To: Grembowicz, M.D., Meredith (GregSmith@gsnn.us)

Subject: U.S. TRADEMARK APPLICATION NO. 85174576 - DR. G'S SEA SALTS

- T10186US (99 - Request for Reconsideration Denied - Return to TTAB

Sent: 11/7/2011 12:50:42 PM

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Attachments: Attachment - 1

Attachment - 2

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

APPLICATION SERIAL NO. 85174576

MARK: DR. G'S SEA SALTS

85174576

CORRESPONDENT ADDRESS:

GREGORY C. SMITH GARVEY, SMITH, NEHRBASS & NORTH, L.L.C.

3838 N CAUSEWAY BLVD STE 3290 METAIRIE, LA 70002-8350 **GENERAL TRADEMARK INFORMATION:**

http://www.uspto.gov/main/trademarks.htm

APPLICANT: Grembowicz, M.D., Meredith

CORRESPONDENT'S REFERENCE/DOCKET

NO:

T10186US (99

CORRESPONDENT E-MAIL ADDRESS:

GregSmith@gsnn.us

REQUEST FOR RECONSIDERATION DENIED

ISSUE/MAILING DATE: 11/7/2011

The trademark examining attorney has carefully reviewed applicant's request for reconsideration and is denying the request for the reasons stated below. *See* 37 C.F.R. §2.64(b); TMEP §§715.03(a), 715.04(a). The requirement(s) and/or refusal(s) made final in the Office action dated April 13, 2011 are maintained and continue to be final. *See* TMEP §§715.03(a), 715.04(a).

In the present case, applicant's request has not resolved all the outstanding issue(s), nor does it raise a new issue or provide any new or compelling evidence with regard to the outstanding issue(s) in the final Office action. In addition, applicant's analysis and arguments are not persuasive nor do they shed new light on the issues. Accordingly, the request is denied.

To that end the examining attorney has attached additional internet evidence showing that the goods at issue commonly travel in the same channels of trade and emanate from the same sources. See attachments from the websites of Whole Foods, Mountain Rose Herbs, Burt's Beas, and Herbs Pro.

The filing of a request for reconsideration does not extend the time for filing a proper response to a final Office action or an appeal with the Trademark Trial and Appeal Board (Board), which runs from the date the final Office action was issued/mailed. *See* 37 C.F.R. §2.64(b); TMEP §§715.03, 715.03(a), (c).

If time remains in the six-month response period to the final Office action, applicant has the remainder of the response period to comply with and/or overcome any outstanding final requirement(s) and/or refusal(s) and/or to file an appeal with the Board. TMEP §715.03(a), (c). However, if applicant has already filed a timely notice of appeal with the Board, the Board will be notified to resume the appeal when the time for responding to the final Office action has expired. *See* TMEP §715.04(a).

/Colleen Kearney/ Trademark Examining Attorney Law Office 113 571-272-8278 (phone) colleen.kearney@uspto.gov 1-800-786-9199 (TM Assist Ctr.)

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Masada Dead Sea Mineral Unscented bath salt ****



WHOLE FOODS MARKET QUALITY STANDARDS

Rate this ****

Save to Shopping List Add a comment

Take a load off with Masada Genuine Dead Sea Mineral Salts, an entirely different classification of bath treatment. Masada Dead Sea Mineral Bath Salts are 100% pure Dead Sea Salt from the most southern part of the Dead Sea, where the waters mineral concentration is the highest in the world. These salts stimulate natural circulation, relax tense muscles, and draw out impurities in the skin. Available in Eucalyptus, Lily & Jasmine.

Sold by: 2 lb, 4 lb, 8 lb

Ingredients: Magnesium Chloride (MgC12), Potassium Chloride (KGI), Sodium Chloride (NaCl), Crystallized Water, Calcium Chloride (CaC12, Bromides (as

