

To: A. Gregory Gibbs(ggibbs@weidemiller.com)
Subject: U.S. Trademark Application Serial No. 97120770 - NDI BEAUTY - BEAUTY.0004T
Sent: August 22, 2022 11:46:13 PM EDT
Sent As: tmng.notices@uspto.gov

Attachments

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

U.S. Application Serial No. 97120770

Mark: NDI BEAUTY

Correspondence Address:

A. GREGORY GIBBS
WEIDE & MILLER, LTD.
10655 PARK RUN DR SUITE 100
LAS VEGAS NV 89144 UNITED STATES

Applicant: BEAUTYWEST, INC.

Reference/Docket No. BEAUTY.0004T

Correspondence Email Address: ggibbs@weidemiller.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 22, 2022

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

SEARCH OF USPTO DATABASE OF MARKS

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.

SUMMARY OF ISSUES:

- Disclaimer Required

DISCLAIMER

Applicant must disclaim the wording “BEAUTY” because it is merely descriptive of an ingredient, quality, characteristic, function, feature, purpose, or use of applicant’s goods and/or services. *See* 15 U.S.C. §1052(e)(1); *DuoProSS Meditech Corp. v. Inviro Med. Devices, Ltd.*, 695 F.3d 1247, 1251, 103 USPQ2d 1753, 1755 (Fed. Cir. 2012); TMEP §§1213, 1213.03(a).

This wording appears in applicant's identification of goods. Thus, the wording merely describes applicant’s goods and/or services because they are related to the field of beauty products.

Applicant may respond to this issue by submitting a disclaimer in the following format:

No claim is made to the exclusive right to use “BEAUTY” apart from the mark as shown.

For an overview of disclaimers and instructions on how to provide one using the Trademark Electronic Application System (TEAS), see the [Disclaimer webpage](#).

TELEPHONE/EMAIL RESPONSE SUGGESTED

Please call or email the assigned trademark examining attorney to resolve the issues in this Office action. Although the USPTO does not accept emails as responses to Office actions, communication by phone or email is permissible to agree to proposed amendments to the application that will immediately place the application in condition for publication, registration, or suspension. *See* 37 C.F.R. §2.62(c); TMEP §707.

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

/Joseph Bertrand/
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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.

United States Patent and Trademark Office (USPTO)

USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued
on August 22, 2022 for
U.S. Trademark Application Serial No. 97120770

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: 97120770
Date: 08/22/2022 11:42 pm
Created by: Joseph Bertrand

NDI BEAUTY

Searched

- Google
- OneLook
- Acronym Finder

User: Joseph Bertrand

| Statistics for Case 97120770 | | | | | | |
|---------------------------------|----------------------------------------------------------------------------------|----------------|---------------|---------------------|-----------------------|---------------------------|
| # | Search | Total Marks | Dead Marks | Live Viewed Docs | Live Viewed Images | Status/Search Duration |
| 1 | BEAUTYWEST[on] | 4 | 2 | 2 | 2 | 0:00 |
| 2 | "ndi beauty"[bi,ti] | 1 | 0 | 1 | 1 | 0:00 |
| 3 | ("n d i" "n di" "nd i" *ndi*)[bi,ti] not dead[ld] | 14861 | 0 | 0 | 0 | 0:01 |
| 4 | ("n d i" "n di" "nd i" "ndi")[bi,ti] not dead[ld] | 26 | 0 | 26 | 26 | 0:00 |
| 5 | ({v0:1}nd* "nd" "n d")[bi,ti] not dead[ld] | 146373 | 0 | 0 | 0 | 0:01 |
| 6 | *beauty*[bi,ti] not dead[ld] and 5 | 850 | 0 | 0 | 0 | 0:01 |
| 7 | ({"e"0:1}nd* "nd" "n d")[bi,ti] not dead[ld] and *beauty*[bi,ti] not dead[ld] | 8 | 0 | 8 | 8 | 0:00 |
| 8 | 6 and "003"[cc] | 582 | 0 | 0 | 0 | 0:01 |
| 9 | 6 and "008"[cc] | 170 | 0 | 170 | 170 | 0:01 |
| 10 | 6 and ("003" "035" "042" a b 200)[ic] not 9 | 236 | 0 | 236 | 236 | 0:02 |
| 11 | *ndi*[bi,ti] not dead[ld] | 14857 | 0 | 0 | 0 | 0:01 |
| 12 | 11 and ("035" a b 200)[ic] | 2426 | 0 | 0 | 0 | 0:01 |
| 13 | 11 and ("003" a b 200)[ic] | 694 | 0 | 0 | 0 | 0:01 |
| 14 | 11 and ("008" a b 200)[ic] | 255 | 0 | 255 | 255 | 0:02 |
| 15 | nd{"iy"}*[bi,ti] not dead[ld] | 69 | 0 | 69 | 69 | 0:00 |

Session started 08/22/2022 11:18 pm

Session ended 08/22/2022 11:32 pm

Total search duration 12.00

Session duration 14 minutes 28 seconds

Adjacency Level 1

Near Level 1