

A Design



Classes 3, 5, 29, 30, 31, 32, and 34

Application No. 88425550

Office Action Response

I. Amendment of Listed Goods

The Examiner requested amendment to the listed goods in within the Application. In response, Applicant has amended the goods recited in the Application, as set out herein.

Classes 3

Bath additives, namely, cosmetic bath salts bath melts, bath herbs, bubble bath, foam bath, bath bombs, bath gel, bath beads, bath flakes, bath crystals; non-medicated lip care preparations, non-medicated lip conditioners, liquid soaps, namely, non-medicated bath soaps, non-medicated liquid soaps, liquid soaps for laundry; non-medicated skin care preparations; bath oils; bath oils for cosmetic purposes; beauty care cosmetics; beauty creams for body care; beauty gels; beauty lotions; body and beauty care cosmetics; body creams; cosmetic body oils; cosmetic creams; cosmetic oils; cosmetics and make-up; face and body lotions; face and body milk; face lotion; hair care preparations; hair styling preparations; hand cream; hand lotions; non-medicated lip care preparations; non-medicated lip conditioners; lip glosses; massage creams; massage oils; non-medicated bubble bath preparations; non-medicated preparations for the care of hair; non-medicated preparations for the care of skin; non-medicated preparations for the care of the scalp; oils for toiletry purposes; skin creams; skin emollients; skin lotions; skin soap; non-medicated soaps for body care; non-medicated soaps for personal use, namely, cream soaps, bath soaps, bar soaps, paper soaps; all of the foregoing with a delta-9 THC concentration of not more than 0.3% dry weight basis and not containing CBD.

Class 5

Medicated bath salts; medicated liquid soaps; disinfectant and anti-bacterial liquid soaps; medicated skin care preparations; Hemp related products, namely medicinal oils and salves; concentrated medicated pastes for the teeth and gums, for the hair and scalp, and for use on skin rashes; tinctures, tablets and capsules for treatment of chronic pain, joint pain, seizures, insomnia, nausea, dietary disorders and anxiety; medicated oils, salves, and concentrated pastes for the treatment of chronic pain, joint pain, seizures, insomnia, nausea, dietary disorders, and anxiety; tinctures, tablets and capsules each containing resins and oils derived from hemp for treatment of chronic pain, joint pain, seizures, insomnia, nausea, dietary disorders and anxiety; nutraceuticals for medicinal purposes for the relief of pain, for relaxation, for reducing stress and fatigue, for mood enhancement, for maintaining general health and well-being, for relieving anxiety, for relieving depression, as a sleep aid and for management of opioid addiction and relief of epilepsy; nutraceuticals for medicinal purposes containing derivatives of hemp, namely, resins and oils for the relief of pain, for relaxation, for reducing stress and fatigue, for mood enhancement, for maintaining general health and well-being, for relieving anxiety, for relieving depression, as a sleep aid and for management of opioid addiction and relief of epilepsy; medicated topical skin creams, medicated bar and liquid soaps; medicated bath additives, namely, bath herbs, bath oils, bath salts; medicated body creams, medicated body oils, medicated face and body lotions, medicated face and body milk, medicated face lotion, and medicated skin care preparations each of the foregoing containing derivatives of hemp for the relief of

pain, for relaxation, for reducing stress and fatigue, for mood enhancement, for maintaining general health and well-being, for relieving anxiety, for relieving depression, as a sleep aid; personal sexual lubricants; transdermal patches containing derivatives of hemp for the relief of pain, for relaxation, for reducing stress and fatigue, for mood enhancement, for maintaining general health and well-being, for relieving anxiety, for relieving depression, as a sleep aid and for management of opioid addiction and relief of epilepsy; oral sprays for medicinal use for the relief of pain, for relaxation, for reducing stress and fatigue, for mood enhancement, for maintaining general health and well-being, for relieving anxiety, for relieving depression, as a sleep aid and for management of opioid addiction and relief of epilepsy; hemp derivatives for medicinal use; hemp related products, namely, oils for medicinal use for the relief of pain, for relaxation, for reducing stress and fatigue, for mood enhancement, for maintaining general health and well-being, for relieving anxiety, for relieving depression, as a sleep aid and for management of opioid addiction and relief of epilepsy; oils derived from hemp for medicinal use for the relief of pain, for relaxation, for reducing stress and fatigue, for mood enhancement, for maintaining general health and well-being, for relieving anxiety, for relieving depression, as a sleep aid and for management of opioid addiction and relief of epilepsy; all of the foregoing with a delta-9 THC concentration of not more than 0.3% dry weight basis and not containing CBD.

Class 29

Oils derived from hemp for use as comestibles, namely, edible oil for cooking, edible oils and fats, processed oils for food; hemp related products, namely, oils for use as comestibles, namely, edible oil for cooking, edible oils and fats, processed oils for food; food products containing hemp, resins, and oils, namely butter; fruit based energy food bars; seed and nut-based energy food bars; processed edible hemp seeds; all of the foregoing with a delta-9 THC concentration of not more than 0.3% dry weight basis and not containing CBD.

Class 30

Food products containing hemp and derivatives thereof, namely, chocolates, cookies, brownies, candy and granola-based, cereal based food energy bars; tea, namely teas containing hemp and derivatives thereof; all of the foregoing with a delta-9 THC concentration of not more than 0.3% dry weight basis and not containing CBD.

Class 31

Live hemp plants; hemp seeds for planting and agricultural use; all of the foregoing with a delta-9 THC concentration of not more than 0.3% dry weight basis.

Class 32

Smoothies, fruit beverages and fruit juices, carbonated soft drinks, and energy drinks each containing hemp and derivatives thereof; all of the foregoing with a delta-9 THC concentration of not more than 0.3% dry weight basis and not containing CBD.

Class 34

Smokers' articles, namely, grinders for use with hemp, dried hemp for smoking; derivatives of hemp, namely, processed resins and oils in the nature of liquids for use in electronic cigarettes and oral smokeless vaporizers; e-liquids comprised of hemp derivatives for use in electronic cigarettes and oral smokeless vaporizers for recreational use; smokers' articles, namely, smoking pipes, pouches for use with hemp, lighters for smokers, oral vaporizers for smokers; all of the foregoing with a delta-9 THC concentration of not more than 0.3% dry weight basis and not containing CBD.

II. Controlled Substances Act Refusal

The Examiner has refused registration on the basis that the Applicant cannot have a bona fide intent to lawfully use the applied-for mark in commerce with respect to the listed goods. Applicant respectfully asserts that this basis for refusal is moot in light of the amended recitations of goods adopted herein.

III. FDCA Refusal

The Examiner alleges that the Applicant does not have a bona fide intent to lawfully use the applied-for mark in commerce with relation to the goods identified in Classes 5, 29, 30 and 32 because pursuant to the FDCA it is unlawful to introduce food or beverages containing added CBD into interstate commerce or to market CBD as, or in, dietary and nutritional supplements, regardless of whether the substances are hemp-derived. Applicant respectfully asserts that this basis for refusal is moot in light of the amended recitations of goods adopted herein.