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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Ex Parte Appeal - Serial No.	90096173
Appellant	Meadow Creek Spirits, LLC
Applied for mark	CACTI
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Submission	Request for remand/amendment
Attachments	Request to Remand - CACTI 90096173_02-05-2024.pdf(266382 bytes) Exhibit 1.pdf(144248 bytes) Exhibit 2.pdf(23313 bytes) 90002905 Registration.pdf(28277 bytes) CACTII SKINCARE 90664983.pdf(2460177 bytes) Registration CACTUS COAST 97483488.pdf(696718 bytes) Registration CACTUS HACK 90666128.pdf(2693917 bytes) Registration CACTUS LOUNGE BOUTIQUE 90889180.pdf(637218 bytes) Exhibit 3.pdf(23363 bytes) Exhibit 5 - Why Cactus Leather is the Hottest New Vegan Leather.pdf(1643143 bytes) Chic in Cacti_ All New Cactus Leather Cases from OtterBox.pdf(310317 bytes) Exhibit 4.pdf(23229 bytes) CACTI declaration.pdf(388376 bytes)
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Date	02/05/2024

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Applicant: Meadow Creek Spirits, LLC)	
)	
Application Serial No. 90/096,173)	Examining Attorney: Justin Berlin, Esq.
)	
Mark: CACTI)	Law Office: 125
)	
Filing Date: August 6, 2020)	
)	
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)	

APPLICANT’S REQUEST TO SUSPEND AND REMAND FOR ADDITIONAL EVIDENCE

Pursuant to Trademark Rule 2.142(d)(2), Applicant Meadow Creek Spirits, LLC (“**Applicant**”) hereby respectfully requests that the Trademark Trial and Appeal Board (“**Board**”) exercise its discretion to suspend action on this appeal and remand the subject application in Serial No. 90/096,173 (“**Application**”) for the standard character mark **CACTI** (“**Applicant’s Mark**”) for further examination of the additional evidence attached hereto. Applicant submits that **sufficient good cause** exists to justify suspension of action on this appeal and to remand the Application to the examining attorney for further consideration. First, this request for remand and suspension is made early in the proceedings – *prior* to the expiration of Applicant’s time for filing its appeal brief as re-set by the Board.¹ Second, the evidence sought to be introduced is new or was previously unavailable as of the filing date of the notice of appeal on May 10, 2022, and could not have been submitted during prosecution of the Application. As further explained below, the proposed additional evidence overwhelmingly weighs against the finding of a likelihood of confusion between Applicant’s CACTI mark and the composite mark  in Registration No. 3/360,926 (“**Cited Mark**”) and should be considered by the examining attorney, and if necessary, by the Board.

¹ The Board has found sufficient good cause to justify each of Applicant’s previous requests to suspend/extend the deadline to submit its appeal brief.

I. **APPLICANT DEMONSTRATES SUFFICIENT GOOD CAUSE BECAUSE THE EVIDENCE WAS PREVIOUSLY UNAVAILABLE**

In cases such as here, the Board consistently finds good cause to remand for consideration of additional evidence when the proposed evidence was previously unavailable and did not exist prior to the filing of the notice of appeal. *See* TBMP § 1207.02. Applicant’s previously unavailable evidence consists of the recently decided **precedential** decision in *Spireon, Inc. v. Flex Ltd.*, 2023 USPQ2d 737 (Fed. Cir. 2023), recently issued third-party registrations, and recently published online materials. As further explained below, all such previously unavailable evidence is highly probative to show that the Registered Mark is both conceptually and commercially **weak** and that the only logical conclusion there can be in this case is that there is no likelihood of confusion between the Applicant’s Mark and the Cited Mark.

A. **Recently Decided Precedential Decision**

“Applicants may [] request remand so that the examining attorney can consider a refusal in light of a recently decided case or amended Trademark Rule.” TBMP § 1209.04 (2023). *See In re Martin Container, Inc.*, 65 USPQ2d 1058, 1060 (TTAB 2002) (request for remand filed after notice of appeal in view of recent ruling by the Court of Appeals for the Federal Circuit). Applicant submits that remand of the Application is appropriate here for consideration of the likelihood of confusion refusal in light of the recently decided **precedential** decision in *Spireon, Inc. v. Flex Ltd.*, 2023 USPQ2d 737 (Fed. Cir. 2023). *See Exhibit 1.*²

Applicant maintains the position that the Cited Mark is irrefutably weak and entitled only to a narrow scope of protection. The recent case in *Spireon, Inc. v. Flex Ltd.*, is particularly salient in assessing the strength of the Cited Mark. There, the Board’s finding of a likelihood of confusion between the

² *Spireon, Inc. v. Flex Ltd.* was decided on June 26, 2023 – more than one year after the notice of appeal was filed. A true and correct printout of the decision was taken by Applicant’s undersigned counsel on October 20, 2023. The full URL address for the case may be found at https://cafc.uscourts.gov/opinions-orders/22-1578.OPINION.6-26-2023_2147741.pdf.


mark FLEX and the registered marks FLEX PULSE, FLEX, and FLEX was vacated and remanded because the Board, just like the examining attorney here, failed to consider all **relevant evidence** in its assessment of both the conceptual and commercial strength of the registered marks. In erroneously concluding that the registered marks at issue were not conceptually weak, the Board improperly discounted the probative value of **fifteen (15) registered marks comprising compound terms that included “another word or letters in addition to ‘FLEX.’”** As to commercial strength, the Board erred again in **declining to consider third-party use of composite marks**.

Here too, the examining attorney effectively eliminated consideration and gave no weight to **thirty-two (32)** third-party registrations and evidence of real-world usage comprised of **fifty-two (52)** real world third-party uses of CACTUS or CACTI formative marks. This is made abundantly clear by the following contentions advanced by the examining attorney in response to Applicant’s request for reconsideration:³

[A]pplicant’s argument that the wording CACTUS in the registered mark is weak is similarly unpersuasive. To support this assertion, applicant points to numerous other marks which include the wording CACTUS in the same class as registrant. **However, applicant fails to recognize that the cited mark, CACTUS, is the only registered mark in International Class 25 without any other inherently distinctive wording or elements besides CACTUS in it.** Therefore, while CACTUS plus other inherently distinctive wording may be weak, only one registrant, i.e., the cited mark in the instant matter, has registered the wording CACTUS without any other inherently distinctive wording.”

Similarly, **applicant’s evidence of real-world usage of CACTUS-formative wording for similar goods/related services is also unpersuasive, as all of this evidence shows the wording CACTUS with other inherently distinctive wording.** Again, only the applied-for mark and the cited registration show usage of CACTUS-formative wording serving alone as a mark.”

³ See July 21, 2022, Reconsideration Letter, p. 2.

Contrary to the examining attorney's contentions, the Cited Mark  is itself a composite mark, as is readily apparent by the stylization of the letter "t". In addition, and also contrary to the examining attorney's position is that there is already evidence of record that shows real-world usage of the mark CACTUS by *itself*.⁴

Of notable significance is that the Applicant's Mark and the Cited Mark are *not* identical. While the Applicant's Mark may be in standard character form, the Cited Mark is itself a composite mark. It was erroneous for the examining attorney to effectively eliminate consideration of other composite marks in these circumstances – **all relevant evidence** should have been considered in assessing the strength of the Cited Mark. As stated in *Spireon, Inc. v. Flex Ltd.*:

At least where the registrations and application [at issue] are for non-identical marks, as they are here, it is error for the Board to effectively disregard third-party composite marks. **The composite third-party registrations are relevant to the question of whether the shared segment—in this case, “flex”—has a commonly understood descriptive or suggestive meaning in the field and whether there is a crowded field of marks in use. The composite marks have probative value and should have been included in the Board's analysis.**

Accordingly, the Board should remand the application so that the examining attorney may reconsider the likelihood of confusion finding between the Applicant's Mark and the Cited Mark in light of *Spireon, Inc. v. Flex Ltd.*

B. Recently Issued Third-Party Trademark Registrations

Applicant further respectfully requests that the Board grant the requested remand for consideration of the recently issued trademark registrations identified below for CACTUS formative marks that *all* registered based on prior actual use in commerce *after* the filing of the notice of appeal. Enclosed as **Exhibit 2** are the corresponding registration printouts and select documents from their respective file wrappers generated from the Trademark Status and Document.

