid cancellation of the registration. 37 C.F.R. §2.163(b)-(c); TMEP §1604.16.

ADVISORY: If a response to this Office action is not filed within the response deadline above, and time remains in the grace period, the owner may avoid cancellation of its registration by filing a new affidavit of use within the grace period. 37 C.F.R. §2.163(c). Additional fees are required to file a new affidavit during the grace period. 37 C.F.R. §2.161(d)(1)-(2). For more information about this, please contact the undersigned.

/Pamela Smith/
Paralegal Specialist
Post Registration Unit
571-272-9509 (Direct Dial)
571-273-9509 (Right Fax)
Pamela.Smith@uspto.gov

TO RESPOND TO THIS LETTER: Use the Trademark Electronic Application System (TEAS) Response to Post-Registration Office action form at <http://www.uspto.gov/teas/eTEASpageC.htm>. Please wait 48-72 hours from the issue/ mailing date before using TEAS, to allow for necessary system updates of the registration. For *technical* assistance with online forms, e-mail TEAS@uspto.gov.

WHO MUST SIGN THE RESPONSE: It must be personally signed by (1) an individual registrant; (2) someone with legal authority to bind registrant (i.e., a corporate officer, a general partner, all joint applicants); or (3) an authorized attorney, if one is appointed to represent registrant. If a registrant is represented by an attorney, the attorney must sign the response.

CHECK THE STATUS OF THE REGISTRATION: To check the status of your registration at any time, visit the Office's Trademark Applications and Registrations Retrieval (TARR) system at <http://tarr.uspto.gov/>. Please keep a copy of the complete TARR screen. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS: Use the TEAS form at <http://www.uspto.gov/teas/eTEASpageE.htm>.

FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED SPECIALIST.

To: InSpa Corporation (dayna.christian@immixlaw.com)
Subject: TRADEMARK REGISTRATION NO. 3381209 - INSPA - N/A
Sent: 05/07/13 03:42:32 PM
Sent As: ecom113@uspto.gov
Attachments:

**IMPORTANT NOTICE
USPTO OFFICE ACTION HAS ISSUED ON 05/07/2013 FOR
REGISTRATION NO. 3381209**

Please follow the instructions below to continue the examination of your post registration filing:

VIEW OFFICE ACTION: Click on this link

http://tportal.uspto.gov/external/portal/tow?DDA=Y&serial_number=77206548&doc_type=OOA&mail_date=20130507 (or copy and paste this URL into the address field of your browser), or visit <http://tportal.uspto.gov/external/portal/tow> and enter the registration number to access the Office action.

PLEASE NOTE: The Office action may not be immediately available but will be viewable within 24 hours of this notification.

RESPONSE MAY BE REQUIRED: You should carefully review the Office action to determine (1) if a response is required, (2) how to respond and (3) the applicable response time period your response deadline will be calculated from.

Do NOT hit 'Reply' to this e-mail notification, or otherwise attempt to e-mail your response, as the USPTO does NOT accept e-mailed responses. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System response form at <http://www.uspto.gov/teas/eTEASpageD.htm>.

HELP: For technical assistance in accessing the Office action, please e-mail TDR@uspto.gov. Please contact the assigned examiner with questions about the Office action.

WARNING

- 1. The USPTO will NOT send a separate e-mail with the Office action attached.**
- 2. Failure to file any required response by the applicable deadline may result in the cancellation and/or expiration of your registration.**

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

The table below presents the data as entered.

Input Field	Entered
REGISTRATION NUMBER	3381209
REGISTRATION DATE	02/12/2008
SERIAL NUMBER	77206548
MARK SECTION	
MARK	INSPA
ATTORNEY SECTION (new)	
NAME	Dayna Christian
FIRM NAME	Immix Law Group PC
STREET	121 SW Salmon St. Ste. 1000
CITY	Portland
STATE	Oregon
POSTAL CODE	97204
COUNTRY	United States
PHONE	503 802 5533
FAX	503 802 5351
EMAIL	dayna.christian@immixlaw.com
AUTHORIZED TO COMMUNICATE VIA E-MAIL	Yes
OTHER APPOINTED ATTORNEY	Robert Scott
CORRESPONDENCE SECTION (current)	
NAME	INSPA CORPORATION
FIRM NAME	4001 1ST AVENUE SOUTH
CITY	SEATTLE
STATE	Washington
POSTAL CODE	98134
COUNTRY	United States
CORRESPONDENCE SECTION (proposed)	
NAME	Dayna Christian
FIRM NAME	Immix Law Group PC
STREET	121 SW Salmon St. Ste. 1000
CITY	Portland
STATE	Oregon