Featured Categories

Beverages

Orange juice, rice milk, coffee

Body care

Lotion, shampoo, conditioner, soap

Frozen

Pizza, seafood, pie shells

Pantry Staples

Bread, sugar, vinegar, oatmeal

Snacks

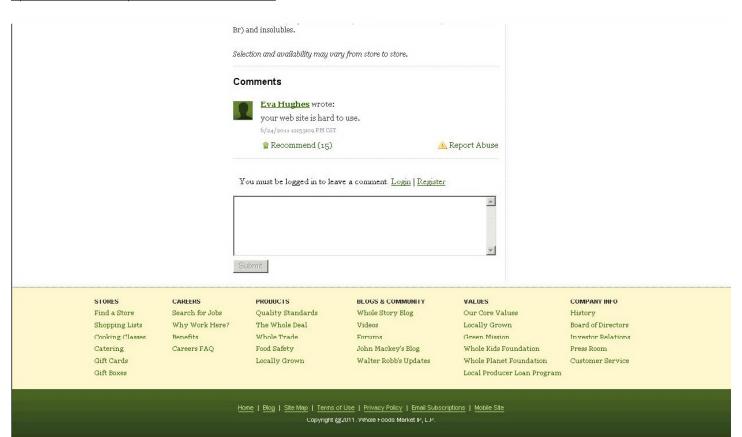
Chocolate, popcom, pretzels

Supplements

Kids' multivitamins, psyllium powder

Gift Boxes

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Comments? Let us know!

Depth Hand and Body Lotion - Ocean Blossom **



Rate this **** Add a comment

Save to Shopping List

Revitalize and pamper your skin every day with this luxurious, seainspired body lotion. Ultra-hydrating marine botanicals and organic aloe vera leave your skin soft, smooth and naturally beautiful. Available in four 100% natural scents: Mangrove Citrus, Ocean Blossom, Bay Coconut and Sea Berry.

Sold by: 12 fl oz

Ingredients: purified water, certified organic aloe barbadensis juice, vegetable glycerin, capric caprylic triglycerides, macrocystis pyrifera (giant kelp) extract, glyceryl stearate citrate, glyceryl stearate, ulva lactuca (sea lettuce) extract, cetearyl alcohol, gigartina stellata (red marine algae) extract, xanthan gum, sodium alginate, panthenol (vitamin b-12), allantoin, tocopherol (vitamin e), fucus vesiculosus (seaweed) extract, benzyl alcohol, ethylhexylglycerin, palmaria palmata (red marine algae) extract, phenoxyethanol, natural aroma blend.

Selection and availability may vary from store to store.

Featured Categories

Beverages

Orange juice, rice milk, coffee

Body care

Lotion, shampoo, conditioner, soap

Frozen

Pizza, seafood, pie shells

Pantry Staples

Bread, sugar, vinegar, oatmeal

Snacks

Chocolate, popcom, pretzels

Supplements

Kids' multivitamins, psyllium powder

Gift Boxes

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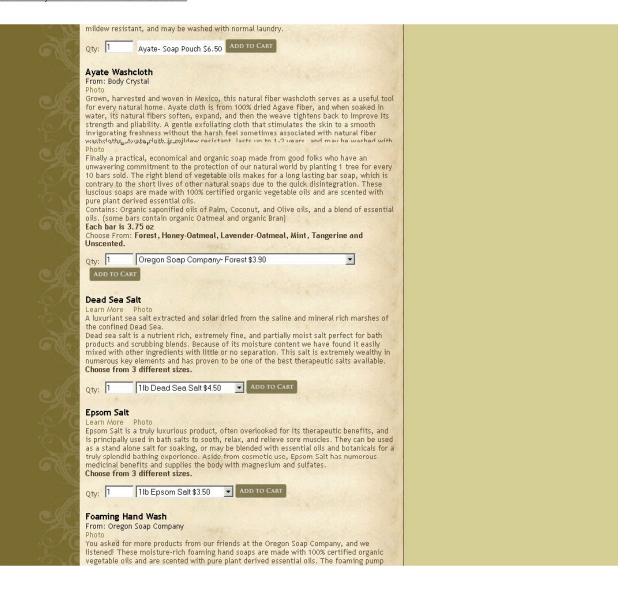
Our Core Values Locally Grown Whole Kids Foundation Whole Planet Foundation Local Producer Loan Program COMPANY INFO

