

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : SKIN ALCHEMY LLC
Serial No. : 88/499,995
Filed : July 3, 2019
Law Office : 101
Examiner : Abrams, Jacqueline

Docket No. : H19-4171
Date : March 23, 2020

Mark : SKIN ALCHEMY & Design

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

OFFICE ACTION RESPONSE

This is a Response to the Office Action of September 23, 2019. Applicant was given a six-month deadline to respond, making a Response due on or before March 23, 2020.

In response to the Examiner's requirement to disclaim the term "SKIN", Applicant respectfully submits that no claim is made to the exclusive right to use "SKIN" apart from the mark as shown.

Applicant acknowledges Examiner's citation of U.S. Registration No. 5627930. Applicant respectfully submits that its date of first use of the mark well predates the date of first use alleged in the cited registration. Consequently, Applicant has filed a Petition to Cancel U.S. Registration No. 5627930. A copy of the ESTTA Filing Receipt is enclosed. **Applicant therefore respectfully requests suspension of the instant application pending the disposition of the Cancellation proceeding.**

Applicant authorizes the Trademark Office to charge any required fees to Deposit Account No. 11-0260 of the undersigned. Should any issues arise in the application, Applicant urges the Examiner to contact the undersigned at the telephone number listed below.

Appl. No. 88/499,995
Response to Office Action of Sept. 23, 2019
Response dated March 23, 2020

CERTIFICATE OF TRANSMITTAL
I hereby certify that this correspondence is being:
EFS-Web transmitted to the USPTO.
On: <u>March 23, 2020</u>
By: <u>/ Jason D. Broecker /</u>
--- Jason D. Broecker - 504-524-2100

Respectfully submitted,

/s./ Thomas S. Keaty /
Thomas S. Keaty
Reg. No. 27038
Keaty Law Firm LLC
365 Canal Street, Suite 2410
New Orleans, Louisiana 70130
(504) 524-2100

Attorney for Applicant

Enclosure: ESTTA Filing Receipt

Jason Broecker

From: Estta_autoreply@uspto.gov
Sent: Monday, March 23, 2020 8:34 PM
To: Thomas Keaty; Jason Broecker
Subject: ESTTA Filing Receipt: Proceeding or Serial or Registration No. 5627930 Petition for Cancellation Filing Receipt for ESTTA Tracking No: ESTTA1044364

Follow Up Flag: Follow up
Flag Status: Flagged

ESTTA Filing Receipt

This ESTTA Filing Receipt confirms receipt of your filing associated with the above-identified ESTTA Tracking Number.

Your filing may be viewed on TTABVUE at <http://ttabvue.uspto.gov/ttabvue/> . If you don't see your filing on TTABVUE a week after you file, or if you received an error message or experienced a technical issue while submitting your filing on ESTTA, please send an email to estta@uspto.gov and provide the ESTTA Tracking Number and the Serial, Registration or Proceeding Number identified above, and a brief description of the error message or technical issue you encountered.

For non-technical status or information inquiries, please contact the TTAB Assistance Center at ttabinfo@uspto.gov or 571-272-8500 Monday through Friday from 8:30 a.m. to 5:00 p.m. Eastern Time (ET).

Tracking No.: ESTTA1044364
Filing date: 03/23/2020

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name: SKIN ALCHEMY LLC
Entity:
Citizenship: Louisiana Address: 327 ALIX STREET NEW ORLEANS, LA 70114 UNITED STATES

Attorney information:

THOMAS S. KEATY
KEATY LAW FIRM LLC
365 CANAL STREET, SUITE 2410
NEW ORLEANS, LA 70130
UNITED STATES
tskeaty@keatypatentfirm.com, jdbroecker@keatypatentfirm.com
504-524-2100

Registration Subject to Cancellation

Registration No: 5627930
Registration Date: 12/11/2018

Registrant:

Floracopeia, Inc.

13100 GRASS VALLEY AVE., STE D

GRASS VALLEY, CA 95945

UNITED STATES

Goods/Services Subject for Cancellation

Class 003. First Use: 20171017 First Use In Commerce: 20171017

All goods and services in the class are subject to cancellation, namely: Aromatic essential oils; Aromatic oils; Aromatic preparations, namely, skin, face and body sprays; Essential oils; Essential oils for aromatherapy use; Essential oils for household use; Essential oils for personal use; Essential oils for skin care, skin regeneration and toning the skin; Ethereal essences; Ethereal oils; Etheric oils; Skin and body topical lotions, creams and oils for cosmetic use; Skin moisturizer; Skin texturizers; Skin toners; Wrinkle removing skin care preparations; Wrinkle-minimizing cosmetic preparations for topical facial use; Cosmetic skin fresheners; Cosmetic preparations for skin care; Cosmetic preparations for skin renewal; Fragranced skin care preparations, namely, skin cleansers, skin moisturizers and skin toners; Moisturizing preparations for the skin; Natural essential oils; Non-medicated skin creams with essential oils for use in aromatherapy; Perfumery, essential oils; Topical skin sprays for cosmetic purposes

Class 005. First Use: 20171017 First Use In Commerce: 20171017

All goods and services in the class are subject to cancellation, namely: Spray sanitizer for personal use; Aromatherapy oils for treating skin conditions, improving mood, treating headaches, relieving stress; Aromatherapy oils, other than essential oils, for treating anxiety; Aromatherapy oils, other than essential oils, for treating headaches; Aromatherapy sprays for treating skin conditions, improving mood, treating headaches, relieving stress; Liquid herbal supplements; Medicated skin care preparations; Medicated skin care preparations, namely, creams, lotions, gels, toners, cleaners and peels; Medicated skin moisturizers; Natural herbal supplements; Nutritional supplements for promoting healthy skin; Therapeutic spray to soothe and relax the muscles

Grounds for Cancellation:

Priority and likelihood of confusion

Trademark Act Sections 14(1) and 2(d)

Abandonment

Trademark Act Section 14(3)

Fraud on the USPTO

Trademark Act Section 14(3); In re Bose Corp., 580 F.3d 1240, 91 USPQ2d 1938 (Fed. Cir. 2009)

Marks Cited by Petitioner as Basis for Cancellation U.S. Application No.: 88499995 Application Date: 07/03/2019 Word

Mark: SKIN ALCHEMY

Goods/Services:

Class 003 First Use: 20151110 First Use In Commerce: 20151110

Anti-aging moisturizer; Facial moisturizers; Lip balm; Non-medicated acne care preparations U.S. Application/

Registration No.: NONE Application Date: NONE Registration Date: NONE Word Mark: SKIN ALCHEMY

Goods/Services:

Anti-aging moisturizer; Facial moisturizers; Lip balm; Non-medicated acne care preparations

Attachments:

88499995#TMSN.png

20-0323-PETITION_CANCEL-H20-4248.pdf

Thomas S. Keaty
/thomas s. keaty/
03/23/2020