

To: OLIVIA JADE PRODUCTIONS, INC. (IPDOCKET@LW.COM)
Subject: U.S. TRADEMARK APPLICATION NO. 87905798 - OLIVIA JADE BEAUTY - 060346-0-US
Sent: 3/15/2019 12:18:04 PM
Sent As: ECOM121@USPTO.GOV
Attachments:

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

**U.S. APPLICATION
SERIAL NO.** 87905798

MARK: OLIVIA JADE
BEAUTY

87905798

**CORRESPONDENT
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APPLICANT: OLIVIA
JADE PRODUCTIONS,
INC.

**CORRESPONDENT'S
REFERENCE/DOCKET
NO:**

060346-0-US

**CORRESPONDENT
E-MAIL ADDRESS:**

IPDOCKET@LW.COM

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW. A RESPONSE TRANSMITTED THROUGH THE TRADEMARK ELECTRONIC APPLICATION SYSTEM (TEAS) MUST BE RECEIVED BEFORE MIDNIGHT **EASTERN TIME** OF THE LAST DAY OF THE RESPONSE PERIOD.

ISSUE/MAILING DATE: 3/15/2019

THIS IS A FINAL ACTION.

INTRODUCTION

This Office action is in response to applicant's communication filed on February 27, 2019.

In a previous Office action dated August 30, 2019, the applicant was required to amend the identification of goods.

Based on applicant's response, the trademark examining attorney notes that the applicant made acceptable amendments to the identification of goods, but the identification requires further amendments. *See* TMEP §§713.02, 714.04.

Thus, the trademark examining attorney **maintains and now makes FINAL the requirement to amend the identification of goods.** *See* 37 C.F.R. §2.63(b); TMEP §714.04.

AMENDED IDENTIFICATION OF GOODS REQUIRED

The wording "make up kits comprised of moisturizer, primer, concealer, foundation, make-up powder, make-up pencils, eye make-up, eyeshadow, eye liner, mascara, blush, highlighter, bronzer, make-up setting spray lipstick lip gloss, lip stains, make-up remover" in the amended identification of goods is indefinite and must be clarified because the nature of "moisturizer" and "concealer" must be further specified. *See* 37 C.F.R. §2.32(a)(6); TMEP §1402.01.

In addition, applicant must correct the punctuation in the identification to clarify the individual items in the list of goods. *See* 37 C.F.R. §2.32(a)(6); TMEP §1402.01(a). Proper punctuation in identifications is necessary to delineate explicitly each product or service within a list and to avoid ambiguity. Commas, semicolons, and apostrophes are the only punctuation that should be used in an identification of goods and/or services. TMEP §1402.01(a). An applicant should *not* use colons, periods, exclamation points, and question marks in an identification. *Id.* In addition, applicants should not use symbols in the identification such as asterisks (*), at symbols (@), or carets. *Id.*

In general, **commas** should be used in an identification (1) to separate a series of related items identified within a particular category of goods or services, (2) before and after "namely," and (3) between each item in a list of goods or services following "namely" (e.g., personal care products, namely, body lotion, bar soap, shampoo). *Id.* **Semicolons** generally should be used to separate a series of distinct categories of goods or services within an international class (e.g., personal care products, namely, body lotion; deodorizers for pets; glass cleaners). *Id.*

Applicant may adopt the following identification, if accurate, with changes underlined and in bold:

