

**To:** Noel M. Cook([ipfilings@hansonbridgett.com](mailto:ipfilings@hansonbridgett.com))  
**Subject:** U.S. Trademark Application Serial No. 97120375 - WILDFLOWER APOTHECARY - 38801.1  
**Sent:** August 25, 2022 12:24:02 PM EDT  
**Sent As:** [tmng.notices@uspto.gov](mailto:tmng.notices@uspto.gov)

---

**Attachments**

[1.\\_wildflower\\_\(definition\)](#)  
[2.\\_apothecary\\_\(definition\)](#)  
[3a.\\_applicant's\\_website](#)  
[3b.\\_applicant's\\_website](#)  
[3c.\\_applicant's\\_website](#)  
[3d.\\_applicant's\\_website](#)  
[4a.\\_Reg.\\_No.\\_6509392](#)  
[4b.\\_Reg.\\_No.\\_6720513](#)  
[4c.\\_Reg.\\_No.\\_6468340](#)  
[4d.\\_Reg.\\_No.\\_6264793](#)  
[4e.\\_Reg.\\_No.\\_6683452](#)  
[4f.\\_Reg.\\_No.\\_5175116](#)  
[4g.\\_Reg.\\_No.\\_3108442](#)  
[4h.\\_Reg.\\_No.\\_5627135](#)  
[4i.\\_Reg.\\_No.\\_5300171](#)  
[4j.\\_Reg.\\_No.\\_5778847](#)

**United States Patent and Trademark Office (USPTO)  
Office Action (Official Letter) About Applicant's Trademark Application**

**U.S. Application Serial No.** 97120375

**Mark:** WILDFLOWER APOTHECARY

**Correspondence Address:**

NOEL M. COOK  
HANSON BRIDGETT LLP  
425 MARKET STREET, 26TH FLOOR  
HANSON BRIDGETT LLP  
SAN FRANCISCO CA 94105 UNITED STATES

**Applicant:** Dauray Tannahill Owens

**Reference/Docket No.** 38801.1

**Correspondence Email Address:** [ipfilings@hansonbridgett.com](mailto:ipfilings@hansonbridgett.com)

## NONFINAL OFFICE ACTION

The USPTO must receive applicant's response to this letter within six months of the issue date below or the application will be abandoned. Respond using the Trademark Electronic Application System (TEAS). A link to the appropriate TEAS response form appears at the end of this Office action.

**Issue date:** August 25, 2022

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issues below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

### Search Results

The trademark examining attorney has searched the USPTO database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d). 15 U.S.C. §1052(d); TMEP §704.02. However, registration is refused for the following reason.

### Summary of Issues Applicant Must Address

- Section 2(e)(1) Refusal - Merely Descriptive
- Requirement for Acceptable Identification and Classification of Goods (and Compliance with Multiple-Class Application Requirements, if applicable)

### Section 2(e)(1) Refusal – Merely Descriptive

The applicant has applied for registration of the mark WILDFLOWER APOTHECARY in standard character form for:

International Class 035: Online retail store services featuring skin care products, coffee and tea

Registration is refused because the applied-for mark merely describes characteristics of applicant's goods. Trademark Act Section 2(e)(1), 15 U.S.C. §1052(e)(1); *see* TMEP §§1209.01(b), 1209.03 *et seq.*

A mark is merely descriptive if it describes an ingredient, quality, characteristic, function, feature, purpose, or use of an applicant's goods and/or services. TMEP §1209.01(b); *see, e.g., In re TriVita, Inc.*, 783 F.3d 872, 874, 114 USPQ2d 1574, 1575 (Fed. Cir. 2015) (quoting *In re Oppedahl & Larson LLP*, 373 F.3d 1171, 1173, 71 USPQ2d 1370, 1371 (Fed. Cir. 2004)); *In re Steelbuilding.com*, 415 F.3d 1293, 1297, 75 USPQ2d 1420, 1421 (Fed. Cir. 2005) (citing *Estate of P.D. Beckwith, Inc. v. Comm'r of Patents*, 252 U.S. 538, 543 (1920)).

“Whether consumers could guess what the product [or service] is from consideration of the mark alone is not the test.” *In re Am. Greetings Corp.*, 226 USPQ 365, 366 (TTAB 1985). The question is **not** whether someone presented only with the mark could guess what the goods and/or services are, but **“whether someone who knows what the goods and[/or] services are will understand the mark to**

**convey information about them.”** *DuoProSS Meditech Corp. v. Inviro Med. Devices, Ltd.*, 695 F.3d 1247, 1254, 103 USPQ2d 1753, 1757 (Fed. Cir. 2012) (quoting *In re Tower Tech, Inc.*, 64 USPQ2d 1314, 1316-17 (TTAB 2002)); *In re Mueller Sports. Med., Inc.*, 126 USPQ2d 1584, 1587 (TTAB 2018).

In this case, both the individual components and composite result are descriptive of applicant’s services and do not create a unique, incongruous, or nondescriptive meaning in relation to the services. Specifically, the words “wildflower” and “apothecary” are defined as follows:

**wildflower:** the flower of a wild or uncultivated plant or the plant bearing it. *Merriam-Webster’s Dictionary* (2022), <https://www.merriam-webster.com/dictionary/wildflower>, *Atch 1*.

