

CONSENT AGREEMENT

This Consent Agreement is entered into effective January 14, 2020 (the “Effective Date”), by and between Kari Tribble Enterprises, LLC, a Minnesota limited liability company located at 175 Jansa Dr., Shoreview, Minnesota 55126 (“KTE”) and Australian Gold, LLC, an Indiana limited liability company located at 8001 Woodland Dr., Indianapolis, Indiana 46278, (“Australian Gold”).

Whereas KTE owns U.S. trademark application No. 88/468,423 for the mark AVARI BEAUTY for the goods of:

Cosmetics; sustainable cosmetics; sustainable false eyelashes and eyelash extensions; false eyelashes and eyelash extensions; adhesives for affixing false eyelashes and eyelash extensions; cosmetic preparations for eyelashes and eyelash extensions; non-medicated cleansers for false eyelashes and eyelash extensions; false eyelash and eyelash extension cleanser brush; esthetician services

Whereas Australian Gold owns U.S. trademark application No. 88/469,996 for VARI BEAUTY for “Indoor and Outdoor non-medicated skin tanning preparations”;

Whereas the USPTO has indicated that it may reject Australian Gold’s application in view of KTE’s Application;


Whereas, the parties have concluded that confusion is not likely to arise from their use and registration of their respective marks because of a combination of the differences in the respective marks, the differences in the parties’ products, the differences in the channels of trade and the differences in the respective customer sophistication for their respective goods bearing their respective marks.

Now therefore, the parties agree as follows:

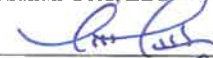
1. The AVARI BEAUTY trademark in the KTE Application and the VARI BEAUTY trademark in the Australian Gold Application are sufficiently different in overall impressions, considering the visual, phonetic and meaning aspects that consumer confusion is unlikely. Additionally, differences in the parties’ respective products and their respective channels of trade as well as customer sophistication support that consumer confusion is unlikely to occur, even if some of the goods covered by the respective marks are the same or related.
2. KTE hereby consents to and will not object to Australian Gold’s use and registration of the VARI BEAUTY mark for the goods in Application No. 88/469,996 as set forth above.
3. Australian Gold hereby consents to and will not object to KTE’s use and registration of the AVARI BEAUTY mark for the goods in Application No. 88/468,423 as set forth above.

In Witness Whereof, the parties, intending to be legally bound and having the authority to bind their respective entities, have duly executed this Agreement under their respective authorized signatures on the day and year first above mentioned.

Kari Tribble Enterprises, LLC


Name: Kari Tribble
Title: Founder/CEO
Date: 1/14/2020

Australian Gold, LLC


Name: Matt Cotton
Title: CEO
Date: 1/15/2020