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PTO Form 1960 (Rev 10/2011)

OMB No. 0651-0050 (Exp 07/31/2017)

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86315024
LAW OFFICE ASSIGNED	LAW OFFICE 118
MARK SECTION	
MARK FILE NAME	http://tmng-al.uspto.gov/resting2/api/img/86315024/large
LITERAL ELEMENT	IDONA
STANDARD CHARACTERS	NO
USPTO-GENERATED IMAGE	NO
ARGUMENT(S)	
<p>Applicant respectfully requests reconsideration of the Examiner's Final Action in this matter.</p> <p>The Examining Attorney believes that the goods of the parties are related as the goods would travel through the same channels. Based upon the website of the owner of the cited mark, Applicant respectfully disagrees with this presumption. Per the Registrant's website, the product is only available through the sales in its own clinics. Both clinics are within the State of Georgia, within a 50 mile radius of Atlanta. (please see Documents 1 and 2 attached) Per the website, the product is not available through the internet. Applicant's products will be sold through retailers of skin products such as Sephora or ULTA and through direct sales to dermatological clinics and spas.</p> <p>Furthermore, Applicant's products are highly sophisticated and made from unique, novel and exotic plants found within the biodiverse regions of Colombia. (please see Documents 3 and 4 attached). It is highly unlikely that the sophisticated purchaser of high end cosmetics and facial creams would be confused with a product consisting of castor oil.</p>	
EVIDENCE SECTION	
EVIDENCE FILE NAME(S)	\\TICRS\EXPORT16\IMAGEOUT16\863\150\86315024\xml12 \RFR0002.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\863\150\86315024\xml12 \RFR0003.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\863\150\86315024\xml12 \RFR0004.JPG

	\\TICRS\EXPORT16\IMAGEOUT16\863150\86315024\xml12\RFR0005.JPG
DESCRIPTION OF EVIDENCE FILE	Documents 1 and 2 are screenshots from Idonia website. Documents 3 and 4 are screenshots from Purdue Foundation website describing Applicant's products
SIGNATURE SECTION	
RESPONSE SIGNATURE	/Frances M Jagla/
SIGNATORY'S NAME	Frances M. Jagla
SIGNATORY'S POSITION	Attorney of Record, WA Bar member
SIGNATORY'S PHONE NUMBER	2062237749
DATE SIGNED	12/14/2015
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	NO
FILING INFORMATION SECTION	
SUBMIT DATE	Mon Dec 14 13:33:22 EST 2015
TEAS STAMP	USPTO/RFR-XXX.XXX.XXX.XX- 20151214133322163288-8631 5024-55043c3f5e433cc1af29 13eb51d3b7e5e36e663876d97 1cf9d2bf22c3606fb6ff3e-N/ A-N/A-2015121413100824248 1

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PTO Form 1960 (Rev 10/2011)

OMB No. 0651-0050 (Exp 07/31/2017)

Request for Reconsideration after Final Action To the Commissioner for Trademarks:

Application serial no. **86315024** IDONA (Stylized and/or with Design, see <http://tmng-al.uspto.gov/resting2/api/img/86315024/large>) has been amended as follows:

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

Applicant respectfully requests reconsideration of the Examiner's Final Action in this matter.

The Examining Attorney believes that the goods of the parties are related as the goods would travel through the same channels. Based upon the website of the owner of the cited mark, Applicant respectfully disagrees with this presumption. Per the Registrant's website, the product is only available through the sales in its own clinics. Both clinics are within the State of Georgia, within a 50 mile radius of Atlanta. (please see Documents 1 and 2 attached) Per the website, the product is not available through the internet. Applicant's products will be sold through retailers of skin products such as Sephora or ULTA and through direct sales to dermatological clinics and spas.

Furthermore, Applicant's products are highly sophisticated and made from unique, novel and exotic plants found within the biodiverse regions of Colombia. (please see Documents 3 and 4 attached). It is highly unlikely that the sophisticated purchaser of high end cosmetics and facial creams would be confused with a product consisting of castor oil.

EVIDENCE

Evidence in the nature of Documents 1 and 2 are screenshots from Idonia website. Documents 3 and 4 are screenshots from Purdue Foundation website describing Applicant's products has been attached. [Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /Frances M Jagla/ Date: 12/14/2015

Signatory's Name: Frances M. Jagla

Signatory's Position: Attorney of Record, WA Bar member

Signatory's Phone Number: 2062237749

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the owner's/holder's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the owner/holder in this matter: (1) the owner/holder has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the owner/holder has filed a power of attorney appointing him/her in this matter; or (4) the owner's/holder's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is not filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 86315024

Internet Transmission Date: Mon Dec 14 13:33:22 EST 2015

TEAS Stamp: USPTO/RFR-XXX.XXX.XXX.XX-201512141333221

63288-86315024-55043c3f5e433cc1af2913eb5

1d3b7e5e36e663876d971cf9d2bf22c3606fb6ff

3e-N/A-N/A-20151214131008242481



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Dr. Donovan Christie believes that the key to good health is through lifestyle modification focused on preventing disease. [Read more.](#)

Idonia Cream

Code: NS040

Price: \$18.00

Shipping Weight: 0.50 pounds



[Add to Cart](#)

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This product does not treat, cure or prevent any disease.

Price: Purchase in clinic only

Idonia Herbal Body Cream – For the relief of all skin problems related to dryness, aging and allergic eczema. Contains Mineral oil, Coconut Oil, Castor Oil, Frankincense, Myrrh, Petrolatum. Excellent lubricant with anti-inflammatory effects for all skin conditions.

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