**apothecary:** one who prepares and sells drugs or compounds for medicinal purposes. *Merriam-Webster’s Dictionary* (2022), <https://www.merriam-webster.com/dictionary/apothecary>, *Atch 2*.

Notably, the above definition of apothecary is broader than the pharmacy definition also included in this dictionary, in that the compounds could include substances other than drugs, like the skin care preparations, coffee, and tea featured by the services in this application. Further, this term is often used to refer to compounds that have broader wellness effects than prescription pharmaceuticals.

Thus, purchasers who encounter WILDFLOWER APOTHECARY used in association with the identified services would immediately understand that goods featured by those services include compounds that incorporate wildflowers for wellness/medicinal purposes. The applicant’s specimen of record confirms that the goods featured by the applicant’s services do include wildflowers as ingredients and have been developed to address specific purposes. For example, the cleanser featured by the applicant’s services is “infused with herbs/flowers, in specific combination, to . . . naturally balance the skins Ph,” and the moisturizer “took . . . 3 years to perfect,” and includes “11 specific wildflowers/herbs,” resulting in “some serious plant medicine.” Similarly, the blend in the tea featured by the services is described as “chosen specifically to help aid, repair, and maintain beautiful skin.”

The attached additional printouts from the applicant’s website, *Atchs 3a-d*, confirms that the goods featured by the services are made from wildflowers for specific medicinal purposes, and even uses the term “apothecary” in reference to the applicant’s stock of plants.

Material obtained from applicant’s website is acceptable as competent evidence. *See In re N.V. Organon*, 79 USPQ2d 1639, 1642-43 (TTAB 2006); *In re Promo Ink*, 78 USPQ2d 1301, 1302-03 (TTAB 2006); TBMP §1208.03; TMEP §710.01(b).

The applicant is also referred to the attached representative sample of 10 third-party registrations for marks that include the term APOTHECARY for retail store services featuring similar types of goods, *Atchs 4a-j*. Each of these marks is registered with a disclaimer of APOTHECARY.

Third-party registrations featuring goods and/or services the same as or similar to applicant’s goods and/or services are probative evidence on the issue of descriptiveness where the relevant word or term is disclaimed. *E.g.*, *In re Morinaga Nyugyo Kabushiki Kaisha*, 120 USPQ2d 1738, 1745 (TTAB 2016) (quoting *Inst. Nat’l des Appellations D’Origine v. Vintners Int’l Co.*, 958 F.2d 1574, 1581-82, 22 USPQ2d 1190, 1196 (Fed. Cir. 1992)); *In re Box Solutions Corp.*, 79 USPQ2d 1953, 1955 (TTAB 2006).

All of this evidence demonstrates that the mark WILDFLOWER APOTHECARY as applied to the identified services merely describes characteristics of the applicant's services. Accordingly, the proposed mark is merely descriptive, and registration is refused on the Principal Register under Section 2(e)(1).

Although applicant's mark has been refused registration, applicant may respond to the refusal by submitting evidence and arguments in support of registration. **Please note that informal communications (phone and email) may not be used to request advisory opinions as to the likelihood of overcoming a substantive refusal.** TMEP §709.05. To properly introduce Internet evidence into the record, an applicant must provide (1) an image file or printout of the downloaded webpage, (2) the date the evidence was downloaded or accessed, and (3) the complete URL address of the webpage. *See In re I-Coat Co., LLC*, 126 USPQ2d 1730, 1733 (TTAB 2018); TBMP §1208.03; TMEP §710.01(b).

### **Section 2(f) or Amendment to Supplemental Register Recommended**

The application record indicates that applicant has used its mark for a long time; therefore, applicant has the option to amend the application to assert a claim of acquired distinctiveness under Trademark Act Section 2(f). *See* 15 U.S.C. §1052(f); TMEP §1212.05.

To amend the application to Section 2(f) based on five years' use, applicant should request that the application be amended to assert a claim of acquired distinctiveness under Section 2(f) and submit the following written statement claiming acquired distinctiveness, if accurate:

**The mark has become distinctive of the goods and/or services through the applicant's substantially exclusive and continuous use of the mark in commerce that the U.S. Congress may lawfully regulate for at least the five years immediately before the date of this statement.**

TMEP §1212.05(d); *see* 15 U.S.C. §1052(f); 37 C.F.R. §2.41(a)(2); TMEP §1212.08. This statement must be verified with an affidavit or signed declaration under 37 C.F.R. §2.20. 37 C.F.R. §2.41(a)(2); TMEP §1212.05(d); *see* 37 C.F.R. §2.193(e)(1).

In the alternative, applicant may respond to the refusal by amending the application to seek registration on the Supplemental Register. *See* 15 U.S.C. §1091; 37 C.F.R. §§2.47, 2.75(a); TMEP §§801.02(b), 816. Amending to the Supplemental Register does not preclude applicant from submitting evidence and arguments against the refusal(s). TMEP §816.04.

Although registration on the Supplemental Register does not afford all the benefits of registration on the Principal Register, it does provide the following advantages to the registrant:

- (1) Use of the registration symbol ® with the registered mark in connection with the designated goods and/or services, which provides public notice of the registration and potentially deters third parties from using confusingly similar marks.
- (2) Inclusion of the registered mark in the USPTO's database of registered and pending marks, which will (a) make it easier for third parties to find it in trademark search reports, (b) provide public notice of the registration, and thus (c) potentially deter third parties from using confusingly similar marks.