POSTAL CODE	97204
COUNTRY	United States
PHONE	503 802 5533
FAX	503 802 5351
EMAIL	dayna.christian@immixlaw.com;robert.scott@immixlaw.com
AUTHORIZED TO COMMUNICATE VIA E-MAIL	Yes
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	003
GOODS OR SERVICES	Skin and body care products, namely, skin cleansing lotions and soap bars; skin toning lotions; skin moisturizers and night moisturizing creams; eye moisturizers; hand creams; non-medicated creams used for firming and repair of skin; sun screen preparations; body washes; bubble bath, bath salts, bath oils for cosmetic purposes; foot cleansing scrubs
SPECIMEN FILE NAME(S)	
ORIGINAL PDF FILE	SPN0-67136136114-191619272 . IC_003 - 77206548.pdf
CONVERTED PDF FILE(S) (1 page)	\\TICRS\EXPORT16\IMAGEOUT16\772\065\77206548\xml2\S080002.JPG
ORIGINAL PDF FILE	SPN0-67136136114-191619272 . IC_035 - 77206556.pdf
CONVERTED PDF FILE(S) (1 page)	\\TICRS\EXPORT16\IMAGEOUT16\772\065\77206548\xml2\S080003.JPG
SPECIMEN DESCRIPTION	(1) an image of the interior of InSpa retail location illustrating display of InSpa products; (2) an image of the exterior of the same location showing the same display in connection with the InSpa mark
OWNER SECTION (current)	
NAME	InSpa Corporation
STREET	4001 1st Avenue South
CITY	Seattle
STATE	Washington
ZIP/POSTAL CODE	98134
COUNTRY	United States
LEGAL ENTITY SECTION (current)	
TYPE	corporation
STATE/COUNTRY OF INCORPORATION	Washington
PAYMENT SECTION	
NUMBER OF CLASSES	1
NUMBER OF CLASSES PAID	1
SUBTOTAL AMOUNT	100
TOTAL FEE PAID	100
SIGNATURE SECTION	
SIGNATURE	/Robert Scott/
SIGNATORY'S NAME	Robert Scott

SIGNATORY'S POSITION	Attorney of record, Oregon bar member
DATE SIGNED	04/26/2013
SIGNATORY'S PHONE NUMBER	503 802 5541
PAYMENT METHOD	CC
FILING INFORMATION	
SUBMIT DATE	Fri Apr 26 20:06:21 EDT 2013
TEAS STAMP	USPTO/SECT08-XX.XXX.XXX.X XX-20130426200621543468-3 381209-500957a55a2f177bf2 185772e3d7246b42b9bbb1cc2 574c88e54fd4f54271b8a89-C C-8324-201304261916192724 20

**Declaration of Use and/or Excusable Nonuse of Mark in Commerce under Section 8
To the Commissioner for Trademarks:**

REGISTRATION NUMBER: 3381209

REGISTRATION DATE: 02/12/2008

MARK: INSPA

The owner, InSpa Corporation, a corporation of Washington, having an address of
4001 1st Avenue South
Seattle, Washington 98134
United States

is filing a Declaration of Use and/or Excusable Nonuse of Mark in Commerce under Section 8.

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: Skin and body care products, namely, skin cleansing lotions and soap bars; skin toning lotions; skin moisturizers and night moisturizing creams; eye moisturizers; hand creams; non-medicated creams used for firming and repair of skin; sun screen preparations; body washes; bubble bath, bath salts, bath oils for cosmetic purposes; foot cleansing scrubs ; 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) (1) an image of the interior of InSpa retail location illustrating display of InSpa products; (2) an image of the exterior of the same location showing the same display in connection with the InSpa mark.

Original PDF file:

[SPN0-67136136114-191619272 . IC 003 - 77206548.pdf](#)

Converted PDF file(s) (1 page)

[Specimen File1](#)

Original PDF file:

[SPN0-67136136114-191619272 . IC 035 - 77206556.pdf](#)

Converted PDF file(s) (1 page)

[Specimen File1](#)

The registrant's current Correspondence Information: INSPA CORPORATION of 4001 1ST AVENUE SOUTH

SEATTLE, Washington (WA) 98134
United States

The registrant's proposed Correspondence Information: Dayna Christian of Immix Law Group PC

121 SW Salmon St. Ste. 1000
Portland, Oregon (OR) 97204
United States

The phone number is 503 802 5533.

The fax number is 503 802 5351.

The email address is dayna.christian@immixlaw.com;robert.scott@immixlaw.com.

The registrant hereby appoints Dayna Christian and Robert Scott of Immix Law Group PC

121 SW Salmon St. Ste. 1000
Portland, Oregon 97204
United States

to submit this Declaration of Use and/or Excusable Nonuse of Mark in Commerce under Section 8 on behalf of the registrant.

The phone number is 503 802 5533.

The fax number is 503 802 5351.

The email address is dayna.christian@immixlaw.com.

A fee payment in the amount of \$100 will be submitted with the form, representing payment for 1 class(es), plus any additional grace period fee, if necessary.

Declaration

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

The undersigned being hereby 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 document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Signature: /Robert Scott/ Date: 04/26/2013
Signatory's Name: Robert Scott
Signatory's Position: Attorney of record, Oregon bar member
Signatory's Phone Number: 503 802 5541

Mailing Address:
Immix Law Group PC
121 SW Salmon St. Ste. 1000
Portland, Oregon 97204

Serial Number: 77206548
Internet Transmission Date: Fri Apr 26 20:06:21 EDT 2013
TEAS Stamp: USPTO/SECT08-XX.XXX.XXX.XXX-201304262006
21543468-3381209-500957a55a2f177bf218577
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a89-CC-8324-20130426191619272420





ROUTING SHEET TO POST REGISTRATION (PRU)

Registration Number: 3381209



Serial Number: 77206548



RAM Sale Number: 3381209

RAM Accounting Date: 20130429

Total Fees: \$100

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	20130426	\$100	1	1	\$100

Physical Location: - UNKNOWN

Lost Case Flag: False

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

Transaction Date: 20130426