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vegetable ons and are scented with pure plant derived essentiations. The roaming pump dispenses lavish suds that leave hands clean and soft. At over 325 pumps per bottle, these onspenses awars sous that eave hands clear and soft. At over 25 pumps per bottle, these soaps are super economical. Even better, Oregon Soap Company is committed to planting one tree or native plant for every 5 gallons of soap sold! Contains: Saponified organic Coconut, organic Sunflower and/or Safflower, and organic Castor Oil, essential oils, Citric Acid (pH balancer), Rosemary extract (antioxidant). Certified Organic by Oregon Tilth. 8.3 oz bottle with foaming pump top Qty: 1 Foaming Hand Soap- Oregon Double Mint \$5.50 🔻 ADD TO CART Gentle Oil CERTIFIED ORGANIC From: Mountain Rose Herbs Photo
Crafted with the finest organic botanicals and oils, this 100% natural herbal lubricant will
encourage closeness and awaken arousal. Perfect for times of sensual intimacy, Gentle Oil
is specifically formulated without synthetic chemicals or petroleum derived ingredients to
provide a safe and effective vaginal lubricant. Not to be used with latex condoms.
Contains: Organic Sweet Almond oil, organic Jojoba oil, and Vitamin E oil infused with
organic Calendula flowers, organic Plantain and organic Marshmallow root.
4 oz bottle Qty: 1 4oz Gentle Oil organic \$13.00 ADD TO CART Herbal Bath Salts, Midsummer From: Mountain Rose Photo
A sweet and sensual delight for the body! Our Midsummer bath salt is made from all natural ingredients including pure Dead Sea Salt, and real extracts of Vanilla and Orange. This bath salt is far from ordinary, and works wonderfully as a true Hydrotherapy product that is sure to soothe the body and calm the mind with its delightfully sweet and summer-like aroma. Each container is good for 7-14 baths and comes packaged in a 100% post consumer recycled glass jar with a cork top.
Contains: Celtic Sea Salt, Soda Salt, Epsom Salt, Bicarbonate of Soda, Maltodextrin, Rosemary leaf extract, organic Orange Peel essential oil, Vanilla extract, Vitamin E oil and a blend of organic essential oils.

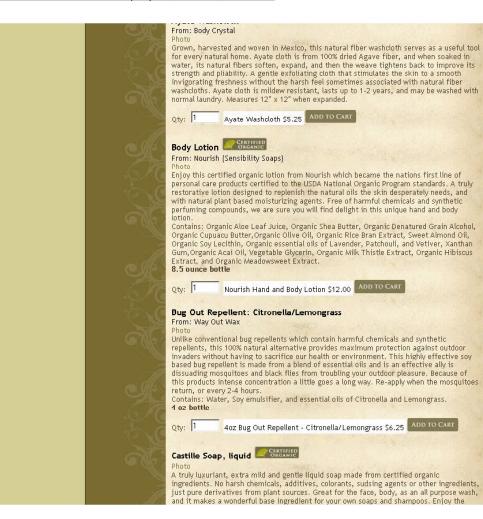
14 oz Glass Jar 14oz Herbal Bath Salts, Midsummer \$16.50 ADD TO CART Qty: 1 Herbal Bath Salts, Relaxing From: Mountain Rose Proto
Feel overworked? A little exhausted? Then surely you deserve a special treat such as these delightful Mineral Bath Salts. Made with all natural ingredients and only the purest botanical extracts, this Bath Salt is far from ordinary. A true Hydrotherapy product that is sure to soothe the body and calm the mind. Each container is good for 7-14 baths and comes packaged in a 100% post consumer content recycled jar with a conk top.