(3) Use of the registration by a USPTO trademark examining attorney as a bar to registering confusingly similar marks in applications filed by third parties.

(4) Use of the registration as a basis to bring suit for trademark infringement in federal court, which, although more costly than state court, means judges with more trademark experience, often faster adjudications, and the opportunity to seek an injunction, actual damages, and attorneys' fees and costs.

(5) Use of the registration as a filing basis for a trademark application for registration in certain foreign countries, in accordance with international treaties.

*See* 15 U.S.C. §§1052(d), 1091, 1094; J. Thomas McCarthy, *McCarthy on Trademarks & Unfair Competition* §§19:33, 19:37 (rev. 4th ed. Supp. 2017).

**How to respond.** [Click to file a response to this nonfinal Office action.](#)

For questions about this Office action, please call or email the assigned trademark examining attorney (email preferred). The USPTO does **not** accept emails as responses to Office actions; however, emails can be used for informal communications and are included in the application record. *See* 37 C.F.R. §§2.62(c), 2.191; TMEP §§304.01-.02, 709.04-.05.

/Kim Teresa Moninghoff/  
Kim Teresa Moninghoff  
Trademark Examining Attorney  
Law Office 113  
(571) 272-4738  
kim.moninghoff@uspto.gov

## RESPONSE GUIDANCE

- **Missing the response deadline to this letter will cause the application to [abandon](#).** The response must be received by the USPTO before midnight **Eastern Time** of the last day of the response period. TEAS maintenance or [unforeseen circumstances](#) could affect an applicant's ability to timely respond.
- **[Responses signed by an unauthorized party](#)** are not accepted and can **cause the application to [abandon](#)**. If applicant does not have an attorney, the response must be signed by the individual applicant, all joint applicants, or someone with [legal authority to bind a juristic applicant](#). If applicant has an attorney, the response must be signed by the attorney.
- If needed, **find [contact information for the supervisor](#)** of the office or unit listed in the signature block.



SINCE 1828

GAMES & QUIZZES

THESAURUS

WORD OF THE DAY

FEATURES

SHOP

JOIN MWU

LOG IN

REGISTER

wildflower



Dictionary

Thesaurus



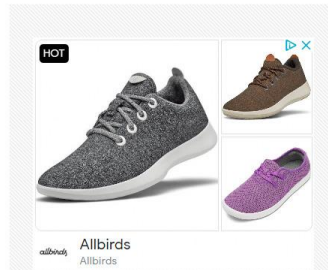
# wildflower noun

Save Word

wild-flow-er | \ 'wɪ(-ə)ld- flau(-ə)r \

## Definition of *wildflower*

: the flower of a wild or uncultivated plant or the plant bearing it



Allbirds  
Allbirds

WORD OF THE DAY

overwhelm

Allbirds  
Allbirds

9:15:15 AM 8/25/2022

https://www.merriam-webster.com/dictionary/wildflower



SINCE 1828

GAMES & QUIZZES

THESAURUS

WORD OF THE DAY

FEATURES

SHOP

JOIN MWU

LOG IN

REGISTER

apothecary



Dictionary

Thesaurus

**Nissan TRILLION**  
THE 2022 NISSAN ALTIMA  
1.9% APR FOR UP TO 36 MONTHS  
FINANCING FOR WELL-QUALIFIED BUYERS  
FIND LOCAL DEALERS  
REQUEST A QUOTE  
\*MORE OFFER INFORMATION

# apothecary noun



apoth-e-cary | \ə-ˈpā-thə-ker-ē, -ˌke-rē\  
plural apothecaries

## Definition of apothecary

- 1 : one who prepares and sells drugs or compounds for medicinal purposes
- 2 : PHARMACY



The Stigma of Addiction Realized



Hear personal stories of recovery

[BeforeItsTooLate.Maryland.gov](https://www.beforeits toolate.maryland.gov)

More "Best Senior Living" communities recognized by  
**U.S. News & World Report**  
than any other provider

WORD OF THE DAY

overwhelm

[Words and Examples](#)

Day daily email!

9:18:20 AM 8/25/2022

<https://www.merriam-webster.com/dictionary/apothecary>



The oils used for our Wildflower Apothecary are infused with organic herbs and flowers via traditional folk infusion methods. We rely on the sun to naturally infuse the oil with the healing properties and essence of the herbs and flowers - creating wonderful medicinal oils that heal, protect and nurture the body and skin.

---

## Wildflower Apothecary Skincare System

---



## Wildflower Apothecary Skincare System



Organic and Wildcrafted skincare kits made for you according to your skin type, season, personality, climate, and lifestyle. Gathering the ingredients seasonally from local farms, gardens, and in the wild.

[Shop Now](#)



runner, EMT, somatic body and mind practitioner, mother of 3 lovely beautiful young adults, UCLA Theater Arts graduate, esthetician, avid gardener, life-coach, alchemist, cosmetic chemist, herbalist, wildflower and plant lover.

We are now an on-line and on-site business catering to clients who desire custom, organic and seasonally made skin care and wellness products. Including our new "Wildflower in the Pink" line, dedicated to the amazing and absolutely courageous women going through Breast Cancer, their recovery and post-care. This newer division was recently added in 2019, as I was diagnosed with breast cancer myself in June 2017. I personally experienced the stress of having cancer, along with traumatizing effects on my skin and body from the standard medical treatments. Which believe me, as I am fair skinned, took a huge toll on my skin and overall well-being. I created the Wildflower Pink Products for myself and now have it available for those going through cancer and post-cancer care (10% of our proceeds go to the Susan G Komen Foundation).

