

To: Noel M. Cook(ipfilings@hansonbridgett.com)
Subject: U.S. Trademark Application Serial No. 97120368 - WILDFLOWER APOTHECARY - 38801.1
Sent: August 25, 2022 11:05:31 AM EDT
Sent As: 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._6720513](#)
[4b._Reg._No._6508143](#)
[4c._Reg._No._6667980](#)
[4d._Reg._No._6444333](#)
[4e._Reg._No._6674925](#)
[4f._Reg._No._6580628](#)
[4g._Reg._No._6753563](#)
[4h._Reg._No._6509392](#)
[4i._Reg._No._6758985](#)
[4j._Reg._No._6829497](#)

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

U.S. Application Serial No. 97120368

Mark: WILDFLOWER APOTHECARY

Correspondence Address:

NOEL M. COOK
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HANSON BRIDGETT LLP
SAN FRANCISCO CA 94105 UNITED STATES

Applicant: Dauray Tannahill Owens

Reference/Docket No. 38801.1

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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 003: Skin care products

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 goods and do not create a unique, incongruous, or nondescriptive meaning in relation to the goods. 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 included 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 on the identified goods would immediately understand that applicant's goods are compounds that incorporate wildflowers for wellness and medicinal purposes. The applicant's specimen of record confirms that the goods do include wildflowers as ingredients and have been developed to address specific purposes. For example, the cleanser 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."

The attached additional printouts from the applicant's website, *Atchs 3a-b*, confirm that the goods 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 similar goods in Class 3. *Atchs 4a-i*. Each of these marks is registered either on the Supplemental Register, or 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 or registered on the Supplemental Register. *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 goods merely describes characteristics of the applicant's goods. 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).

If applicant responds to the refusal, applicant must also respond to the requirement set forth below.

Requirement for Acceptable Identification and Classification of Goods

Applicant's goods are identified as:

International Class 003: Skin care products

The wording "Skin care products" in the identification of goods must be clarified because it is too broad and could include goods in other international classes. *See* 37 C.F.R. §2.32(a)(6); TMEP §§1402.01, 1402.03. In particular, this wording could encompass non-medicated skin care preparations in Class 3, and medicated preparations in Class 5. Additionally, the term "products" is broad enough to include goods in other classes. For example, this wording could include hand and power operated brushes for cleaning and exfoliating the skin, and applicators sold empty for applying cosmetic skin care lotions, which are classified in Class 21.

To summarize, applicant may adopt any or all of the following identifications of goods, if accurate:

International Class 003: non-medicated Skin care preparations

International Class 005: medicated Skin care preparations

International Class 021: Skin care products, namely, hand and power operated brushes for cleaning and exfoliating the skin, and applicators sold empty for applying cosmetic skin care lotions

See TMEP §1402.01.

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.

Applicant may amend the identification to clarify or limit the goods and/or services, but not to broaden or expand the goods and/or services 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 and/or services may not later be reinserted. *See* TMEP §1402.07(e).

Classification of goods and services is a purely administrative matter within the sole discretion of the USPTO. *See In re Faucher Indus. Inc.*, 107 USPQ2d 1355, 1357 (TTAB 2013) (quoting *In re Tee-Pak, Inc.*, 164 USPQ 88, 89 (TTAB 1969)).

Multiple-Class Application Requirements

The application references goods based on use in commerce in more than one international class; therefore, applicant must satisfy all the requirements below for each international class:

(1) **List the goods and/or services by their international class number** in consecutive numerical order, starting with the lowest numbered class (for example, International Class 3: perfume; International Class 18: cosmetic bags sold empty).

(2) **Submit a filing fee for each international class** not covered by the fee already paid (view the [USPTO's current fee schedule](#)). Specifically, the application identifies goods based on use in commerce that are classified in at least three classes; however, applicant submitted a fee sufficient for only one class. Applicant must either (a) submit the filing fees for the classes not covered by the submitted fees or (b) restrict the application to the number of classes covered by the fees already paid.

(3) **Submit verified dates of first use of the mark** anywhere and in commerce for each international class. [See more information about verified dates of use.](#)

(4) **Submit a specimen for each international class.** The current specimen is acceptable for classes 3 and 5; but applicant needs a specimen for class 21. [See more information about specimens.](#)

Examples of specimens. Specimens for goods include a photograph of (1) the actual goods bearing the mark; (2) an actual container, packaging, tag or label for the goods bearing the mark; or (3) a point-of-sale display showing the mark directly associated with the goods. *See* 37 C.F.R. §2.56(b)(1), (c); TMEP §904.03(a)-(m). A webpage specimen submitted as a display associated with the goods must show the mark in association with a picture or textual description of the goods and include information necessary for ordering the goods. TMEP §904.03(i); *see* 37 C.F.R. §2.56(b)(1), (c).