"cosmetics; make-up; lipstick, lip gloss; lip stains; cosmetic masks; cosmetic pads; make up kits comprised of **skin** moisturizer, primer, **facial** concealer, foundation, make-up powder, make-up pencils, eye make-up, eyeshadow, eye liner, mascara, blush, highlighter, bronzer, **make-up setting spray, lipstick, lip gloss**, lip stains, make-up remover; cosmetic creams for skin care; cosmetic preparations for skin care; non-medicated skin care creams and lotions; skin cleansers; skin moisturizers; skin toners; non-medicated skin care preparations, namely, creams, lotions, gels, toners, cleaners and peels; cosmetic soaps; cosmetic facial blotting papers; lotions for cosmetic purposes; cosmetic cleansing creams; pre-moistened cosmetic towelettes; cosmetic skin fresheners; cosmetic nourishing creams; cosmetic preparations for eyelashes; facial creams; cotton puffs for cosmetic purposes; cosmetic body scrubs being non-medicated skin care preparations; non-medicated skin care preparations; non-medicated skin care products, namely, serums, lotions, creams, moisturizers, gels, toners, cleansers, peels, masks, body balm, body polish, aerosols; cosmetic body care preparations; nail polish; nail care preparations; perfume; non-medicated skin care preparations, namely, body mist; body fragrances."

Applicant may amend the identification to clarify or limit the goods, but not to broaden or expand the goods beyond those in the original application or as acceptably amended. *See* 37 C.F.R. §2.71(a); TMEP §1402.06. Generally, any deleted goods may not later be reinserted. *See* TMEP §1402.07(e).

For assistance with identifying and classifying goods and services in trademark applications, please see the USPTO's online searchable [U.S. Acceptable Identification of Goods and Services Manual](#). *See* TMEP §1402.04.

RESPONSE GUIDELINES:

Applicant must respond within six months of the date of issuance of this final Office action or the following goods to which the final requirement applies will be **deleted** from the application by Examiner's Amendment: "make up kits comprised of moisturizer, primer, concealer, foundation, make-up powder, make-up pencils, eye make-up, eyeshadow, eye liner, mascara, blush, highlighter, bronzer, make-up setting spray lipstick lip gloss, lip stains, make-up remover." 37 C.F.R. §2.65(a); *see* 15 U.S.C. §1062(b).

The application will then proceed for the following goods: "Cosmetics; make-up; lipstick, lip gloss; lip stains; cosmetic masks; cosmetic pads; cosmetic creams for skin care; cosmetic preparations for skin care; non-medicated skin care creams and lotions; skin cleansers; skin moisturizers; skin toners; non-medicated skin care preparations, namely, creams, lotions, gels, toners, cleaners and peels; cosmetic soaps; cosmetic facial blotting papers; lotions for cosmetic purposes; cosmetic cleansing creams; pre-moistened cosmetic towelettes; cosmetic skin fresheners; cosmetic nourishing creams; cosmetic preparations for eyelashes; facial creams; cotton puffs for cosmetic purposes; cosmetic body scrubs being non-medicated skin care preparations; non-medicated skin care preparations; non-medicated skin care products, namely, serums, lotions, creams, moisturizers, gels, toners, cleansers, peels, masks, body balm, body polish, aerosols; cosmetic body care preparations; nail polish; nail care preparations; perfume; non-medicated skin care preparations, namely, body mist; body fragrances."

Applicant may respond by providing one or both of the following:

- (1) a response [filed using the Trademark Electronic Application System \(TEAS\)](#) that fully satisfies all outstanding requirements and/or resolves all outstanding refusals; and/or
- (2) an appeal to the Trademark Trial and Appeal Board [filed using the Electronic System for Trademark Trials and Appeals \(ESTTA\)](#) with the required filing fee of \$200 per class.

37 C.F.R. §2.63(b)(1)-(2); TMEP §714.04; *see* 37 C.F.R. §2.6(a)(18); TBMP ch. 1200.

In certain rare circumstances, an applicant may respond by [filing a petition to the Director](#) pursuant to 37 C.F.R. §2.63(b)(2) to review procedural issues. TMEP §714.04; *see* 37 C.F.R. §2.146(b); TBMP §1201.05; TMEP §1704 (explaining petitionable matters). There is a fee required for filing a petition. 37 C.F.R. §2.6(a)(15).

