

Note To The File

Serial Number: 88647012
Date: 11/07/2019 3:40 pm
Created by: Schimpf, Timothy

BIOMEGA ALL FREE HAIR COLOR

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- Google
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Changed

- Issued Examiner's Amendment and Entered Changes
-

Contacted Applicant/Atty

- via Phone
- via E-Mail

From: Schimpf, Timothy

Sent: Wednesday, November 6, 2019 4:13 PM

To: Justin Maio <jmaio@raklaw.com>

Subject: RE: Trademark Application for BIOMEGA ALL FREE HAIR COLOR, Serial No. 88647012

Thank you for your response. I will make the amendment for applicant and approve the application for publication. I appreciate your attention to this matter.

Tim Schimpf

Trademark Examining Attorney, Law Office 113

United States Patent and Trademark Office

(571) 272-9072

timothy.schimpf@uspto.gov

From: Justin Maio <jmaio@raklaw.com>

Sent: Wednesday, November 6, 2019 3:51 PM

To: Schimpf, Timothy <Timothy.Schimpf@USPTO.GOV>

Cc: Irene Lee <ilee@raklaw.com>; trademark@raklaw.com

Subject: Re: Trademark Application for BIOMEGA ALL FREE HAIR COLOR, Serial No. 88647012

Mr. Schimpf,

It was nice speaking with yesterday. Our client agrees to the disclaimer of "HAIR COLOR" and to amend the identification of goods described in your e-mail below. Please proceed with the Examiner's Amendment accordingly.

Thank you.

Sincerely,

Justin Maio
RUSS AUGUST & KABAT
12th Floor
12424 Wilshire Boulevard
Los Angeles, California 90025
Main: 001.310.826.7474
Direct: 001.310.979.8247

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On Nov 5, 2019, at 6:46 AM, Schimpf, Timothy < Timothy.Schimpf@USPTO.GOV > wrote:

Hello, my name is Tim Schimpf and I am an examining attorney with the U.S. Patent and Trademark Office. I am reviewing the trademark application for BIOMEGA ALL FREE HAIR COLOR, Serial No. 88647012. There are a few issues I'd like to discuss with you about the application that can be resolved with applicant's agreement.

1. Identification of Goods: The wording of the identification needs to be amended because the beard care preparations needs to specify the type of preparations. I suggest amending the identification to:

“ Hair care preparations; hair cleaning preparations; hair styling preparations; non-medicated beard care preparations, namely, creams, lotions, oils, cleaners, and dyes; non-medicated skin care preparations” in International Class 3.

2. Disclaimer: Applicant has identified hair car preparations. The word HAIR COLOR in the applied-for mark describes the feature or purpose of the goods is related to the color of the hair. As a result, applicant must provide a disclaimer statement. With applicant's permission, I will add the following statement to the record:

No claim is made to the exclusive right to use “ HAIR COLOR” apart from the mark as shown.

Please respond by **Friday, November 8** as to whether applicant agrees to these amendments. If applicant agrees, I can make the amendments through an examiner's amendment and approve the application for publication.

If you would prefer, I would be happy to discuss this over the telephone at the number listed below. If you have any questions, please let me know.

Tim Schimpf

Examining Attorney, Law Office 113

United States Patent and Trademark Office

(571) 272-9072

timothy.schimpf@uspto.gov