⁴ See February 25, 2022, Applicant's Request for Reconsideration, p. 4-10 and related exhibits.

- **Mark: CACTUS LOUNGE BOUTIQUE**
 - **Registration No:** 6844661
 - **IC 035:** On-line retail store services featuring apparel, gifts and jewelry; Retail shops featuring apparel, gifts and jewelry
 - **Registration Date:** September 13, 2022
 - **Note:** the words “lounge boutique” are disclaimed in the mark.

- **Mark: CACTUS & SKULL**
 - **Registration No:** 6868964
 - **IC 025:** Clothing, namely, t-shirts, fleece tops, fleece bottoms, fleece jackets
 - **Registration Date:** October 11, 2022

- **Mark: CACTUS COAST**
 - **Registration No:** 7131922
 - **IC 025:** Hoodies; Pullovers; Sweatshirts; T-shirts; Tank tops
 - **Registration Date:** August 8, 2023

- **Mark: CACTUS HACK**
 - **Registration No:** 6806455
 - **IC 025:** Athletic apparel, namely, shirts, t-shirts, polo shirts, pants, jackets, athletic uniforms, belts, socks, footwear, golf shoes, hats, golf caps, baseball caps, cap visors, hoodies
 - **Registration Date:** August 2, 2022

- **Mark: CACTUS JONES**
 - **Registration No:** 6739159
 - **IC 014:** Key chains; Key chains comprised of split rings with decorative fobs or trinkets; Key holders being key chains; Charms for key chains; Charms for key rings or key chains; Non-metal and non-leather key chains
 - **Registration Date:** May 24, 2022

- **Mark: CACTUS + PEARL**
 - **Registration No:** 6869143
 - **IC 025:** Clothing, namely, t-shirts, fleece bottoms, fleece tops, fleece jackets, bottoms
 - **Registration Date:** October 11, 2022

- **Mark: CACTUS SPIRIT**
 - **Registration No:** 6721793
 - **IC 025:** T-shirts
 - **Registration Date:** My 24, 2022

- **Mark: CLASSY CACTUS BOUTIQUE**
 - **Registration No:** 6849347
 - **IC 035:** Retail store services featuring tops as clothing, bottoms as clothing, dresses, jumpsuits, rompers, shirts, cardigans, kimonos, shoes, sandals, bags, purses, hats, jewelry, clothing accessories, bath products, mugs, tumblers, stationery, and candles
 - **Registration Date:** September 20, 2022
 - **Note:** The word “boutique” in the mark is disclaimed.

- **Mark: LUCKYCACTUS**
 - **Registration No:** 6900132
 - **IC 025:** Panties; Pants; Shorts; Trousers; Underpants; Mufflers as neck scarves; Shorts for women; Women's underwear
 - **Registration Date:** November 15, 2022

- **Mark: TAILORED CACTUS**
 - **Registration No:** 7244158
 - **IC 025:** Headwear; Socks; Bottoms as clothing; Outerwear, namely, sweatshirts and jackets; Tops as clothing
 - **Registration Date:** December 12, 2023


- **Mark: THE GOLD CACTUS**
 - **Registration No:** 7065256
 - **IC 035:** On-line retail store services featuring clothing fashion accessories, home accessories, handbags, tote bags, messenger bags, electronic organizer bags, bag straps, wallets, billfolds, credit card cases, custom bar mats, and pet items
 - **Registration Date:** May 30, 2022

- **Mark: CACTI⁵**
 - **Registration No:** 7109560
 - **IC 033:** Alcoholic beverages except beers; Hard seltzer; Flavored malt-based alcoholic beverages, excluding beers
 - **Registration Date:** July 11, 2023
 - **Note:**

- **Mark: CACTII SKINCARE**
 - **Registration No:**
 - **IC 003:** Bath soaps; body oils; body scrubs; bath bombs; **all of the foregoing made in significant part of cactus**
 - **Registration Date:** June 14, 2022
 - **Note:** The term “SKINCARE” is disclaimed from the mark.

It is well established that active third-party registrations may be relevant to show that a mark or a portion of a mark is descriptive, suggestive, or so commonly used in a particular industry that the public will look to other elements to distinguish the source of the goods and services. *See Juice Generation, Inc. v. GS Enters. LLC*, 794 F.3d 1334, 115 USPQ2d 1671, 1675 (Fed. Cir. 2015). The foregoing registrations and evidence of use are clearly probative to show that the Cited Mark is both conceptually and commercially **weak**. While the foregoing registrations may seem to be cumulative

⁵ This registration is owned by the Applicant and registered on the Supplemental Register.

in nature based on the third-party registrations and uses already of record, as reiterated in *Spireon, Inc. v. Flex Ltd.*, there must be extensive, ubiquitous, voluminous, and widespread use by third parties to weaken a registered mark. When **all of the evidence** is properly considered and the differences between the Applicant's Mark and the Cited Mark are taken into account, such as the unusual pluralization of the Applicant's Mark and stylization of letter "t" in the composite mark  emphasizing the term "cactus" in *singular* form, confusion as to source in this case is extremely unlikely.

In addition, some of the foregoing registrations and applications are also probative to show that it has recently become common place for a variety of goods (including shoes and articles of clothing) to contain "cactus" or "cacti" as an ingredient thereof. This is qualitatively different than Applicant's assertion that the Cited Mark is weak based on prior third-party uses and registrations.

C. Recently Published Online Materials

Applicant submits that the spectrum of distinctiveness is anything but static. The USPTO and the Board has, and must have, the freedom, over a period of decades – or increasingly, just years – to consider such questions anew. In this case, it has recently become commonplace for a variety of goods, including those at issue here, to use "cactus," "cacti," or a derivative thereof as an ingredient, characteristic, or feature thereof and for the relevant consuming public to make this connection. Notably in this case, "cactus leather" has very recently made traction in the fashion world as a sustainable alternative to leather and is being incorporated in a variety of fashion lines.

Applicant attaches as **Exhibit 3** a variety of online articles and internet materials that were all previously unavailable as of the filing date of the notice of appeal. A sampling of such evidence includes the following, all of which are true and correct printouts taken by the Applicant's undersigned counsel as of the date shown on the face of such documents:

- “*What is Cactus Leather? Is It Sustainable?*” published on May 31, 2022, by Treehugger shows that “cactus leather” is a material used for shoes, apparel, and handbags.
- “*Cactus Leather: The Green Leather Alternative That Is Becoming a Hit*” published by Dhakai on November 14, 2022, states that “[t]he mix of intrigue and multitude of benefits of cactus leather has led to a quick rise in its popularity” and further states that “[o]ver the past year, the popularity of cactus leather has widespread.”
- “*Sustainable Leather Alternatives: A Comparison of Cactus Leather Mechanical Properties*” published on May 11, 2022, is a study based on cactus leather in relation to **footwear**.
- “*An Overview of the Cactus Leather Manufacturing Process*” published on November 23, 2022, states that “[m]ore recently, prickly pear [cacti] has been used to make cactus leather for footwear.”
- “*These Chic Sneakers Are the First Ones Ever Made from Cactus Leather*” published by the Vegetarian Times and updated on August 10, 2022, confirms that CLAE provided the first cactus leather footwear.
- “*Our Top 4 Vegan Leathers*” from Buddy Atelier published on August 3, 2022, ranks cactus leather as one of its top four vegan leathers.
- “*H&M Puts Cactus Leather in Eco-Focused Kids’ Line – Sourcing Journal*” published on December 9, 2022.
- “*Sustainable Fashion: Heard About Cactus Leather?*” published by Times Now News on January 20, 2024.
- Wikipedia entry of “cactus leather.” Although the date of publication is unknown, the *Wikipedia* entry was previously unavailable at the time of the filing of the notice of appeal,

The foregoing evidence is “*admissible as evidence of information available to the consuming public and of the way in which a term is being used or would be understood by the relevant public.*” *In re Wal-Mart Stores, Inc.*, 129 USPQ2d 1148, 1157 (TTAB 2019) (citing *In re Bayer AG*, 488 F.3d 960, 966, 82 USPQ2d 1828, 1833 (Fed. Cir. 2007)). Applicant further submits that this evidence is not cumulative in nature because Applicant *for the first time* is submitting evidence that demonstrates that the Cited Mark is weak based on *descriptiveness*. Even if the Cited Mark was at one time inherently distinctive, the particular circumstances of this case justify the conclusion that the Cited Mark should no longer be accorded with the normal scope of protection to which inherently distinctives marks are entitled. It is an inescapable conclusion that the Cited Mark in relation to the goods identified in the registration is perceived by the relevant consuming public as a weak indicator of source. Accordingly, the requested remand and suspension should be granted.