TEAS PLUS OR TEAS REDUCED FEE (TEAS RF) APPLICANTS – TO MAINTAIN LOWER FEE, ADDITIONAL REQUIREMENTS MUST BE MET, INCLUDING SUBMITTING DOCUMENTS ONLINE: Applicants who filed their application online using the lower-fee TEAS Plus or TEAS RF application form must (1) file certain documents online using TEAS, including responses to Office actions (see TMEP §§819.02(b), 820.02(b) for a complete list of these documents); (2) maintain a valid e-mail correspondence address; and (3) agree to receive correspondence from the USPTO by e-mail throughout the prosecution of the application. *See* 37 C.F.R. §§2.22(b), 2.23(b); TMEP §§819, 820. TEAS Plus or TEAS RF applicants who do not meet these requirements must submit an additional processing fee of \$125 per class of goods and/or services. 37 C.F.R. §§2.6(a)(1)(v), 2.22(c), 2.23(c); TMEP §§819.04, 820.04. However, in certain situations, TEAS Plus or TEAS RF applicants may respond to an Office action by authorizing an examiner’s amendment by telephone or e-mail without incurring this additional fee.

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TO RESPOND TO THIS LETTER: Go to http://www.uspto.gov/trademarks/teas/response_forms.jsp. Please wait 48-72 hours from the issue/mailing date before using the Trademark Electronic Application System (TEAS), to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

All informal e-mail communications relevant to this application will be placed in the official application record.

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at TrademarkAssistanceCenter@uspto.gov or call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS: Use the TEAS form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

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Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

**IMPORTANT NOTICE REGARDING YOUR
U.S. TRADEMARK APPLICATION**

USPTO OFFICE ACTION (OFFICIAL LETTER) HAS ISSUED
ON **3/15/2019** FOR U.S. APPLICATION SERIAL NO. 87905798

Please follow the instructions below:

(1) TO READ THE LETTER: Click on this [link](#) or go to <http://tsdr.uspto.gov>, enter the U.S. application serial number, and click on "Documents."

The Office action may not be immediately viewable, to allow for necessary system updates of the application, but will be available within 24 hours of this e-mail notification.

(2) TIMELY RESPONSE IS REQUIRED: Please carefully review the Office action to determine (1) how to respond, and (2) the applicable response time period. Your response deadline will be calculated from **3/15/2019** (or sooner if specified in the Office action). A response transmitted through the Trademark Electronic Application System (TEAS) must be received before midnight **Eastern Time** of the last day of the response period. For information regarding response time periods, see <http://www.uspto.gov/trademarks/process/status/responsetime.jsp>.

Do NOT hit "Reply" to this e-mail notification, or otherwise e-mail your response because the USPTO does NOT accept e-mails as responses to Office actions. Instead, the USPTO recommends that you respond online using the TEAS response form located at http://www.uspto.gov/trademarks/teas/response_forms.jsp.

(3) QUESTIONS: For questions about the contents of the Office action itself, please contact the assigned trademark examining attorney. For *technical* assistance in accessing or viewing the Office action in the Trademark Status and Document Retrieval (TSDR) system, please e-mail TSDR@uspto.gov.

WARNING

Failure to file the required response by the applicable response deadline will result in the ABANDONMENT of your application. For more information regarding abandonment, see <http://www.uspto.gov/trademarks/basics/abandon.jsp>.

PRIVATE COMPANY SOLICITATIONS REGARDING YOUR APPLICATION: Private companies **not** associated with the USPTO are using information provided in trademark applications to mail or e-mail trademark-related solicitations. These companies often use names that closely resemble the USPTO and their solicitations may look like an official government document. Many solicitations require that you pay "fees."

Please carefully review all correspondence you receive regarding this application to make sure that you are responding to an official document from the USPTO rather than a private company solicitation. All official USPTO correspondence will be mailed only from the "United States Patent and Trademark Office" in Alexandria, VA; or sent by e-mail from the domain "@uspto.gov." For more information on how to handle private company solicitations, see http://www.uspto.gov/trademarks/solicitation_warnings.jsp.