Any webpage printout or screenshot submitted as a specimen must include the webpage's URL and the date it was accessed or printed on the specimen itself, within the TEAS form that submits the specimen, or in a verified statement under 37 C.F.R. §2.20 or 28 U.S.C. §1746 in a later-filed response. *See* 37 C.F.R. §2.56(c); TMEP §§904.03(i), 1301.04(a).

(5) **Submit a verified statement** that “**The specimen was in use in commerce on or in connection with the goods and/or services listed in the application at least as early as the filing date of the application.**” [See more information about verification.](#)

See 37 C.F.R. §2.86(a); TMEP §§1403.01, 1403.02(c).

For an overview of the requirements for a Section 1(a) multiple-class application and how to satisfy the requirements online using the Trademark Electronic Application System (TEAS) form, see the

[Multiple-class Application webpage.](#)

The fee for adding classes to a TEAS Standard application is \$350 per class. *See* 37 C.F.R. §2.6(a)(1)(iii). For more information about adding classes to an application, see the [Multiple-class Application webpage](#).

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/
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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



HOT



Allbirds
Allbirds

WORD OF THE DAY

overwhelm

Allbirds
Allbirds



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



Save Word

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

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

WORD OF THE DAY

overwhelm



Words and Examples »



The Stigma
of Addiction
Realized



Hear personal stories
of recovery

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



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

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

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



Mark Punctuated

HERB AND SKIN BEAUTY APOTHECARY

Translation

Goods/Services

- IC 003. US 001 004 006 050 051 052.G & S: Fragrances; Bath oils; Beauty lotions; Body creams; Body lotion; Body masks; Body oil; Body scrub; Cosmetic creams; Cosmetic creams for skin care; Cosmetic hand creams; Cosmetic oils; Cosmetic preparations for skin care; Essential oils; Exfoliant creams; Facial cream; Facial lotion; Facial moisturizers; Hand lotions; Lip balm; Massage creams; Night cream; Scented oils; Skin lotions. FIRST USE: 20201001. FIRST USE IN COMMERCE: 20201001

Mark Drawing Code

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

Design Code

050308

Serial Number

90390841

Filing Date

20201217

Current Filing Basis

1A

Original Filing Basis

1A

Publication for Opposition Date

20210720

Registration Number

6508143

Date Registered

20211005

Owner

(REGISTRANT) Herb and Skin Beauty Apothecary Kent Weingardt, US Yitz Zelaya, US PARTNERSHIP CALIFORNIA 7200 Melody Lane Unit 62 La Mesa CALIFORNIA 91942

Priority Date

Disclaimer Statement

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

Description of Mark

The colors green, coral, blue, and white are claimed as a feature of the mark. The mark consists of a green-colored leaf with white veins positioned to the left of a coral-colored leaf with white veins, the leaves positioned above the words "HERB AND SKIN" in blue color, and words "BEAUTY APOTHECARY" in coral color and outlined in coral with white inner shading positioned below "HERB AND SKIN".

Type of Mark

TRADEMARK

Register

PRINCIPAL

Live Dead Indicator

LIVE

Attorney of Record

Joshua Schoonover

(4) STANDARD CHARACTER MARK

Anne's Apothecary

Mark Punctuated

ANNE'S APOTHECARY

Translation

Goods/Services

- IC 003. US 001 004 006 050 051 052.G & S: (Based on Use in Commerce) Exfoliant creams; Exfoliating pad containing a glycolic ingredient not for medical purposes; Exfoliating scrubs for cosmetic purposes; Facial cleansers; Facial oils; Facial cleaning preparation, namely, salicylic acne cleanser not for medical purposes; Lip balm; Lip cream; Pumice stones for personal use; Aloe vera gel for cosmetic purposes; Bar soap; Bath soaps; Bath herbs; Bath soaps in liquid, solid or gel form; Beauty gels; Beauty soap; Beauty balm creams; Body cream soap; Body deodorants; Cosmetic preparations; Face creams for cosmetic use; Face oils; Facial beauty masks; Facial cleansing milk; Facial cream; Facial lotion; Facial moisturizers; Facial washes; Fair complexion cream; Foot scrubs; Hand scrubs; Loofah soaps; Lotions for cosmetic purposes; Natural soap bars; Non-medicated exfoliating preparations for skin; Non-medicated soaps; Non-medicated bar soap; Non-medicated bath soap; Non-medicated bath preparations; Non-medicated bath salts; Non-medicated beauty soap; Non-medicated cosmetic soap; Non-medicated liquid soap; Nutritional oils for cosmetic purposes; Skin soap; Skin abrasive preparations; Skin care preparations, namely, chemical peels for skin; Skin care preparations, namely, fruit acid peels for skin; Skin masks; Skin moisturizer masks(Based on Intent to Use) Room fragrance refills for non-electric room fragrance dispensers; Room fragrances; Room fragrancing preparations. FIRST USE: 20150115. USED IN ANOTHER FORM 02-25-2015. FIRST USE IN COMMERCE: 20150115