Applicant respectfully requests that if Board grants the requested amendment and suspension, and the examining attorney is persuaded to withdraw the likelihood of confusion refusal but now finds

the Applicant's Mark to be merely descriptive in connection with the identified goods in the Application, that Applicant be allowed to submit an Amendment to Allege Use and if necessary, be permitted to amend the Application from the Principal to the Supplemental Register.

II. APPLICANT DEMONSTRATES SUFFICIENT GOOD CAUSE BECAUSE IT WAS UNABLE TO SUBMIT ADDITIOANL EVIDENCE DURING PROSECUTION OF THE APPLICATION

Even evidence that existed prior to Applicant's filing of the notice of appeal should be considered by the examining attorney. Sufficient good cause to justify a request for remand "*may take the form of a satisfactory explanation as to why the proposed additional evidence was not filed prior to appeal.*" TBMP § 1207.02. See *In re Adlon Brand Gmbh & Co.*, 120 USPQ2d 1717, 1725 (TTAB 2016) ("*Applicant's brief on the case is not the appropriate avenue for raising an objection to examination procedures. If Applicant believed that the issuance of the June 8, 2014 Office Action was procedurally erroneous, or if Applicant desired more time to address the Examining Attorney's new evidence, Applicant's recourse was to file with the Board, after the filing of the appeal but before briefing, a request for remand with a showing of good cause.*").

Applicant submits that it previously submitted a Petition to the Director asserting that the final Office Action refusal was premature. Although the petition was denied, the purpose of such request was to obtain an additional refusal to register in order to submit additional evidence. In particular, Applicant attaches as **Exhibit 4** the declaration of Applicant's principal, Jacques Bermon Webster II pka Travis Scott, to address for the **first time** the examining attorney's contention in his denial in the request for reconsideration that corroborates the contention that consumers would associate and recognize Travis Scott as the source of CACTI and CACTUS JACK in connection with clothing. Given that the denial for the request for reconsideration was issued after the filing of the notice of the appeal, Applicant did not have an opportunity to submit such evidence. Accordingly, based on the foregoing, Applicant sufficiently demonstrates good cause to warrant justification of the remand for

consideration by the examining attorney of evidence that may have existed prior to the filing of the notice of appeal.

III. CONCLUSION

In view of the foregoing, Applicant respectfully submits that it demonstrates sufficient good cause to justify suspension of action on the appeal and remand of the subject application to the examining attorney for consideration of the enclosed evidence. Should the examining attorney now raise the issue of mere descriptiveness against the Application, Applicant respectfully requests that it be allowed to submit an Amendment to Allege Use and alternatively seek registration on the Supplemental Register. If the Board finds Applicant's grounds insufficient to warrant the requested remand and suspension, Applicant respectfully requests additional time to file its main brief.

Dated: February 5, 2024

Respectfully submitted,

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EXHIBIT 1

**United States Court of Appeals
for the Federal Circuit**

SPIREON, INC.,
Appellant

v.

FLEX LTD.,
Appellee

2022-1578

Appeal from the United States Patent and Trademark Office, Trademark Trial and Appeal Board in No. 91252138.

Decided: June 26, 2023

MICHAEL J. BRADFORD, Luedeka Neely Group, PC, Knoxville, TN, argued for appellant. Also represented by MARK P. CROCKETT.

MATTHEW CHRISTIAN HOLOHAN, Sheridan Ross PC, Denver, CO, argued for appellee. Also represented by PAMELA NICOLE HIRSCHMAN, JULIA SHURSKY.

Before DYK, MAYER, and REYNA, *Circuit Judges*.
DYK, *Circuit Judge*.

Spireon, Inc. appeals a Trademark Trial and Appeal Board (“Board”) decision sustaining Flex Ltd.’s opposition to the registration of Spireon’s FL FLEX mark on the ground of likelihood of confusion with Flex’s three registered marks FLEX, FLEX (stylized), and FLEX PULSE. We vacate and remand.

BACKGROUND

Spireon filed a trademark application seeking to register the mark FL FLEX on October 25, 2018, for “[e]lectronic devices for tracking the locations of mobile assets in the nature of trailers, cargo containers, and transportation equipment using global positioning systems and cellular communication networks.” J.A. 89. On September 1, 2019, an Examining Attorney approved the application for publication to the Principal Register, and thereafter it was published for opposition. On November 7, 2019, Flex opposed registration on the grounds of priority and likelihood of confusion with Flex’s previously registered marks FLEX, FLEX (stylized), and FLEX PULSE.

I. Flex’s Registered Marks

Flex’s FLEX mark was registered July 12, 2016, in International Classes¹ (“classes”) 35, 39, 40, and 42, for services including, in relevant part, “supply chain management services; transportation logistics services, namely, arranging the transportation of goods for others; logistics management in the field of electronics; . . . [and] inventory management services for others.” J.A. 95.

¹ The classes are categories of various goods and services as established by the international classification system under the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks. *See* 37 C.F.R. §§ 2.85, 6.1.

SPIREON, INC. v. FLEX LTD.

3

Flex’s FLEX (stylized) mark was registered on April 5, 2016, in classes 35, 40, and 42 for services including, in relevant part, “supply chain management services; transportation logistics services, namely, arranging the transportation of goods for others; logistics management in the field of electronics; . . . [and] inventory management services for others.” J.A. 98.

Flex’s FLEX PULSE mark was registered on December 12, 2017, in classes 9, 35, and 42, for both goods and services. FLEX PULSE was registered for the goods:

[c]omputers; computer software for use in supply chain management, logistics and operations management, quality control, inventory management, and scheduling of transportation and delivery; [c]omputer software in the nature of downloadable mobile applications for use in supply chain management, logistics and operation management, quality control, inventory management, and scheduling of transportation and delivery[.]

J.A. 101. The FLEX PULSE mark was also registered for services including, in relevant part, “[s]upply chain management services; logistics management in the field of electronics; . . . inventory control and inventory management services” as well as “providing temporary use of non-downloadable computer software for supply chain management, logistics and operation, inventory control, inventory management and tracking of documents and products over computer networks, intranets and the internet in the field of supply chain management.” J.A. 101.

II. The Board's Decision

On January 25, 2022, the Board sustained Flex's opposition.² The Board considered whether there was a likelihood of confusion based on relevant factors enumerated in *In re E.I. DuPont DeNemours & Co.*, 476 F.2d 1357, 1361 (CCPA 1973) [hereinafter *DuPont* factors].

In its consideration of the first *DuPont* factor, the similarity of the marks, the Board addressed the strength of Flex's marks, including the marks' conceptual and commercial strength. The Board first addressed thirty third-party trademark registrations and applications, which "may bear on conceptual weakness if a term is commonly registered for similar goods or services." J.A. 58 (quoting *Tao Licensing, LLC v. Bender Consulting Ltd.*, 125 U.S.P.Q.2d 1043, 1057 (T.T.A.B. 2017)). The Board excluded from consideration ten registrations on grounds not challenged on appeal. Of the remaining twenty registrations, the Board assigned "low probative value," J.A. 60, to fifteen marks that contained "compound terms including another word or letters in addition to 'FLEX' that change the overall meaning and/or commercial impression of the marks as a whole." J.A. 59. The Board then considered the five remaining marks: FLEX, including for "[c]omputer software used for logistics management"; FLEX, including for "[c]omputer software platform for use [i]n . . . managing supply chains"; LOAD FLEX for "[c]omputer software development in the field of freight transportation"; VALUE FLEX for "[p]acking, loading and unloading of portable cargo containers; transport and delivery of portable cargo containers"; and FLEX, including for "[a]dvanced transportation controller for managing . . . traffic signal control and

² On February 10, 2022, the Board issued a corrected decision. All citations in this opinion are to the corrected version.

integration with connected or automated vehicles.” J.A. 60. The Board concluded that:

[w]hile the Federal Circuit has held that “**extensive** evidence of third-party use and registrations is ‘powerful on its face,’” . . . the record of third-party registrations in this case is far less than the amount of evidence found convincing in *Jack Wolfskin* and *Juice Generation* wherein “considerable evidence of third-party registration[s]” of similar marks was shown.

