

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mark: BLENDOLOGE – JUST ADD) Examining Attorney:
ESSENTIAL OILS) Geraldine Ingold
)
Applicant: Young Living Essential Oils, LC)
) Law Office: 122
Application No.: 88126650)
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Filed: September 21, 2018)
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Class: 3)
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RESPONSE TO OFFICE ACTION

This communication is in response to the Office Action issued on January 15, 2019, concerning Application No. 88126650, in which the Examining Attorney denied registration of the mark BLENDOLOGE – JUST ADD ESSENTIAL OILS (“Applicant’s Mark”) due to likelihood of confusion with the existing registration for BLENDODOLOGY (Reg. No. 4343365).

I. THE APPLICANT AMENDS THE IDENTIFICATION OF THE GOODS

With this response, Applicant submits an amended identification of its goods and services to read as follows:

Class 3: “lotions **for cosmetic purposes; skin** lotions; **facial** lotions; **body** lotions; non-medicated skin creams; *skin* moisturizers; *facial* moisturizers; **anti-aging moisturizer; after sun moisturizer; hand moisturizer; feet moisturizer; body moisturizer**; skin cleansers; bath soaps in liquid and gel form; facial cleansers; personal care products, namely, non-medicated body and skin cleansing and moisturizing preparations **in the nature of skin cleansing lotion, skin cleansing gel, skin cleansing cream, moisturizing preparations for the skin, skin moisturizing gel**; facial masks; beauty serums; hair care products and preparations, namely, shampoos, conditioners, lotions, and sprays; nonmedicated foot cream; non-medicated foot scrub.”

II. THE DISCLAIMER REQUIRED

With this response, Applicant submits the requested disclaimer:

**No claim is made to the exclusive right to use “JUST ADD ESSENTIAL OILS”
apart from the mark as shown.**

**III. THE APPLICANT REQUESTS THAT THE EXAMINING ATTORNEY
SUSPEND EXAMINATION OF APPLICANT’S MARK PENDING THE
RENEWAL OF BLENDODOLOGY (REG. NO 4343365)**

Applicant respectfully requests that the Examining Attorney suspend examination of this application pending the renewal of BLENDODOLOGY (Reg. No. 4343365), which has not been renewed and is currently within the renewal grace period. *See* Exhibit A; TMEP § 716.02(e).

During an examination process, if the Examining Attorney is ready to issue a final refusal of registration under a likelihood of confusion analysis, “and the cited registration is in the grace period for filing a §8... or §9 renewal application” the Examining attorney *must* suspend the examination of Applicant’s Mark pending the determination of the renewal of the cited registration. *See* Exhibit A; TMEP § 716.02(e).

The cited registration for BLENDODOLOGY (Reg. No. 4343365) is currently within the renewal grace period that ends on November 29, 2019. *See* Exhibit A. Hence, Applicant respectfully requests that the Examining Attorney suspend examination of this application pending the renewal of this cited registration.

IV. THE APPLICANT SUBMITS THE FOLLOWING CLARIFICATIONS

1. The goods are beauty and skincare bases that are intended to contain essential oils
2. Images of the goods to be sold along with an advertisement of similar goods are attached in Exhibit B
3. The goods will be sold through retail stores, online retail stores, and independent distributors.

EXHIBIT A

From: TMOfficialNotices@USPTO.GOV
Sent: Monday, May 28, 2018 01:08 AM
To: scott@scottlandsbaum.com
Subject: Official USPTO Courtesy Reminder of Required Trademark Registration Maintenance Filing Under Section 8: U.S. Trademark RN 4343365: BLENDODOGY

U.S. Serial Number: 85495687
U.S. Registration Number: 4343365
U.S. Registration Date: May 28, 2013
Mark: BLENDODOGY
Owner: Shainsware

May 28, 2018

U.S. PATENT AND TRADEMARK OFFICE ("USPTO") COURTESY REMINDER OF REQUIRED TRADEMARK REGISTRATION MAINTENANCE FILING UNDER SECTION 8

WARNING: Your trademark registration will be CANCELLED if you do not file the required document below during the specified statutory time period.