Wildflower Apothecary products are organic, wild-crafted and made with natural plant ingredients that are selected for their regenerating, anti-inflammatory, antioxidant, purifying and moisture balancing benefits. Solar infused oils, plants, fruits, herbs, flowers, botanical extracts, butters and sea salts are chosen for their purity, sustainability, biodynamic growing and harvesting methods which support local, organic farmers and indigenous cultures in fair trade. Many of which we grow, make ourselves, and specifically, our biodynamic wine grapes, which are gathered from Rexhill Winery and Vineyard Estates located in Newberg, Oregon where my brother, Sam Tannahill and his wife Cheryl Francis, are two of the Founders.

---

Grandma Claire



In June 2017, I was diagnosed with breast cancer. During treatment, I realized my skin and olfactory senses simply couldn't handle exfoliates, essential oils or strong scents. I already had a well-stocked Apothecary of amazing plants so, into my kitchen (lab) I went. I created the "Wild Flower in the Pink" line to bring as many gentle, healing herbs, flowers, and spices into my daily life as I could. The following year, I triumphed over cancer and have no intention of getting it back!

Fast forward to 2020, these organic botanical products remain part of my daily ritual for beauty and health. If your sensitivities are heightened for any reason, I hope they become part of your routine as well. Or share them with loved ones, who are facing similar challenges / treatments and bring a smile to their face...

Enjoy and much love,

*Danay*  
xo

**(4) STANDARD CHARACTER MARK**

Abigail's Apothecary

**Mark Punctuated**

ABIGAIL'S APOTHECARY

**Translation**

**Goods/Services**

- IC 003. US 001 004 006 050 051 052.G & S: Skin care products, namely, body scrubs and body butters. FIRST USE: 20150131. FIRST USE IN COMMERCE: 20150430
- IC 005. US 005 006 018 044 046 051 052.G & S: Liquid nutritional supplements. FIRST USE: 20150131. FIRST USE IN COMMERCE: 20150131
- IC 035. US 100 101 102.G & S: Online retail store services featuring skin care products and liquid nutritional supplements. FIRST USE: 20150131. FIRST USE IN COMMERCE: 20150531

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Design Code**

**Serial Number**

90396655

**Filing Date**

20201220

**Current Filing Basis**

1A

**Original Filing Basis**

1A

**Publication for Opposition Date**

20210720

**Registration Number**

6509392

**Date Registered**

20211005

**Owner**

(REGISTRANT) Patricia McBroom INDIVIDUAL UNITED STATES 5946 School Street Berkeley ILLINOIS 60163

**Priority Date**

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "APOTHECARY" APART FROM THE MARK AS SHOWN

**Description of Mark**

**Type of Mark**

TRADEMARK. SERVICE MARK

**Register**

PRINCIPAL

**Live Dead Indicator**

LIVE

**Attorney of Record**

Konrad Sherinian

**(4) STANDARD CHARACTER MARK**

Amityville Apothecary

**Mark Punctuated**

AMITYVILLE APOTHECARY

**Translation**

**Goods/Services**

- IC 003. US 001 004 006 050 051 052.G & S: Bath salts, not for medical purposes; Bath and shower gels and salts not for medical purposes; Oils for cosmetic purposes; Oils for perfumes and scents; Aromatic oils; Aromatic oils for the bath; Bath oils; Body sprays; Cosmetic bath salts; Cosmetic oils; Essential oils for personal use; Essential oils, namely, pine oils; Mineral salt in the nature of bath salts not for medical purposes; Natural essential oils; Non-medicated bath salts; Non-medicated skin care preparation, namely, body mist; Perfume oils; Perfumery, essential oils; Scented oils; Scented body spray; Scented room sprays. FIRST USE: 20181101. FIRST USE IN COMMERCE: 20181101
- IC 004. US 001 006 015.G & S: Candles; Candles and wicks for candles for lighting; Candles for lighting; Perfumed candles; Scented candles. FIRST USE: 20181101. FIRST USE IN COMMERCE: 20181101
- IC 014. US 002 027 028 050.G & S: Precious stones; Precious and semi-precious stones; Jewellery and precious stones; Jewellery, precious and semi-precious stones; Semi-precious and precious stones. FIRST USE: 20181101. FIRST USE IN COMMERCE: 20181101
- IC 035. US 100 101 102.G & S: On-line retail store services featuring books, tarot cards, crystals, stones, cosmetics, candles, jewelry, herbs, oils, body sprays, metaphysical gifts in the nature of crystals, candles, intention oils, tarot cards, oracle cards, books related to metaphysical topics, jewelry with healing crystals or stones, herbs for spell work and incense, and spiritual goods in the nature of saint candles, saint statues, amulet jewelry with saint portrayals, books related to saints, goddesses, and spiritual topics, and oracle cards and decks related to saints; Online retail apothecary, metaphysical goods and spiritual goods store services featuring in-store order pickup featuring books, tarot cards, crystals, stones, cosmetics, candles, jewelry, herbs, oils, body sprays, metaphysical gifts in the nature of crystals, candles, intention oils, tarot cards, oracle cards, books related to metaphysical topics, jewelry with healing crystals or stones, herbs for spell work and incense, and spiritual goods in the nature of saint candles, saint statues, amulet jewelry with saint portrayals, books related to saints, goddesses, and spiritual topics, and oracle cards and decks related to saints; Retail store services featuring a wide variety of consumer goods of others; Retail store services featuring books, tarot cards, crystals, stones, cosmetics, candles, jewelry, herbs, oils, body sprays, metaphysical gifts in the nature of crystals, candles, intention oils, tarot cards, oracle cards, books related to metaphysical topics, jewelry with healing crystals or stones, herbs for spell work and incense, and spiritual goods in the nature of saint candles, saint statues, amulet jewelry with saint portrayals, books related to saints, goddesses, and spiritual topics, and oracle cards and decks related to saints; Computerized on-line retail store services in the field of books, tarot cards, crystals, stones, cosmetics, candles, jewelry, herbs, oils, body sprays, metaphysical gifts in the nature of crystals, candles, intention oils, tarot cards, oracle cards, books related to metaphysical topics, jewelry with healing crystals or stones, herbs for spell work and incense, and spiritual goods in the nature of saint candles, saint statues, amulet jewelry with saint portrayals, books related to saints, goddesses and spiritual topics and oracle