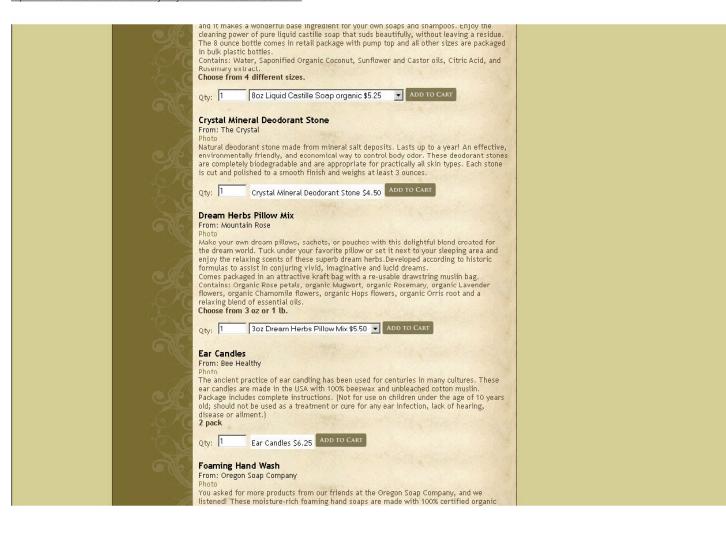
Made with fine Dead Sea Salt and Celtic Sea Salt, Soda Salt, Epsom Salt, Bicarbonate of Soda, Maltodextrin, pure essential oils of Lavender, Ylang, Ylang, Geranium, Clary Sage, Fir Needle, Patchouli, botanical extracts of Calendula, and Chamomile, Olive Oil, and Vitamin F 14 oz Glass Jar Qty: 1 14oz Herbal Bath Salts, Relaxing \$16.50 ADD TO CART Herbal Bath Salts, Woodland From: Mountain Rose





0.4M/A	Contains: Organic Calendula and Mugwort extracts, organic Grain alcohol, organic Apple	
	Cider Vinegar, filtered water, organic Menthol Crystals, Dead Sea Salt and a proprietary blend of organic healing essential oils. 1 oz spray bottle	
- TO	Qty: 1 1oz Anti-Itchy Spray \$8.75 ADD TO CART	
	Aubrey Men's Deodorant From: Aubrey Organics	
	Photo Natural herbal extracts keep you fresh-smelling all day without harsh ingredients or Contains: Aqua, cetyl alcohol (coconut fatty alcohol), glycerin, alcohol denat. (38b, organic	
	lavender), prunus amygdalus dulcis (sweet almond) oil, organic aloe barbadensis (aloe) leaf juine, organic rosa mihiginosa (Rosa Mosqueta) seed oil, organic helianthus annuus (sunflower) seed oil, camellia japonica seed oil, organic simmondsia chinensis (jojoba)	
	seed oil, glyceryl linolenate, glyceryl linoleate, macadamia ternifolia seed oil, organic lavandula angustifolia (lavender) oil, canaga odorata (ylang) flower oil, citrus grandis (grapefruit) seed extract, citrus bergamia (bergamot) oil, rosa damascena water,	
	tocopheryl acetate, organic pelargonium graveolens (geranium) oil, hamamelis virginiana (witch hazel) water, ascorbic acid, glycine soja (soybean) oil, daucus carota sativa (carrot) root extract, beta-carotene.	
	8 oz bottle	
	Qty: 1 Aubrey Rose Moisturizing Lotion \$13.50 ADD TO CART Aubrey Unscented Moisturizing Lotion	
	From: Aubrey Organics Photo	
	Enjoy the skin-pampering properties of a natural lotion without the scent. Specifically formulated for those of us who are sensitive to fragrances or who don't want their moisturizer competing with a favorite scent.	
	Aqua, organic helianthus annuus (sunflower) seed oil, cetyl alcohol (coconut fatty alcohol), alcohol denat., camellia japonica seed oil, macadamia ternifolia seed oil, glycerin, citrus grandis (grapefruit) seed extract, glyceryl linolenate, glyceryl linolenate, tocopheryl acetate,	
	organic aloe barbadensis leaf juice, hamamelis virginiana (witch hazel) water, ascorbic acid, glycine soja (soybean) oil, daucus carota sativa (carrot) root extract, beta carotene. 8 oz bottle	
A.	Qty: 1 Aubrey Unscented Moisturizing Lotion \$9.95	
.576	Ayate Soap Pouch From: Body Crystal Photo	
678	This is a wonderful exfoliating soap cloth which is easy to use, made from renewable sources and lasts for up to 1-2 years. Simply tuck a bar of soap into the opening and pull	
	the drawstring to close. Made from 100% natural fiber, Ayate cloth softens when wet, is mildew resistant, and may be washed with normal laundry.	
	Qty: 1 Ayate- Soap Pouch \$6.50 ADD TO CART	
a (16)	Ayate Washcloth	