J.A. 61 (alteration in original) (quoting *Jack Wolfskin Ausrüstung Fur Draussen GmbH & Co. KGAA v. New Millennium Sports, S.L.U.*, 797 F.3d 1363, 1373–74 (Fed. Cir. 2015)) (citing *Juice Generation, Inc. v. GS Enters. LLC*, 794 F.3d 1334 (Fed. Cir. 2015)). The Board found that the evidence of third-party registrations did not show that Flex’s marks were conceptually weak and concluded that Flex’s marks were inherently distinctive.

The Board then analyzed the commercial strength of FLEX, FLEX (stylized), and FLEX PULSE. The Board considered evidence of commercial strength, such as evidence that Flex has used its marks in commerce since 2015, but ultimately found insufficient evidence to show “any degree of commercial recognition by the relevant purchasing public.” J.A. 66. The Board also considered whether evidence of fifteen third-party websites proved Flex’s marks to be commercially weak. Of the fifteen uses, the Board found four of the uses to be “associated with irrelevant goods and services,” J.A. 64, and three of the marks to contain “additional elements that cause[d]” the third-party marks “to be less similar to [Flex’s] marks than is [Spireon’s] mark.” J.A. 65. The Board assigned these marks “low probative value,” J.A. 64, and then considered the eight remaining uses. The Board again found that eight third-party uses was “far less than the amount of evidence found convincing in *Jack Wolfskin* and *Juice Generation*” and appeared to

give the evidence no weight in the analysis. J.A. 65–66. The Board did not address the third-party registrations, without proof of use, in its analysis of commercial strength.

Ultimately, the Board found the marks to be inherently distinctive and afforded the marks “the normal scope of protection to which inherently distinctive marks are entitled.” J.A. 66 (quoting *Bell’s Brewery, Inc. v. Innovation Brewing*, 125 U.S.P.Q.2d 1340, 1347 (T.T.A.B. 2017)).

The Board then considered the similarity of the marks, analyzing Spireon’s FL FLEX against FLEX, FLEX (stylized), and, mistakenly, “FLEX PLUS” rather than “FLEX PULSE.” The Board found the marks highly similar and concluded that the first *DuPont* factor supported a finding of likelihood of confusion.

Under the second *DuPont* factor, the similarity or dissimilarity of the parties’ goods and services, the Board found that the goods and services were related and complementary. For the third *DuPont* factor, the similarity or dissimilarity of trade channels and classes of consumers, the Board found that the trade channels and classes of consumers overlapped. Finally, in its consideration of other arguably probative facts under *DuPont* factor thirteen, the Board declined to find that Spireon’s adoption of FL FLEX was made in bad faith after Spireon had notice of Flex’s marks. The Board did not consider the other *DuPont* factors, recognizing that the Board must only consider “each *DuPont* factor for which there is evidence and argument.” J.A. 56 (citing *In re Guild Mortg. Co.*, 912 F.3d 1376, 1380 (Fed. Cir. 2019)).

Ultimately, the Board found that there was a likelihood of confusion between Spireon’s and Flex’s marks and, accordingly, sustained Flex’s opposition. Spireon appealed. We have jurisdiction under 15 U.S.C. § 1071(a)(1) and 28 U.S.C. § 1295(a)(4)(B).

DISCUSSION

Likelihood of confusion is a question of law based on underlying factual findings regarding the *DuPont* factors. *In re i.am.symbolic, llc*, 866 F.3d 1315, 1322 (Fed. Cir. 2017). We review the Board’s legal conclusions de novo and factual findings for substantial evidence. *Id.*

I

Our court in trademark opposition proceedings, like every other circuit in the infringement context, considers the strength of the prior user’s mark as a central factor in the likelihood of confusion analysis. 2 J. Thomas McCarthy, *McCarthy on Trademarks and Unfair Competition* § 24:43 (5th ed. 2023). Two of the *DuPont* factors (the fifth and sixth) consider strength. The fifth *DuPont* factor, “[t]he fame of the prior mark (sales, advertising, length of use),” 476 F.2d at 1361, is a measure of the mark’s strength in the marketplace. See *Joseph Phelps Vineyards, LLC v. Fairmont Holdings, LLC*, 857 F.3d 1323, 1325 (Fed. Cir. 2017). That factor is not at issue here.

What is at issue is the sixth *DuPont* factor, “[t]he number and nature of similar marks in use on similar goods,” 476 F.2d at 1361, which is a measure of the extent to which other marks weaken the assessed mark. See *Palm Bay Imports, Inc. v. Veuve Clicquot Ponsardin Maison Fondée en 1772*, 396 F.3d 1369, 1373 (Fed. Cir. 2005).

There are two prongs of analysis for a mark’s strength under the sixth factor: conceptual strength and commercial strength. 2 McCarthy, *supra*, § 11:80; *In re Chippendales USA, Inc.*, 622 F.3d 1346, 1353–54 (Fed. Cir. 2010). Conceptual strength is a measure of a mark’s distinctiveness, *Chippendales*, 622 F.3d at 1353, and distinctiveness is “often classified in categories of generally increasing distinctiveness[:] . . . (1) generic; (2) descriptive; (3) suggestive; (4) arbitrary; or (5) fanciful.” *Two Pesos, Inc. v. Taco Cabana, Inc.*, 505 U.S. 763, 768 (1992). Distinctiveness is

relevant to a mark's overall strength in the likelihood of confusion analysis. 2 McCarthy, *supra*, § 11:73.

Relevant here, descriptive marks “directly and immediately convey[] some knowledge of the characteristics of a product or service,” *id.* § 11:16, while suggestive marks “suggest[], but do[] not directly and immediately describe, some aspect of the goods or services,” 2 McCarthy, *supra*, § 11:62. Under our precedent, “[m]arks that are descriptive or highly suggestive are entitled to a narrower scope of protection, *i.e.*, are less likely to generate confusion over source identification, than their more fanciful counterparts.” *Juice Generation*, 794 F.3d at 1339 (citations omitted); *see also id.* (explaining that third-party registrations “are relevant to prove that some segment of the composite marks which both contesting parties use has a normally understood and well-recognized descriptive or suggestive meaning, leading to the conclusion that that segment is relatively weak” (citations and internal quotation marks omitted)); *Jack Wolfskin*, 797 F.3d at 1373–74.

Commercial strength, on the other hand, is “the marketplace recognition value of the mark.” McCarthy, *supra*, § 11:80. Commercial strength is a question of “whether consumers in fact associate the . . . mark with a unique source,” *id.* (citation omitted), and can be shown by, for instance, exclusive use of a mark in the marketplace, advertising and marketing, and sales. *See Bridgestone Ams. Tire Operations, LLC v. Fed. Corp.*, 673 F.3d 1330, 1336 (Fed. Cir. 2012).

II

The Board here erred in analyzing conceptual strength under the first *DuPont* factor, the similarity of the marks, rather than the sixth *DuPont* factor. This error, however, is not claimed to have affected the overall correctness of the Board's analysis. But the Board made other errors of significance.

First, the Board erred in its analysis of conceptual strength. The existence of third-party registrations on similar goods can bear on a mark's conceptual strength. *Juice Generation*, 794 F.3d at 1339. Specifically, third-party registrations containing an element that is common to both the opposer's and the applicant's marks can show that that element has "a normally understood and well-recognized descriptive or suggestive meaning." *Jack Wolfskin*, 797 F.3d at 1374 (quoting *Juice Generation*, 794 F.3d at 1339). Accordingly, we have considered the existence of third-party registrations under the sixth *DuPont* factor. *See id.*

The Board here erred in its analysis of conceptual strength by discounting composite third-party registrations, even though Spireon's mark is itself a composite mark. The Board attributed low probative value to fifteen registered marks with "compound terms including another word or letters in addition to 'FLEX.'"³ J.A. 59. After excluding these marks (along with other categories of marks for different reasons), the Board concluded that the record of third-party uses and registrations in this case was "far less than the amount of evidence found convincing in *Jack Wolfskin* and *Juice Generation* wherein 'extensive evidence of third-party uses' of similar marks was shown." J.A. 65 (citation omitted) (quoting *Jack Wolfskin*, 797 F.3d 1374); *see also* J.A. 61 (similar).

