

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mark: PALM BEACH TAN
Class: 005 and 044
Applicant: PALM BEACH TAN, INC.

Commissioner for Trademarks
P. O. Box 1451
Alexandria, VA 22313-1451

Dear Sir:

APPLICATION FOR TRADEMARK REGISTRATION

Applicant, Palm Beach Tan, Inc. is a Texas Corporation, with a business address of 6321 Campus Circle Dr. East, Irving, Texas 75063.

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

Dietary supplements in Class 005

Providing health spa services, namely, cosmetic body care services; hydromassage services; wellness services; detoxification and stress relief services, massage services, anti-inflammatory services; facial and body treatment services; sauna services; body contouring services, namely, cellulite reduction services, skin tightening services; nonsurgical fat elimination services; collagen building skin therapy services; anti-aging therapy services; wellness services, namely, ultrasound, radio frequency, infrared, led and red light therapies; skin care services; whole body vibrational therapy services; providing information about dietary supplements and nutrition in Class 044

The mark was first used by Applicant on or in connection with the goods in Class 005 at least as early as November 1, 2021 by Applicant; was first used by Applicant on or in connection with the goods in Class 005 in commerce which the U.S. Congress may regulate, specifically, interstate commerce at least as early as November 1, 2021 by Applicant; and is now in use in such commerce.

The mark was first used by Applicant on or in connection with the services in Class 044 at least as early as November 1, 2021 by Applicant; was first used by Applicant on or in connection with the goods in Class 044 in commerce which the U.S. Congress may regulate, specifically, interstate commerce at least as early as November 1, 2021 by Applicant; and is now in use in such commerce.

The mark is in use on the goods in commerce, in packaging of the goods, labels and in other ways customary to the trade. The mark is in use for the services on brochures, advertising, webpage printouts, marketing material, promotional items, and in other ways customary in the trade.

STANDARD CHARACTER CLAIM

The mark is presented in standard characters without claim to any particular font style, size or color.

CLAIM OF OWNERSHIP

Applicant is the owner of U.S. Registration No. 1918556 and U.S. Application No. 97/066,070.

POWER OF ATTORNEY

Applicant hereby appoints:

Cathryn A. Berryman
Lekha Gopalakrishnan
William Allen Moon

all lawyers with the firm of WINSTEAD PC and members of the Bar of the State of Texas, as my attorneys, with full power of substitution and revocation, to prosecute this application, to transact all business connected therewith and to receive the Certificate of Registration.

Please address all communications to:

Cathryn A. Berryman
WINSTEAD PC
2728 North Harwood Street
Suite 500
Dallas, Texas 75201
(214) 745-5172
(214) 745-5390 (facsimile)
Email: cberryman@winstead.com

Matter No. 47226-K091US (26)

DECLARATION

Please read and acknowledge the following statements by signing below.

I, as signatory, believe that:

- The signatory believes the Applicant to be the owner of the trademark sought to be registered;
- The mark is in use in commerce on or in connection with the goods and services in the application;
- The specimen(s) shows the mark as used on or in connection with the goods and services in the application; and
- The facts set forth in the application are true.

To the best of the my 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 good or services of such other persons, to cause confusion or mistake, or to deceive.

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

I, as 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, declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true.

PALM BEACH TAN, INC.

Dated: 6-21-2022

By: Shannon Naylor

Name: Shannon Naylor

Title: Vice President of Marketing and Customer Experience