cards and decks related to saints. FIRST USE: 20181101. FIRST USE IN COMMERCE: 20181101

- IC 045. US 100 101.G & S: Astrological forecasting; Astrology consultancy; Astrology consultation; Psychic mediumship services; Psychic reading services; Spiritual consultancy; Spiritual consultation; Spiritual counseling; Providing spiritual and philosophical guidance in the field of astrology, tarot card reading psychic, medium and oracle services; Providing spiritual rehabilitation services; Providing both in-person and on-line holistic spiritual counseling services; Providing on-line information in the field of spirituality, self-help, and personal empowerment subject matters; Religious and spiritual services, namely, providing gatherings and retreats to develop and enhance the spiritual lives of individuals; Religious and spiritual services, namely, providing gatherings to develop and enhance the spiritual lives of individuals; Religious and spiritual services, namely, providing individual meetings to develop and enhance the spiritual lives of individuals. FIRST USE: 20181101. FIRST USE IN COMMERCE: 20181101

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Design Code****Serial Number**

90445491

**Filing Date**

20210101

**Current Filing Basis**

1A

**Original Filing Basis**

1A

**Publication for Opposition Date****Registration Number**

6720513

**Date Registered**

20220503

**Owner**

(REGISTRANT) Dina L. Rosenberg INDIVIDUAL UNITED STATES 34 Wellington Pl. Amityville NEW YORK 11701 (REGISTRANT) Danielle K. Martin INDIVIDUAL UNITED STATES 3 Jarvis Ct. Huntington NEW YORK 11743

**Priority Date****Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "APOTHECARY" APART FROM THE MARK AS SHOWN

**Description of Mark****Type of Mark**

TRADEMARK. SERVICE MARK

**Register**

SUPPLEMENTAL

**Live Dead Indicator**

**LIVE**

**Attorney of Record**  
Lasheca Lewis



**(4) STANDARD CHARACTER MARK**

Wild Wood Apothecary

**Mark Punctuated**

WILD WOOD APOTHECARY

**Translation**

**Goods/Services**

- IC 035. US 100 101 102.G & S: On-line retail store services featuring dietary supplements, herbal extracts and tinctures, creams, lotions, body butter, balms, salves, non-medicated ointments, body gels, body oils, serums, massage oils, perfumes, teas, honey based syrups, tooth powders, natural deodorants, face toners, spritzes, bath salts, herbal vinegars. FIRST USE: 20151205. FIRST USE IN COMMERCE: 20151205

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Design Code**

**Serial Number**

90332969

**Filing Date**

20201120

**Current Filing Basis**

1A

**Original Filing Basis**

1A

**Publication for Opposition Date**

20210615

**Registration Number**

6468340

**Date Registered**

20210831

**Owner**

(REGISTRANT) April Graham INDIVIDUAL UNITED STATES 54720 bingham RD Adams OREGON 97810

**Priority Date**

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "APOTHECARY" APART FROM THE MARK AS SHOWN

**Description of Mark**

**Type of Mark**  
SERVICE MARK

**Register**  
PRINCIPAL

**Live Dead Indicator**  
**LIVE**

**Attorney of Record**  
Michael Pesochinsky

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS



**Mark Punctuated**

FOUR WINDS APOTHECARY

**Translation**

**Goods/Services**

- IC 003. US 001 004 006 050 051 052.G & S: Face creams; Eye creams; Face wash; Beauty masks for faces; Beauty serums for faces; Body wash; Body lotions; Non-medicated hand soaps; Shampoos; Hair conditioners; Cosmetic bath salts ; Body oils; Body Scrubs; Non-medicated skin care preparations, namely, body mists; Scented linen sprays; all the foregoing excluding for aromatherapy use or purposes. FIRST USE: 20191211. FIRST USE IN COMMERCE: 20191211
- IC 005. US 006 018 044 046 051 052.G & S: Powdered nutritional supplement drink mix containing protein; Herbal Supplements; Nutritional supplements; Hand sanitizing preparations; Anti-insect sprays. FIRST USE: 20200507. FIRST USE IN COMMERCE: 20200507
- IC 035. US 100 101 102.G & S: Retail store and online retail store services featuring dietary supplements, nutritional supplements, herbs, vitamins, cosmetics, body care products excluding for aromatherapy use or purposes. FIRST USE: 20191120. FIRST USE IN COMMERCE: 20191120