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Design Code

Serial Number

90236659

Filing Date

20201005

Current Filing Basis

1A

Original Filing Basis

1A;1B

Publication for Opposition Date

20210413

Registration Number

6667980

Date Registered

20220308

Owner

(REGISTRANT) Lawoyin, Anne T INDIVIDUAL UNITED STATES PO Box 741 FUQUAY VARINA
NORTH CAROLINA 27526

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

Register

PRINCIPAL

Live Dead Indicator

LIVE

Attorney of Record

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



Mark Punctuated

OLA TROPICAL APOTHECARY

Translation

The English translation of "Ola" in the mark is "Hawaiian" and means "life, health, well-being, living, livelihood, means of support, salvation, alive, living, curable, spared, recovered, healed, to live, to spare, save, heal, grant life, survive, thrive".

Goods/Services

- IC 003. US 001 004 006 050 051 052.G & S: Non-medicated preparations all for the care of skin, hair and scalp. FIRST USE: 20120101. FIRST USE IN COMMERCE: 20130401

Mark Drawing Code

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

Design Code

011513 011711 270305

Serial Number

90017265

Filing Date

20200623

Current Filing Basis

1A

Original Filing Basis

1A

Publication for Opposition Date

20210525

Registration Number

6444333

Date Registered

20210810

Owner

(REGISTRANT) Hawaiian Body Products LIMITED LIABILITY COMPANY HAWAII 195 Waikahe Road
Hilo HAWAII 96720

Priority Date

Disclaimer Statement

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

Description of Mark

The mark consists of a stylized letter "O" designed to incorporate wave imagery and resembling an open ended circle drawn by a brush, with the Hawaiian Islands forming the top of the circle. Next to the "O" are the letters "L" and "A", forming the Hawaiian word "Ola", incorporating the same wave design and stylized rendering, with the words "Tropical Apothecary" underneath.

Type of Mark

TRADEMARK

Register

PRINCIPAL

Live Dead Indicator

LIVE

Attorney of Record

Elizabeth G. Chan

(4) STANDARD CHARACTER MARK

Soy Logic Apothecary

Mark Punctuated

SOY LOGIC APOTHECARY

Translation

Goods/Services

- IC 003. US 001 004 006 050 051 052.G & S: Fragrances; Bath salts, not for medical purposes; Lip balm; Shower gel; Skin moisturizer; Air fragrance reed diffusers; Bar soap; Cosmetic preparations for skin care; Non-medicated hand soaps; Non-medicated skin care preparations; Reed diffusers comprised of scented oils and also including reeds and a diffuser container; Room fragrances; all of the aforementioned made from or containing soy. FIRST USE: 20120601. FIRST USE IN COMMERCE: 20120601
- IC 004. US 001 006 015.G & S: Soy candles; Scented soy candles. FIRST USE: 20120601. FIRST USE IN COMMERCE: 20120601

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Design Code

Serial Number

90055371

Filing Date

20200715

Current Filing Basis

1A

Original Filing Basis

1A

Publication for Opposition Date

20220104

Registration Number

6674925

Date Registered

20220322

Owner

(REGISTRANT) Nassar, Shane INDIVIDUAL UNITED STATES 9C 19 Brigham Street, Marlborough, MASSACHUSETTS 01752

Priority Date

Disclaimer Statement

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

FROM THE MARK AS SHOWN

Description of Mark

Type of Mark
TRADEMARK

Register
PRINCIPAL

Live Dead Indicator
LIVE

Attorney of Record
Jeremy Peter Green

(4) STANDARD CHARACTER MARK

SAGE & ELM APOTHECARY

Mark Punctuated

SAGE & ELM APOTHECARY

Translation

Goods/Services

- IC 003. US 001 004 006 050 051 052.G & S: Body oil; Lip balm; Bar soap; Bath soaps; Body lotion; Liquid bath soaps; Natural soap bars. FIRST USE: 20191201. FIRST USE IN COMMERCE: 20191201