The Board appeared to justify this by finding that the "FL" prefix could be ignored. *See* J.A. 70; *see also* J.A. 59 ("15 of these marks are compound terms including another word or letters in addition to 'FLEX' that change the overall meaning and/or commercial impression of the marks as a whole, making them less similar to [Flex's] marks than is [Spireon's] mark." (citation omitted)). This was error.

³ The Board did consider two compound marks, LOAD FLEX and VALUE FLEX, as having greater probative value in its analysis. J.A. 60.

While it is permissible to find that the FL prefix did not eliminate possible confusion with FLEX without the prefix, the Board cannot effectively eliminate consideration of other composite marks in these circumstances.

Where marks share a common segment, “[t]hird party registrations are relevant to prove that [the shared] segment of the composite marks . . . has a normally understood and well-recognized descriptive or suggestive meaning, leading to the conclusion that that segment is relatively weak.” 2 McCarthy, *supra*, § 11:90. Evidence of composite third-party registrations is also relevant because:

Such registrations could . . . show that the PTO, by registering several marks with such a common segment, recognizes that portions of such composite marks other than the common segment are sufficient to distinguish the marks as a whole and to make confusion unlikely. That is, the presence of such a descriptive or suggestive weak segment in conflicting composite marks is not per se sufficient to make confusion likely.

Id.

At least where the registrations and application are for non-identical marks, as they are here, it is error for the Board to effectively disregard third-party composite marks. The composite third-party registrations are relevant to the question of whether the shared segment—in this case, “flex”—has a commonly understood descriptive or suggestive meaning in the field and whether there is a crowded field of marks in use. The composite marks have probative value and should have been included in the Board’s analysis.

The Board compounded this error by apparently giving no weight to Spireon’s argument that “flex” is highly suggestive because it is a shortened form of “flexible.” J.A. 57–

58; *see* J.A. 1181. The Board disregarded this argument because “[Spireon] does not direct us to any evidence that [Flex’s] marks are highly suggestive or weak in connection with the goods or services recited in [Flex’s] registrations.” J.A. 58. But, as described above, Spireon did produce evidence, in the form of third-party registrations, regarding the mark’s conceptual weakness as applied to the relevant industry. It seems apparent that the term “flex” “hint[s] at some attribute of the goods or services,” 2 McCarthy, *supra*, § 11:64 (capitalization altered), in this industry and is thus suggestive. On remand, the Board must consider all relevant evidence to determine whether Flex’s marks are conceptually weak.

III

With respect to commercial strength, Spireon argues that the Board again erred in declining to consider composite marks as to which there was evidence of use. We agree. Spireon also apparently argues that the existence of three identical marks should be considered in connection with commercial strength even though the record does not include evidence of use. Third-party mark FLEX was registered in 1998 for goods including “computer software used for logistics management.” J.A. 1086. Third-party mark FLEX was registered in 2013 for, among other things, “[c]omputer software platform for use in . . . managing supply chains.” J.A. 1092. It was against this backdrop that Flex registered its own FLEX and FLEX (stylized) marks in 2016 and FLEX PULSE in 2017. Subsequent to Flex’s registrations, another third-party registered the mark FLeX for “[a]dvanced transportation controller for managing a variety of intelligent transportation systems, including traffic signal control and integration with connected or automated vehicles.” J.A. 1172.

It is well established that, in opposition proceedings, the burden of proof rests on the opposer. *See Real Foods Pty Ltd. v. Frito-Lay N. Am., Inc.*, 906 F.3d 965, 973 (Fed.

Cir. 2018). In the likelihood of confusion analysis, “[t]he burden of establishing the strength of a mark falls on the trademark proprietor.” 5 Louis Altman & Malla Pollack, *Callmann on Unfair Competition, Trademarks and Monopolies* § 21:79 (4th ed. 2022); see also *Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1367 (Fed. Cir. 2012) (holding that it is the opposer’s burden to prove fame of its mark). While the applicant has a burden of producing evidence of relevant registrations, it may be that where the applicant has introduced evidence of third-party registrations, the burden should rest on the opposer to establish non-use rather than on applicants to establish use of those third-party registrations. In other words, absent proof of non-use, use could be assumed. Nonetheless, in prior cases, we and our predecessor court appear to have assumed, without explicitly stating, that in connection with the analysis of commercial strength, the burden rested on the applicant to establish that prior marks were actually in use. See, e.g., *AMF Inc. v. Am. Leisure Prods., Inc.*, 474 F.2d 1403, 1406 (CCPA 1973) (holding that “little weight is to be given [to third-party] registrations in evaluating whether there is likelihood of confusion” because “[t]he existence of these registrations is not evidence of what happens in the market place or that customers are familiar with them”).

Whether this is consistent with the overall burden of proof is an issue that we have not directly addressed, though the parties here⁴ and this court in *Jack Wolfskin*,

⁴ See Appellant’s Br. 24 (arguing that third-party registrations and uses represent a “[c]rowded [f]ield”); Oral Arg. at 20:20–58 (“The Court: What about the fact that there are three uses and registrations here that are virtually identical, they use the flex term standing alone? Appellee’s Counsel: That is part of the, under the *Juice*

see 797 F.3d at 1373–74, appear to agree that registered marks may be considered in connection with commercial strength even where the opposer has produced no evidence of non-use. We need not decide the broader question of which party bears the burden of establishing non-use as a general matter. This case presents the far narrower question of whether the burden of showing non-use of identical marks for identical goods rests with the opposer. We think it necessarily does. Otherwise, the opposer would be able to dismiss the commercial significance of previously registered identical marks for identical goods where the opposer’s own mark should perhaps have not been granted registration in the first place. *See i.am.symbolic*, 866 F.3d at 1315 (affirming the examining attorney’s refusal to register an identical mark for the same or similar goods); *see also* 15 U.S.C. § 1057(b) (providing that a certificate of registration is prima facie evidence of an owner’s right to use the mark).

To be sure, even with respect to identical marks for identical goods, the marks will retain some measure of protection against a new registration for an identical mark for

Generation and *Jack Wolfskin* cases, those can be considered as evidence of third-party use that would weaken a mark. But the *Juice Generation* and *Jack Wolfskin* cases are clear that, in order for third-party use to weaken a registered mark, there must be extensive, ubiquitous, voluminous, widespread use by third parties.”). Regardless of the parties’ positions, “[w]hen an issue or claim is properly before the court, the court is not limited to the particular legal theories advanced by the parties, but rather retains the independent power to identify and apply the proper construction of governing law.” *Kamen v. Kemper Fin. Servs., Inc.*, 500 U.S. 90, 99 (1991); *see also Sanford’s Est. v. Comm’r*, 308 U.S. 39, 51 (1939); *Forshey v. Principi*, 284 F.3d 1335, 1357 (Fed. Cir. 2002) (en banc).

identical goods. *See i.am.symbolic*, 866 F.3d at 1329. But that is not the situation here. Spireon’s mark is not an identical mark for identical goods. Spireon seeks to register “FL FLEX” for different, albeit related, goods.

Here, Flex as opposer has failed to show that the identical marks for identical goods were not used in the marketplace, but on remand Flex should be given the opportunity to make such a showing, given our clarification of the applicable law.⁵ If Flex fails to establish non-use, the commercial strength of the Flex marks must be considered weak as to Spireon’s non-identical mark.

IV

With regard to the FLEX PULSE mark, the Board erred in its analysis of the first *DuPont* factor by comparing FL FLEX to FLEX PLUS rather than the relevant mark, FLEX PULSE. This was more than a mere typographical error. The Board stated:

We . . . find that the term “PLUS” in Opposer’s FLEX PLUS mark is merely laudatory with respect to Opposer’s identified products and services. As an adjective, “PLUS” is defined as “having, receiving, or being in addition to what is anticipated,” “greater than that specified,” or “possessing a specified quality to a high degree.”