**Mark Drawing Code**

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

**Design Code**

190925 241302

**Serial Number**

90002627

**Filing Date**

20200615

**Current Filing Basis**

1A

**Original Filing Basis**

1A

**Publication for Opposition Date**

20201124

**Registration Number**

6264793

**Date Registered**

20210209

**Owner**

(REGISTRANT) K&C Family Holdings, Inc. CORPORATION FLORIDA 100 Plaza Real South, Suite H Boca

Raton FLORIDA 33432

**Priority Date**

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "APOTHECARY" APART FROM THE MARK AS SHOWN

**Description of Mark**

Color is not claimed as a feature of the mark. The mark consists of the wordings "FOUR WINDS" above "APOTHECARY", all in stylized font. A container design bearing a Greek cross in its center appears between "FOUR" and "WINDS" of the mark.

**Type of Mark**

TRADEMARK. SERVICE MARK

**Register**

PRINCIPAL

**Live Dead Indicator**

LIVE

**Attorney of Record**

Isabelle Jung Greenberg

**(4) STANDARD CHARACTER MARK**

Meadowlark Apothecary

**Mark Punctuated**

MEADOWLARK APOTHECARY

**Translation**

**Goods/Services**

- IC 003. US 001 004 006 050 051 052.G & S: Incense; Incense sticks. FIRST USE: 20190101. FIRST USE IN COMMERCE: 20190101
- IC 025. US 022 039.G & S: Coats; Hats; Pants; Bottoms as clothing; Hoodies; Jackets; Shirts; Sweat shirts; Tops as clothing; Hooded sweat shirts. FIRST USE: 20190101. FIRST USE IN COMMERCE: 20190101
- IC 030. US 046.G & S: Tea; Tea bags; Tea extracts; Tea substitutes; Herb teas; Instant tea; Processed tea leaves. FIRST USE: 20190101. FIRST USE IN COMMERCE: 20190101
- IC 035. US 100 101 102.G & S: On-line retail store services featuring a wide variety of consumer goods of others; On-line retail store services featuring tea, food, and beverages; On-line retail store services featuring clothing; On-line retail store services featuring tea and tea-related products; On-line retail store services featuring incense; On-line wholesale and retail store services featuring tea and tea-related products; On-line wholesale and retail store services featuring clothing; On-line wholesale and retail store services featuring consumer goods; Online retail convenience store services featuring in-store order pickup; Online retail grocery store services; Computerized on-line retail store services in the field of consumer goods. FIRST USE: 20190101. FIRST USE IN COMMERCE: 20190101

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Design Code**

**Serial Number**

90627334

**Filing Date**

20210406

**Current Filing Basis**

1A

**Original Filing Basis**

1A

**Publication for Opposition Date**

20220111

**Registration Number**

6683452

**Date Registered**

20220329

**Owner**

(REGISTRANT) Anna Sullivan INDIVIDUAL UNITED STATES 514 Whatley Rd Nashua MONTANA 59248

**Priority Date**

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "APOTHECARY" APART FROM THE MARK AS SHOWN

**Description of Mark**

**Type of Mark**

TRADEMARK. SERVICE MARK

**Register**

PRINCIPAL

**Live Dead Indicator**

LIVE

**Attorney of Record**

JUSTIN JOHANSON

**(4) STANDARD CHARACTER MARK**

PLANT Apothecary

**Mark Punctuated**

PLANT APOTHECARY

**Translation**

**Goods/Services**

- IC 035. US 100 101 102.G & S: On-line retail store services featuring body oils, body scrubs, body washes, facial cleansers, facial masks, non-medicated body soaks, and body mists; On-line wholesale store services featuring body oils, body scrubs, body washes, facial cleansers, facial masks, non-medicated body soaks, and body mists. FIRST USE: 20110301. FIRST USE IN COMMERCE: 20110301

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Design Code**

**Serial Number**

87063735

**Filing Date**

20160607

**Current Filing Basis**

1A

**Original Filing Basis**

1A

**Publication for Opposition Date**

20170117

**Registration Number**

5175116

**Date Registered**

20170404

**Owner**

(REGISTRANT) BKDK, LLC DBA PLANT LIMITED LIABILITY COMPANY NEW YORK 106 N. 8th St., Unit 4L Brooklyn NEW YORK 11249 (LAST LISTED OWNER) RARE BEAUTY BRANDS, INC. CORPORATION DELAWARE 83 MORSE STREET, UNIT 8A NORWOOD MASSACHUSETTS 02062

**Priority Date**

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "APOTHECARY" APART FROM THE MARK AS SHOWN

**Description of Mark**

**Type of Mark**  
SERVICE MARK

**Register**  
PRINCIPAL

**Live Dead Indicator**  
**LIVE**

**Attorney of Record**  
Rory J. Radding



**(4) STANDARD CHARACTER MARK**

MODERN APOTHECARY

**Mark Punctuated**

MODERN APOTHECARY

**Translation**

**Goods/Services**

- IC 035. US 100 101 102.G & S: Retail store services, featuring gifts, toiletries, other personal care products. FIRST USE: 19990100. FIRST USE IN COMMERCE: 19990100
- IC 044. US 100 101.G & S: Health spa services, namely cosmetic body care services and massage services. FIRST USE: 19990100. FIRST USE IN COMMERCE: 19990100