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Design Code

Serial Number

90462507

Filing Date

20210112

Current Filing Basis

1A

Original Filing Basis

1A

Publication for Opposition Date

20210921

Registration Number

6580628

Date Registered

20211207

Owner

(REGISTRANT) Robinson-Hershey, Krystle N TA Sage And Elm Apothecary LLC. INDIVIDUAL OKLAHOMA 3432 N Glenoaks Dr Midwest City OKLAHOMA 73110 (REGISTRANT) Hershey, Freeman D TA Sage And Elm Apothecary LLC. INDIVIDUAL OKLAHOMA 3432 N Glenoaks Dr Midwest City OKLAHOMA 73110

Priority Date

Disclaimer Statement

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

Description of Mark

Type of Mark

TRADEMARK

Register

PRINCIPAL

Live Dead Indicator

LIVE

Attorney of Record

Christopher J. Day

(4) STANDARD CHARACTER MARK

MEI APOTHECARY

Mark Punctuated
MEI APOTHECARY

Translation

Goods/Services

- IC 003. US 001 004 006 050 051 052.G & S: Cosmetics; Cosmetic preparations for skin care. FIRST USE: 20190301. FIRST USE IN COMMERCE: 20190401

Mark Drawing Code
(4) STANDARD CHARACTER MARK

Design Code

Serial Number
90749419

Filing Date
20210602

Current Filing Basis
1A

Original Filing Basis
1A

Publication for Opposition Date
20220322

Registration Number
6753563

Date Registered
20220607

Owner
(REGISTRANT) Mount Lai LLC LIMITED LIABILITY COMPANY DELAWARE 24 Douglass Drive
Princeton NEW JERSEY 08540 (LAST LISTED OWNER) 88 HARMONY PLACE, LLC DBA MOUNT LAI
LIMITED LIABILITY COMPANY DELAWARE 8 THE GREEN, SUITE A DOVER DELAWARE 19901

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

Register

PRINCIPAL

Live Dead Indicator

LIVE

Attorney of Record

Lauren Aldredge

(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

929 Apothecary

Mark Punctuated

929 APOTHECARY

Translation

Goods/Services

- IC 003. US 001 004 006 050 051 052.G & S: Beauty soap; Body cream; Body lotions; Non-medicated liquid soaps. FIRST USE: 20190101. FIRST USE IN COMMERCE: 20190101

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Design Code

Serial Number

90752901

Filing Date

20210603

Current Filing Basis

1A

Original Filing Basis

1A

Publication for Opposition Date

20220329

Registration Number

6758985

Date Registered

20220614

Owner

(REGISTRANT) Camacho, Pedro INDIVIDUAL UNITED STATES 2514 SW Bay Shore Blvd Port St Lucie FLORIDA 34984

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

Register
PRINCIPAL

Live Dead Indicator
LIVE

Attorney of Record

(4) STANDARD CHARACTER MARK

Apothecary Naturals

Mark Punctuated

APOTHECARY NATURALS

Translation

Goods/Services

- IC 003. US 001 004 006 050 051 052.G & S: Non-medicated skin care preparations, namely, personal skin care preparations, lip balm, face, body, eye, and hand lotions, face, body, eye, and hand creams, face, body, eye, and hand moisturizers and gels and oil cleansers for personal use, soaps, skin cleansers, essential oils, exfoliating scrubs for cosmetic purposes and exfoliant creams, body and face mist, skincare scrubs for face, hand, body and feet, skin toners, beauty serums, skin moisturizers used as cosmetics, face creams for cosmetic use, cosmetic preparations for skin care, cosmetics sold as an integral component of non-medicated skincare preparations, skincare kits comprised primarily of lip balm, face and body creams and lotions, and cosmetic and personal care product applicators sold empty, cosmetics, makeup, fragrances, perfumery, and hair care preparations. FIRST USE: 20210315. FIRST USE IN COMMERCE: 20210315

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Design Code

Serial Number

90588914

Filing Date

20210319

Current Filing Basis

1A

Original Filing Basis

1A

Publication for Opposition Date

Registration Number

6829497

Date Registered

20220823

Owner

(REGISTRANT) Swaidan, Richard INDIVIDUAL UNITED STATES 135 E. Olive Ave #3751 Burbank CALIFORNIA 91508

Priority Date

Disclaimer Statement

Description of Mark

Type of Mark
TRADEMARK

Register
SUPPLEMENTAL

Live Dead Indicator
LIVE

Attorney of Record
David N. Sharifi

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. 97120368

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: 97120368
Date: 08/25/2022 11:05 am
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.