⁵ The “last listed owner” of one of the third-party FLEX marks on the USPTO’s Trademark Electronic Search System is United Parcel Service of America (“UPS”). J.A. 1086. While there is no record evidence of use of this mark in the present case, in the companion case, *Bad Elf, LLC v. Flex Ltd.*, there is evidence of UPS’s use of the mark. *See* Joint Appendix at 1007–09, *Bad Elf, LLC v. Flex Ltd.*, No. 22-1839 (Fed. Cir. argued Apr. 4, 2023).

SPIREON, INC. v. FLEX LTD.

15

J.A. 68–69 (quoting *Plus*, Merriam-Webster.com, <https://www.merriam-webster.com/dictionary/plus> (last visited January 20, 2022)). Flex admits this was error, but asserts that the error is nonetheless harmless because the Board’s overall similarity analysis is supported by substantial evidence. We disagree. We note that FLEX PULSE is quite different from FL FLEX in appearance and sound. “Flex” appears as the first word in the FLEX PULSE mark, while it is the last word in the FL FLEX mark. On remand, the Board should analyze the correct mark, taking into account all the differences between FL FLEX and FLEX PULSE.⁶

CONCLUSION

The case is remanded to the Board to reconsider the likelihood of confusion and its ultimate decision sustaining the opposition in light of this opinion.

VACATED AND REMANDED

COSTS

Costs to Appellant.

⁶ Spireon also argues that the Board erred in determining that the parties’ goods and services are similar. We see no error in the Board’s determination in this respect.

EXHIBIT 2

Generated on: This page was generated by TSDR on 2024-02-05 23:47:05 EST

Mark: CACTI

CACTI

US Serial Number: 90002905

Application Filing Date: Jun. 15, 2020

US Registration Number: 7109560

Registration Date: Jul. 11, 2023

Register: Supplemental

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Amended to Principal Register: No

Date Amended to Current Register: May 22, 2023

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Jul. 11, 2023

Mark Information

Mark Literal Elements: CACTI

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Alcoholic beverages except beers; Hard seltzer; Flavored malt-based alcoholic beverages, excluding beers

International Class(es): 033 - Primary Class

U.S Class(es): 047, 049

Class Status: ACTIVE

Basis: 1(a)

First Use: Mar. 15, 2021

Use in Commerce: Mar. 15, 2021

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Filed ITU: Yes

Currently ITU: No

Filed 44D: No

Currently 44D: No

Filed 44E: No

Currently 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Meadow Creek Spirits, LLC

Owner Address: c/o Kia Kamran P.C.
1900 Avenue of the Stars, 25th Floor
Los Angeles, CALIFORNIA UNITED STATES 90067

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

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Attorney Primary Email Address: kia@tunelaw.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: KIA KAMRAN
KIA KAMRAN P.C.
1900 AVENUE OF THE STARS, 25TH FL
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Phone: 310-284-8600

Correspondent e-mail: desiree@tunelaw.com giulia@tunelaw.com kia@tunelaw.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jul. 11, 2023	NOTICE OF REGISTRATION CONFIRMATION EMAILED	
Jul. 11, 2023	REGISTERED-SUPPLEMENTAL REGISTER	
Jun. 06, 2023	LAW OFFICE PUBLICATION REVIEW COMPLETED	
May 24, 2023	NOTICE OF ACCEPTANCE OF AMENDMENT TO ALLEGE USE E-MAILED	
May 23, 2023	APPROVED FOR REGISTRATION SUPPLEMENTAL REGISTER	
May 23, 2023	USE AMENDMENT ACCEPTED	
May 23, 2023	EXAMINER'S AMENDMENT ENTERED	
May 23, 2023	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	
May 23, 2023	EXAMINERS AMENDMENT E-MAILED	
May 23, 2023	EXAMINERS AMENDMENT -WRITTEN	
Nov. 22, 2022	TEAS/EMAIL CORRESPONDENCE ENTERED	
Nov. 22, 2022	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Nov. 21, 2022	ASSIGNED TO LIE	
Nov. 14, 2022	TEAS REQUEST FOR RECONSIDERATION RECEIVED	
Nov. 15, 2022	AMENDMENT TO USE PROCESSING COMPLETE	
Nov. 15, 2022	USE AMENDMENT FILED	
Nov. 14, 2022	TEAS AMENDMENT OF USE RECEIVED	
Nov. 12, 2022	EX PARTE APPEAL-INSTITUTED	
Nov. 12, 2022	JURISDICTION RESTORED TO EXAMINING ATTORNEY	
Nov. 12, 2022	EXPARTE APPEAL RECEIVED AT TTAB	
May 12, 2022	NOTIFICATION OF FINAL REFUSAL EMAILED	
May 12, 2022	FINAL REFUSAL E-MAILED	
May 12, 2022	FINAL REFUSAL WRITTEN	
Feb. 26, 2022	TEAS/EMAIL CORRESPONDENCE ENTERED	
Feb. 25, 2022	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Feb. 25, 2022	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Feb. 22, 2022	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Feb. 22, 2022	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Feb. 22, 2022	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	

Jan. 27, 2022 NOTIFICATION OF NOTICE OF UNRESPONSIVE AMENDMENT - E-MAILED
 Jan. 27, 2022 NOTICE OF UNRESPONSIVE AMENDMENT - E-MAILED
 Jan. 27, 2022 REPORT UNRESPONSIVE AMENDMENT - COMPLETED
 Dec. 10, 2021 TEAS/EMAIL CORRESPONDENCE ENTERED
 Dec. 09, 2021 CORRESPONDENCE RECEIVED IN LAW OFFICE
 Dec. 09, 2021 TEAS RESPONSE TO OFFICE ACTION RECEIVED
 Jul. 22, 2021 TEAS CHANGE OF CORRESPONDENCE RECEIVED
 Jul. 22, 2021 TEAS WITHDRAWAL OF ATTORNEY RECEIVED-FIRM RETAINS
 Jul. 22, 2021 ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED
 Jul. 22, 2021 TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED
 Jul. 01, 2021 NOTIFICATION OF NON-FINAL ACTION E-MAILED
 Jul. 01, 2021 NON-FINAL ACTION E-MAILED
 Jul. 01, 2021 NON-FINAL ACTION WRITTEN
 May 20, 2021 TEAS/EMAIL CORRESPONDENCE ENTERED
 May 20, 2021 CORRESPONDENCE RECEIVED IN LAW OFFICE
 May 20, 2021 ASSIGNED TO LIE
 Feb. 12, 2021 TEAS RESPONSE TO SUSPENSION INQUIRY RECEIVED
 Jan. 11, 2021 NOTIFICATION OF LETTER OF SUSPENSION E-MAILED
 Jan. 11, 2021 LETTER OF SUSPENSION E-MAILED
 Jan. 11, 2021 SUSPENSION LETTER WRITTEN
 Dec. 21, 2020 TEAS/EMAIL CORRESPONDENCE ENTERED
 Dec. 21, 2020 CORRESPONDENCE RECEIVED IN LAW OFFICE
 Dec. 21, 2020 TEAS RESPONSE TO OFFICE ACTION RECEIVED
 Dec. 11, 2020 TEAS CHANGE OF CORRESPONDENCE RECEIVED
 Dec. 11, 2020 ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED
 Dec. 11, 2020 TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED
 Nov. 02, 2020 APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED
 Nov. 02, 2020 TEAS CHANGE OF CORRESPONDENCE RECEIVED
 Nov. 02, 2020 TEAS WITHDRAWAL OF ATTORNEY RECEIVED-FIRM RETAINS
 Nov. 02, 2020 ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED
 Nov. 02, 2020 TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED
 Nov. 02, 2020 TEAS CHANGE OF OWNER ADDRESS RECEIVED
 Sep. 18, 2020 NOTIFICATION OF NON-FINAL ACTION E-MAILED
 Sep. 18, 2020 NON-FINAL ACTION E-MAILED
 Sep. 18, 2020 NON-FINAL ACTION WRITTEN
 Sep. 16, 2020 ASSIGNED TO EXAMINER
 Jul. 23, 2020 APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED
 Jul. 23, 2020 TEAS CHANGE OF CORRESPONDENCE RECEIVED
 Jul. 23, 2020 TEAS WITHDRAWAL OF ATTORNEY RECEIVED-FIRM RETAINS
 Jul. 23, 2020 ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED
 Jul. 23, 2020 TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED
 Jul. 23, 2020 TEAS CHANGE OF OWNER ADDRESS RECEIVED
 Jul. 14, 2020 NEW APPLICATION OFFICE SUPPLIED DATA ENTERED
 Jun. 18, 2020 NEW APPLICATION ENTERED