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Design Code**

**Serial Number**

76605137

**Filing Date**

20040802

**Current Filing Basis**

1A

**Original Filing Basis**

1A

**Publication for Opposition Date**

20060404

**Registration Number**

3108442

**Date Registered**

20060627

**Owner**

(REGISTRANT) LATHER, INC. CORPORATION CALIFORNIA 76 North Fair Oaks Avenue Pasadena CALIFORNIA 91103

**Priority Date**

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "APOTHECARY" APART FROM THE MARK AS SHOWN

**Description of Mark**

**Type of Mark**

SERVICE MARK

**Register**  
PRINCIPAL

**Live Dead Indicator**

**LIVE**

**Attorney of Record**  
Willmore F. Holbrow

(4) STANDARD CHARACTER MARK

WILLOW & BIRCH APOTHECARY

**Mark Punctuated**

WILLOW & BIRCH APOTHECARY

**Translation**

**Goods/Services**

- IC 003. US 001 004 006 050 051 052.G & S: Body and beauty care cosmetics; Lip balm; Moisturizing preparations for the skin; Moisturizing solutions for the skin; Perfumes; Skin moisturizers used as cosmetics; Bar soap; Beauty soap; Non-medicated bath salts; Oils for perfumes and scents; Skin soap. FIRST USE: 20150522. FIRST USE IN COMMERCE: 20151121
- IC 004. US 001 006 015.G & S: Candles; Scented candles. FIRST USE: 20150522. FIRST USE IN COMMERCE: 20151121
- IC 035. US 100 101 102.G & S: On-line retail store services featuring body care products, soaps, cosmetics, candles and household goods. FIRST USE: 20150522. FIRST USE IN COMMERCE: 20150916

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Design Code**

**Serial Number**

87892600

**Filing Date**

20180425

**Current Filing Basis**

1A

**Original Filing Basis**

1A

**Publication for Opposition Date**

20180925

**Registration Number**

5627135

**Date Registered**

20181211

**Owner**

(REGISTRANT) WILLOW & BIRCH LIMITED LIABILITY COMPANY NEW YORK 6831 COUNTY HIGHWAY 18 BLOOMVILLE NEW YORK 13739

**Priority Date**

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "APOTHECARY" APART FROM THE MARK AS SHOWN

**Description of Mark**

**Type of Mark**

TRADEMARK. SERVICE MARK

**Register**

PRINCIPAL

**Live Dead Indicator**

LIVE

**Attorney of Record**

Robert Lippman

(4) STANDARD CHARACTER MARK

REBECCA'S HERBAL APOTHECARY

**Mark Punctuated**

REBECCA'S HERBAL APOTHECARY

**Translation**

**Goods/Services**

- IC 030. US 046.G & S: Spice blends; Spices; Tea; Tea for infusions; Dried herbs; Herbal tea. FIRST USE: 20040913. FIRST USE IN COMMERCE: 20040913
- IC 035. US 100 101 102.G & S: Retail store services featuring health and wellness products, aromatherapy products, skin care products, personal care products, bath and body care products, baby care products, essential oils, herbs, teas, spices, and houseware; On-line retail store services featuring health and wellness products, aromatherapy products, skin care products, personal care products, bath and body care products, baby care products, essential oils, herbs, teas, spices, and houseware; Retail apothecary store services. FIRST USE: 20040913. FIRST USE IN COMMERCE: 20040913

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Design Code**

**Serial Number**

87339036

**Filing Date**

20170216

**Current Filing Basis**

1A

**Original Filing Basis**

1A

**Publication for Opposition Date**

20170718

**Registration Number**

5300171

**Date Registered**

20171003

**Owner**

(REGISTRANT) Rebecca's, Inc. CORPORATION COLORADO 1227 Spruce Street Boulder COLORADO 80302

**Priority Date**

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "HERBAL APOTHECARY" APART FROM THE MARK AS SHOWN

**Description of Mark**

**Type of Mark**

TRADEMARK. SERVICE MARK

**Register**

PRINCIPAL

**Live Dead Indicator**

LIVE

**Attorney of Record**

Kathleen S. Ryan

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS



**Mark Punctuated**

ALCHEMY APOTHECARY

**Translation**

**Goods/Services**

- IC 035. US 100 101 102.G & S: Retail store, distributorship, wholesale and online retail store services in the fields of foods, snacks, dietary and nutritional supplements, cosmetics, fragrances, clothing, housewares and accessories, Retail store services and online retail store services featuring herbal supplements, tonics, elixirs, extracts, powders, food and snacks, cosmetics, fragrances, clothing, housewares and accessories; Retail store services and online retail store services featuring a wide variety of consumer goods of others. FIRST USE: 20160101. FIRST USE IN COMMERCE: 20160601

**Mark Drawing Code**

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

**Design Code**

260120 260502 260902

**Serial Number**

87862582

**Filing Date**

20180404

**Current Filing Basis**

1A

**Original Filing Basis**

1A

**Publication for Opposition Date**

20190402

**Registration Number**

5778847

**Date Registered**

20190618

**Owner**

(REGISTRANT) BAUER, DANIELLE DBA ALCHEMY APOTHECARY LLC INDIVIDUAL UNITED STATES 76 new york avenue halesite NEW YORK 11743

**Priority Date**

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "APOTHECARY" APART FROM THE

MARK AS SHOWN

**Description of Mark**

Color is not claimed as a feature of the mark. The mark consists of a design of a circle inside a square inside a triangle inside a circle and the words "ALCHEMY APOTHECARY" below the design.