.15 oz tube Organic Lip Balm \$2.95 ADD TO CART Qty: 1 Nasal Cleaning Pot (Jade Green) From: Baraka Created for the same purpose as our white nasal cleaning pots, these beautiful jade green pots are individually handcrafted in California from durable stoneware ceramic and coated with a food-grade ceramic glaze. Besides being a useful and funtional tool for general sinus health, these pots are lovely works of art! These 100% lead-free nasal cleaning pots are microwave and dishwasher safe and come with complete instructions for use. Qty: 1 Nasal Cleaning Pot (Jade Green) \$17.00 ADD TO CART Nasal Cleaning Pot (White) From: Ancient Secrets Photo
Nasal cleaning has been performed for decades by millions of people with huge success and now with the assistance of a Nasal Cleansing Pot or Neti Pot you will experience how simple this procedure can be. The gentle and effective technique of nasal cleaning with a saline solution is recommended by numerous health practitioners worldwide for those with allergies, colds, sinusitis, hay fever and people who live in dusty and polluted environments. Each nasal cleaning pot comes with complete instructions on its usage and in the creation of a saline solution. Made from heavy duty lead free ceramic. Nasal Cleaning Pot (White) \$12.90 ADD TO CART Restorative Skin Oil From: Mountain Rose Photo
Previously known as "Secret Skin Oil" this is currently the much revered formula for those dry-spell moments that our skin periodically endures. It is what the 40+ age group here have been using when we run into problems with dry and other "lizardy" or "leathery" skin. As Oregon gardeners, herbalists and hikers we all have some needy skin areas which this superb skin oil fixes right up!
Contains: Organic Calendula oil, organic Rosehip seed oil, Vitamin E, and a blend of pure essential oils including Neroli and Helichrysum.

2 oz bottle with treatment pump 2oz Restorative Skin Oil \$12.00 ADD TO CART Qty: 1 Sleep Herbs Pillow Mix From: Mountain Rose Make your own soothing sleep pillows, sachets, or pouches with this delightful blend created specially for those nights when we need a sound and slumber sleep. Place under your favorite pillow or set it next to your sleeping area and enjoy the relaxing scents of these fragrant botanicals. Comes packaged in an attractive kraft bag with a re-usable drawstring muslin bag.Can also be used as filler material in the creation of your own pillows.

Contains: Organic Lavender flowers, organic Chamomile flowers, organic Catnin, organic

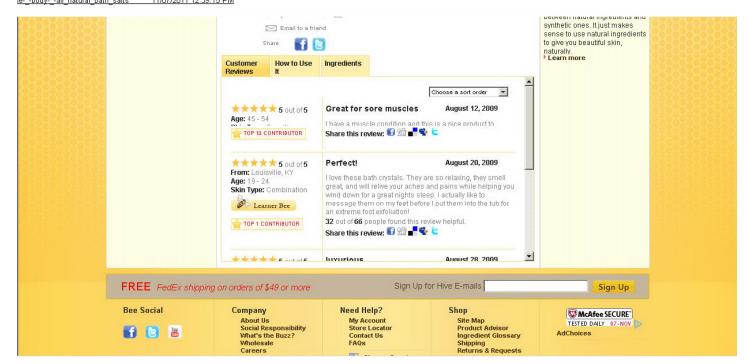




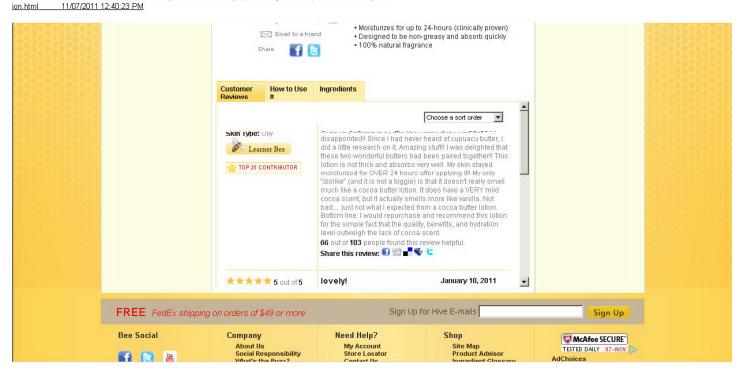
Mountain Rose Herbs Po Box 50220 Eugene, OR 97405 USA