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jul. 11, 2023

Proceedings

Summary

**Number of 1
Proceedings:**

Type of Proceeding: Exparte Appeal

Proceeding Number: [90002905](#)

Filing Date: Nov 12, 2022

Status: Terminated

Status Date: Jun 07, 2023

Interlocutory Attorney:

Plaintiff(s)

Name: Meadow Creek Spirits, LLC

Correspondent: KIA KAMRAN

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Correspondent e-mail: kia@tunelaw.com , desiree@tunelaw.com , giulia@tunelaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
CACTI		90002905	

Prosecution History

Entry Number	History Text	Date	Due Date
6	TERMINATED	Jun 07, 2023	
5	TERMINATED	Jun 07, 2023	
4	BD DECISION: DISMISSED AS MOOT	Jun 07, 2023	
3	INSTITUTED	Nov 12, 2022	
2	APPEAL ACKNOWLEDGED; CASE REMANDED	Nov 12, 2022	
1	APPEAL TO BOARD	Nov 12, 2022	

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Mark: CACTII SKINCARE

CACTII SKINCARE

US Serial Number: 90664983

Application Filing Date: Apr. 22, 2021

US Registration Number: 6762654

Registration Date: Jun. 14, 2022

Register: Supplemental

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Amended to Principal Register: No

Date Amended to Current Register: Apr. 28, 2022

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Jun. 14, 2022

Mark Information

Mark Literal Elements: CACTII SKINCARE

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Disclaimer: "SKINCARE"

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Bath soaps; body oils; body scrubs; bath bombs; all of the foregoing made in significant part of cactus

International Class(es): 003 - Primary Class

U.S Class(es): 001, 004, 006, 050, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 06, 2020

Use in Commerce: Dec. 06, 2020

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

Currently ITU: No

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: Cactii Skin Care LLC

Owner Address: 13049 Trina Dr
Philadelphia, PENNSYLVANIA UNITED STATES 19116

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: PENNSYLVANIA

Attorney/Correspondence Information

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Attorney Email Authorized: Yes

Correspondent

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Correspondent e-mail: jbh@copymarklaw.com
support@copymarklaw.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jun. 14, 2022	NOTICE OF REGISTRATION CONFIRMATION EMAILED	
Jun. 14, 2022	REGISTERED-SUPPLEMENTAL REGISTER	
May 09, 2022	LAW OFFICE PUBLICATION REVIEW COMPLETED	74221
May 06, 2022	ASSIGNED TO LIE	74221
May 04, 2022	APPROVED FOR REGISTRATION SUPPLEMENTAL REGISTER	
May 04, 2022	EXAMINER'S AMENDMENT ENTERED	88888
May 04, 2022	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	
May 04, 2022	EXAMINERS AMENDMENT E-MAILED	
May 04, 2022	EXAMINERS AMENDMENT -WRITTEN	95352
Apr. 29, 2022	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Apr. 28, 2022	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Apr. 28, 2022	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jan. 03, 2022	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jan. 03, 2022	NON-FINAL ACTION E-MAILED	6325
Jan. 03, 2022	NON-FINAL ACTION WRITTEN	95352
Dec. 16, 2021	ASSIGNED TO EXAMINER	95352
Jul. 29, 2021	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED	
Apr. 26, 2021	NEW APPLICATION ENTERED	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jun. 14, 2022

From: tmng.notices@uspto.gov
Sent: Tuesday, June 14, 2022 01:15:51 PM EDT
Subject: Official USPTO Notification: U.S. Trademark Application SN 90664983

OFFICIAL USPTO NOTICE OF REGISTRATION

U.S. Application Serial No. 90664983
Mark: CACTII SKINCARE
Owner: Cactii Skin Care LLC
Docket/Reference No.

Issue Date: June 14, 2022

Your mark has registered with the United States Patent and Trademark Office (USPTO). Your United States trademark registration number is 6762654.

View and download your electronic registration certificate using the [Trademark Status & Document Retrieval \(TSDR\) database](#). If you have difficulty accessing the registration certificate, contact the Trademark Assistance Center (TAC) at TrademarkAssistanceCenter@uspto.gov or 800-786-9199. For more information on registration certificate options, visit the USPTO's [electronic registration certificates webpage](#).

Order presentation copies online:

You can [order a printed presentation copy in TEAS](#) of your trademark registration certificate. The presentation copy is suitable for display and framing. Trademark owners who filed an initial application before May 24, 2022 can order one for free. Owners who file an initial application on or after May 24, 2022 can purchase one for \$25.

Requirements to maintain your registration:

- File your registration [maintenance documents](#) at the required times.
- **If you do not submit your maintenance documents at the required times, your registration will be cancelled.** If that happens, you must file a new application. Filing a new application doesn't guarantee your trademark will register again.

Please note the following:

- You may receive unsolicited offers and notices from third-parties not affiliated with the USPTO. All official correspondence about your trademark registration will be from the "United States Patent and Trademark Office" in Alexandria, Virginia, and all emails will be from the domain "@uspto.gov." Visit our [misleading notices webpage](#) for more information.
- If your registration covers products that are likely targets for international counterfeiters (e.g., popular or high-demand products), consider applying to record your trademark registration with U.S. Customs and Border Protection (CBP). Recording your trademark registration helps CBP detain and seize imported goods if they violate your recorded trademark. Visit our [recording trademark registrations with CBP webpage](#) for more information.
- To help ensure that you receive emails from the USPTO, keep your email address(es) current using the [Change Address or Representation \(CAR\)](#)

[form](#) and add USPTO email addresses to your contacts or "Safe Senders" list.

- If your trademark registration contains an error that would not require republication to correct it, or identifies goods and/or services not in use with your trademark, you can use the [Section 7 Request for Amendment or Correction of Registration Certificate \(Section 7\) form](#) to request correction of that error or deletion of any goods and/or services not in use with your trademark. There's no fee to file a Section 7 form if you file the Section 7 form before you file your required registration maintenance documents, and you are only deleting goods, services, or classes. Other amendments and corrections may require a filing fee. For information on amendments and corrections after registration, see [TMEP 1609](#).

If you have any questions about this notice, contact TAC at TrademarkAssistanceCenter@uspto.gov or 800-786-9199.

United States of America

United States Patent and Trademark Office

CACTII SKINCARE

Reg. No. 6,762,654

Registered Jun. 14, 2022

Int. Cl.: 3

Trademark

Supplemental Register

Cactii Skin Care LLC (PENNSYLVANIA LIMITED LIABILITY COMPANY)
13049 Trina Dr
Philadelphia, PENNSYLVANIA 19116

CLASS 3: Bath soaps; body oils; body scrubs; bath bombs; all of the foregoing made in significant part of cactus

FIRST USE 12-6-2020; IN COMMERCE 12-6-2020

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

No claim is made to the exclusive right to use the following apart from the mark as shown: "SKINCARE"

SER. NO. 90-664,983, FILED P.R. 04-22-2021; AM. S.R. 04-28-2022



Katherine Kelly Vidal

Director of the United States
Patent and Trademark Office



REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION

WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.

Requirements in the First Ten Years*

What and When to File:

- **First Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.
- **Second Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

- You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.