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Live Dead Indicator**

LIVE

**Attorney of Record**



## United States Patent and Trademark Office (USPTO)

### USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued  
on August 25, 2022 for  
**U.S. Trademark Application Serial No. 97120375**

A USPTO examining attorney has reviewed your trademark application and issued an Office action. You must respond to this Office action in order to avoid your application abandoning. Follow the steps below.

- (1) **[Read the Office action](#)**. This email is NOT the Office action.
- (2) **Respond to the Office action by the deadline** using the Trademark Electronic Application System (TEAS). Your response must be received by the USPTO on or before 11:59 p.m. **Eastern Time** of the last day of the response period. Otherwise, your application will be **[abandoned](#)**. See the Office action itself regarding how to respond.
- (3) **Direct general questions** about using USPTO electronic forms, the USPTO **[website](#)**, the application process, the status of your application, and whether there are outstanding deadlines to the **[Trademark Assistance Center \(TAC\)](#)**.

After reading the Office action, address any question(s) regarding the specific content to the USPTO examining attorney identified in the Office action.

### GENERAL GUIDANCE

- **[Check the status](#) of your application periodically** in the **[Trademark Status & Document Retrieval \(TSDR\)](#)** database to avoid missing critical deadlines.
- **[Update your correspondence email address](#)** to ensure you receive important USPTO notices about your application.
- **[Beware of trademark-related scams](#)**. Protect yourself from people and companies that may try to take financial advantage of you. Private companies may call you and pretend to be the USPTO or may send you communications that resemble official USPTO documents to trick you. We will never request your credit card number or social security number over the phone. And all official USPTO correspondence will only be emailed from the domain “@uspto.gov.” Verify the correspondence originated from us by using your Serial Number in our database, **[TSDR](#)**, to confirm that it appears under the “Documents” tab, or contact the **[Trademark Assistance Center](#)**.

- **Hiring a U.S.-licensed attorney.** If you do not have an attorney and are not required to have one under the trademark rules, we encourage you to hire a U.S.-licensed attorney specializing in trademark law to help guide you through the registration process. The USPTO examining attorney is not your attorney and cannot give you legal advice, but rather works for and represents the USPTO in trademark matters.

# Note To The File

Serial Number: 97120375  
Date: 08/25/2022 12:23 pm  
Created by: Kim Moninghoff

WILDFLOWER APOTHECARY

---

## Searched

- Google
- OneLook
- <https://www.wildflowerapothecary.com/wildflower-apothecary.html>

## Discussed file with Attorney/Applicant

- Left message

**From:** Moninghoff, Kim  
**Sent:** Tuesday, August 23, 2022 10:30 AM  
**To:** NCook@hansonbridgett.com  
**Cc:** ipfilings@hansonbridgett.com  
**Subject:** Trademark Application Nos. 97120368, 97120373, 97120375 WILDFLOWER APOTHECARY (Docket No. 38801.1) - please respond by 12:00 ET, tomorrow

Mr. Cook,

I've been assigned to review these trademark applications. Before I can approve the marks for publication, there are some issues that must be addressed.

Specifically, the marks appear to be merely descriptive of these goods and services. However, because the marks have been in use for over 5 years, I would be willing to accept a Section 2(f) claim, instead of issuing refusals. Because the claim would need to be supported by a signed declaration, I cannot enter it by Examiner's Amendment. Instead, you would need to submit it using our voluntary amendment, accessible on this webpage: <https://www.uspto.gov/trademarks/apply/miscellaneous-forms>. To include the statement and the declaration, you would need to change the answers to Yes for Questions 2 and 8. If for some reason you don't think a Section 2(f) claim would be appropriate in this case, I could amend them to the Supplemental Register by Examiner's Amendment, if you provide your consent by reply email.

This is the only issue for two of the applications. For the application filed for Class 3, the goods also need to be amended to limit them to that class, such as the following:

International Class 003: non-medicated Skin care preparations

This amendment could be included in the voluntary amendment, or I can enter it by Examiner's Amendment with your consent (provided by reply email).

I plan to be out of the office Friday of this week and all of next week, so for the voluntary amendments to be updated in time for me to accept them this week, they would need to be filed by **noon eastern tomorrow**. Please let me know if you submit them so I can make sure they are updated in our system.

If you have any questions, please let me know.

If I don't hear back from you by noon tomorrow, and the amendments discussed above have not been entered, I will send you formal Office actions for these issues. As a reminder, I cannot accept argument/evidence by email (or phone) so you would need to wait until I issue the refusals to submit any argument/evidence in a formal response. Also, I understand that this does not give you much time to consult with the applicant, but you would still be able to submit the Section 2(f) in formal responses, any time during the 6-month response period. Thank you.

Kim Teresa Moninghoff

Trademark Examining Attorney

Law Office 113

Phone: 571-272-4738

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