The above-identified registration registered on May 28, 2013. Therefore, the owner of the registration must file a Declaration of Use and/or Excusable Nonuse under §8 of the Trademark Act anytime between now and May 28, 2019. For an additional fee, the owner may file the declaration within the six-month grace period that ends on Nov 29, 2019. See 15 U.S.C. §1058. The current fee for filing a declaration under §8 is \$125 per class if the filing is made via the Trademark Electronic Application System ("TEAS") and \$225 if the filing is made on paper, and the additional fee for filing during the six-month grace period is \$100 per class if the filing is made via TEAS and \$200 if the filing is made on paper. 37 C.F.R. §2.6.

If the registration meets the requirements of §15 of the Trademark Act, the owner may additionally file an optional Declaration of Incontestability under §15. See 15 U.S.C. §1065. The current fee for filing a declaration under §15 is \$200 per class if the filing is made via TEAS and \$300 per class if the filing is made on paper. 37 C.F.R. §2.6.

To expedite processing, the owner is encouraged to file through the USPTO's official website using TEAS. Official forms for filing Declarations of Use and/or Excusable Nonuse under §8 and Combined Declarations of Use and Incontestability under §§8 and 15 are available through TEAS at <https://www.uspto.gov/trademarks-application-process/filing-online/registration-maintenancerenewalcorrection-forms>.

For information regarding how to record ownership documents such as assignments, name changes and mergers, please see TMEP §503. To expedite recordation, the owner is encouraged to file requests for recordation through the Electronic Trademark Assignment System ("ETAS") at <https://etas.uspto.gov>.

For further information regarding the maintenance of a trademark registration, including future maintenance filings, please consult the USPTO website at <https://www.uspto.gov/learning-and-resources/trademark-faqs>.

This reminder notice is being sent only as a courtesy to those trademark owners who have authorized e-mail communication and maintain a current e-mail address with the USPTO. Failure by the USPTO to send a reminder or non-receipt of a reminder does not excuse a trademark owner from meeting the statutory obligations for maintaining a trademark registration. If a registration is cancelled and/or expired due to the failure to timely file required maintenance documents, it cannot be reinstated or revived.

Correspondence transmitted through TEAS is considered to have been filed on the date the USPTO receives the transmission, in Eastern Time, regardless of whether that date is a Saturday, Sunday, or Federal holiday within the District of Columbia. 37 C.F.R. §2.195(a)(2).

To check the status of this registration, go to https://tsdr.uspto.gov/#caseNumber=85495687&caseSearchType=US_APPLICATION&caseType=DEFAULT&searchType=statusSearch or contact the Trademark Assistance Center at 1-800-786-9199.

In order to be eligible for future e-mail reminders of maintenance filings, please remember to authorize e-mail communication when filing your maintenance documents through TEAS.

EXHIBIT B





DIY Kit Collection

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Love to DIY almost as much as you love essential oils? The Young Living DIY Kit is made for you! This kit makes it easier than ever to create custom, homemade, oil-infused DIY projects right from your home.

With recipes and supplies for six people to each make three items—lotion, spritzer, and lip balm—you no longer have to travel from craft store to craft store for your projects. Simply grab your favorite essential oils from your collection, and the kit has everything else! Plus, the set comes with even more goodies, including magazines, recipe cards, and gift bags.

Use this kit for shareable Young Living fun with your friends, at community events, or in your Young Living business. The DIY Kit makes it easy to bring essential oils to everyone from the oil-obsessed to first-time users!

DIY Kit Includes:

- Supplies for three different crafts for six people:
 - Lotion base (12 ounces)
 - Spritzer base (3 ounces)
 - Lip balm base (3 ounces)
- Containers for individual crafts
- Scoop for measuring
- Funnel
- Labels
- Presenter card
- Recipe and social sharing cards for each attendee
- 6 organza bags

DOES NOT INCLUDE ESSENTIAL OILS

ITEM NO.	21625
ITEM	
WHOLESALE	\$25.00 USD
RETAIL	\$25.00 USD
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[Add to Cart](#)