USA Toll-Free - (800) 879-3337 FAX - (510) 217-4012 Outside USA - (541) 741-7307 customerservice®mountainroseherbs.com ⊕ 2010 Mountain Rose Herbs











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Product Details

This lightweight non-oily cream works wonders overnight to restore a perfect moisture balance to your skin. A combination of Active Manuka Honey and the unique antimicrobial properties of Manuka Oil leave skin clear, smooth and radiant. For maximum benefit: Every evening after applying Manuka Toning Gel, smooth a pearl sized amount onto your face and neck.

Product Benefits

Active Manuka Honey - Proven to revitalize the skin by gently stimulating cell renewal, as it hydrates and maintains moisture levels without feeling greasy, leaving the skin glowing with health Manuka Oil - For its unique anti-bacterial, anti-fungal and anti-inflammatory properties, which fight the micro-organisms that cause irritation and blemishes.

Ingredients

Aqua (water), Cetearyl olivate, Sorbitan olivate, Caprylic/Capric triglyceride, Glycerin (vegetable glycerin), Simmondsia chinensis (jojoba) seed oil**, Cetearyl alcohol, Calendula officinalis (calendula), extract**, Daucus carota (carrot) oil, Glucose, Squalane, Parfum (fragrance)*, Mel (manuka honey), Potassium sorbate, Sclerotium gum, Butyrospermum parkii (shea) butter**, Glucose oxidase, Lactoperoxidase, Tocopherol (vitamin E), Leptospermum scoparium (manuka) oil, Citronellol*, Limonene*, Linalool*.

The information provided is accurate at the time of publication. Please note that we can display only image of one of the sizes per product as images for all sizes are not available. Product descriptions, images and ingredients are believed to be accurate but may be changed at anytime by manufacturers. Please refer to the manufacturers website for the latest information...

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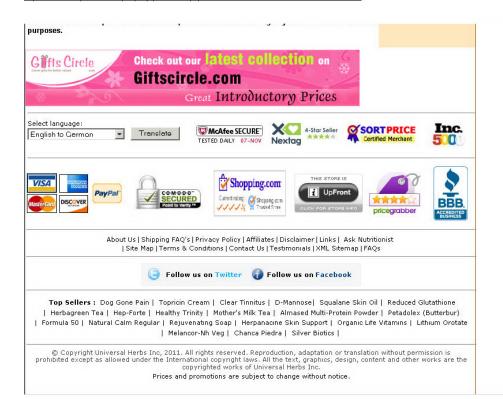
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To: Grembowicz, M.D., Meredith (<u>GregSmith@gsnn.us</u>)

Subject: U.S. TRADEMARK APPLICATION NO. 85174576 - DR. G'S SEA SALTS

- T10186US (99 - Request for Reconsideration Denied - Return to TTAB

Sent: 11/7/2011 12:50:43 PM

Sent As: ECOM113@USPTO.GOV

Attachments:

IMPORTANT NOTICE REGARDING YOUR U.S. TRADEMARK APPLICATION

USPTO OFFICE ACTION HAS ISSUED ON 11/7/2011 FOR SERIAL NO. 85174576

Please follow the instructions below to continue the prosecution of your application:

TO READ OFFICE ACTION: Click on this <u>link</u> or go to http://portal.uspto.gov/external/portal/tow and enter the application serial number to <u>access</u> the Office action.

PLEASE NOTE: The Office action may not be immediately available but will be viewable within 24 hours of this e-mail notification.

RESPONSE IS REQUIRED: You should carefully review the Office action to determine (1) how to respond; and (2) the applicable <u>response time period</u>. Your response deadline will be calculated from 11/7/2011 (or sooner if specified in the office action).

Do NOT hit "Reply" to this e-mail notification, or otherwise attempt to e-mail your response, as the USPTO does NOT accept e-mailed responses. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System Response Form.

HELP: For *technical* assistance in accessing the Office action, please e-mail **TDR@uspto.gov**. Please contact the assigned examining attorney with questions about the Office action.

WARNING

Failure to file the required response by the applicable deadline will result in the **ABANDONMENT** of your application.