Trademark Snap Shot Publication & Issue Review Stylesheet
(Table presents the data on Publication & Issue Review Complete)

OVERVIEW

SERIAL NUMBER	90664983	FILING DATE	04/22/2021
REG NUMBER	0000000	REG DATE	06/14/2022
REGISTER	SUPPLEMENTAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	CUMMINS, LANCE E	L.O. ASSIGNED	N20-NOT FOUND

PUB INFORMATION

RUN DATE	05/10/2022		
PUB DATE	N/A		
STATUS	681-PUBLICATION/ISSUE REVIEW COMPLETE		
STATUS DATE	05/09/2022		
LITERAL MARK ELEMENT	CACTII SKINCARE		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	04/28/2022		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	YES	1 (a)	YES	1 (a)	NO
1 (b)	NO	1 (b)	NO	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	CACTII SKINCARE
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
------------	-----------------------

NAME	Cactii Skin Care LLC
ADDRESS	13049 Trina Dr Philadelphia, PA 19116
ENTITY	16-LTD LIAB CO
CITIZENSHIP	Pennsylvania

GOODS AND SERVICES

INTERNATIONAL CLASS	003
DESCRIPTION TEXT	Bath soaps; body oils; body scrubs; bath bombs; all of the foregoing made in significant part of cactus

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	003	FIRST USE DATE	12/06/2020	FIRST USE IN COMMERCE DATE	12/06/2020	CLASS STATUS	6-ACTIVE
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MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
DISCLAIMER W/PREDETER TXT	"SKINCARE"
PSEUDO MARK	CACTI SKIN CARE

PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
05/09/2022	PREV	O	LAW OFFICE PUBLICATION REVIEW COMPLETED	016
05/06/2022	ALIE	A	ASSIGNED TO LIE	015
05/04/2022	CNTA	O	APPROVED FOR REGISTRATION SUPPLEMENTAL REGISTER	014
05/04/2022	XAEC	I	EXAMINER'S AMENDMENT ENTERED	013
05/04/2022	GNEA	O	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	012
05/04/2022	GNEA	O	EXAMINERS AMENDMENT E-MAILED	011
05/04/2022	CNEA	R	EXAMINERS AMENDMENT -WRITTEN	010
04/29/2022	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	009
04/28/2022	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	008
04/28/2022	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	007
01/03/2022	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	006
01/03/2022	GNRT	F	NON-FINAL ACTION E-MAILED	005
01/03/2022	CNRT	R	NON-FINAL ACTION WRITTEN	004
12/16/2021	DOCK	D	ASSIGNED TO EXAMINER	003
07/29/2021	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
04/26/2021	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	Jalissa Bauman Horne
CORRESPONDENCE ADDRESS	Jalissa Bauman Horne

	CopyMark Law Group LLC 543 Brier St Kenilworth, IL 60043
DOMESTIC REPRESENTATIVE	NONE

CACTII SKINCARE

Trademark Snap Shot Publication Stylesheet
(Table presents the data on Publication Approval)

OVERVIEW

SERIAL NUMBER	90664983	FILING DATE	04/22/2021
REG NUMBER	0000000	REG DATE	N/A
REGISTER	SUPPLEMENTAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	CUMMINS, LANCE E	L.O. ASSIGNED	N20-NOT FOUND

PUB INFORMATION

RUN DATE	05/05/2022		
PUB DATE	N/A		
STATUS	680-APPROVED FOR PUBLICATION		
STATUS DATE	05/04/2022		
LITERAL MARK ELEMENT	CACTII SKINCARE		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	04/28/2022		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	YES	1 (a)	YES	1 (a)	NO
1 (b)	NO	1 (b)	NO	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	CACTII SKINCARE
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
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NAME	Cactii Skin Care LLC
ADDRESS	13049 Trina Dr Philadelphia, PA 19116
ENTITY	16-LTD LIAB CO
CITIZENSHIP	Pennsylvania

GOODS AND SERVICES

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DESCRIPTION TEXT	Bath soaps; body oils; body scrubs; bath bombs; all of the foregoing made in significant part of cactus

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	003	FIRST USE DATE	12/06/2020	FIRST USE IN COMMERCE DATE	12/06/2020	CLASS STATUS	6-ACTIVE
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MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
DISCLAIMER W/PREDETER TXT	"SKINCARE"
PSEUDO MARK	CACTI SKIN CARE

PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
05/04/2022	CNTA	O	APPROVED FOR REGISTRATION SUPPLEMENTAL REGISTER	014
05/04/2022	XAEC	I	EXAMINER'S AMENDMENT ENTERED	013
05/04/2022	GNEA	O	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	012
05/04/2022	GNEA	O	EXAMINERS AMENDMENT E-MAILED	011
05/04/2022	CNEA	R	EXAMINERS AMENDMENT -WRITTEN	010
04/29/2022	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	009
04/28/2022	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	008
04/28/2022	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	007
01/03/2022	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	006
01/03/2022	GNRT	F	NON-FINAL ACTION E-MAILED	005
01/03/2022	CNRT	R	NON-FINAL ACTION WRITTEN	004
12/16/2021	DOCK	D	ASSIGNED TO EXAMINER	003
07/29/2021	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
04/26/2021	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	Jalissa Bauman Horne
CORRESPONDENCE ADDRESS	Jalissa Bauman Horne CopyMark Law Group LLC 543 Brier St Kenilworth IL 60043

DOMESTIC REPRESENTATIVE

NONE

CACTII SKINCARE

Trademark Snap Shot Amendment & Mail Processing Stylesheet
(Table presents the data on Amendment & Mail Processing Complete)

OVERVIEW

SERIAL NUMBER	90664983	FILING DATE	04/22/2021
REG NUMBER	0000000	REG DATE	N/A
REGISTER	SUPPLEMENTAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	CUMMINS, LANCE E	L.O. ASSIGNED	N20-NOT FOUND

PUB INFORMATION

RUN DATE	05/05/2022		
PUB DATE	N/A		
STATUS	680-APPROVED FOR PUBLICATION		
STATUS DATE	05/04/2022		
LITERAL MARK ELEMENT	CACTII SKINCARE		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	04/28/2022		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	YES	1 (a)	YES	1 (a)	NO
1 (b)	NO	1 (b)	NO	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	CACTII SKINCARE
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

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MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
DISCLAIMER W/PREDETER TXT	"SKINCARE"
PSEUDO MARK	CACTI SKIN CARE

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05/04/2022	CNEA	R	EXAMINERS AMENDMENT -WRITTEN	010
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01/03/2022	GNRT	F	NON-FINAL ACTION E-MAILED	005
01/03/2022	CNRT	R	NON-FINAL ACTION WRITTEN	004
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07/29/2021	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
04/26/2021	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	Jalissa Bauman Horne
CORRESPONDENCE ADDRESS	Jalissa Bauman Horne CopyMark Law Group LLC 543 Brier St Kenilworth IL 60043

DOMESTIC REPRESENTATIVE

NONE

CACTII SKINCARE

To: Jalissa Bauman Horne(jbh@copymarklaw.com)
Subject: U.S. Trademark Application Serial No. 90664983 - CACTII SKINCARE
Sent: May 04, 2022 01:27:58 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. 90664983

Mark: CACTII SKINCARE

Correspondence Address:

Jalissa Bauman Horne
CopyMark Law Group LLC
543 Brier St
Kenilworth IL 60043 UNITED STATES

Applicant: Cactii Skin Care LLC

Reference/Docket No. N/A

Correspondence Email Address: jbh@copymarklaw.com

EXAMINER'S AMENDMENT

Issue date: May 04, 2022

Application has been amended as shown below. As agreed to by Jalissa Bauman Horne on May 04, 2022, the examining attorney has amended the application as shown below. Please notify the examining attorney immediately of any objections. TMEP §707. Otherwise, no response is required. *Id.*

Amended Disclaimer

The disclaimer statement is amended to the following:

No claim is made to the exclusive right to use "SKINCARE" apart from the mark as shown.

See 15 U.S.C. §1056(a); TMEP §§1213, 1213.03(c), 1213.08(a)(i).

/Lance Cummins/
Lance Cummins
Trademark Examining Attorney
Law Office 120
(571) 270-1348
lance.cummins@uspto.gov

United States Patent and Trademark Office (USPTO)

USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued
on May 04, 2022 for

U.S. Trademark Application Serial No. 90664983

A USPTO examining attorney has reviewed your trademark application and issued an Office action. You may be required to respond to this Office action. Follow the steps below.

- (1) **[Read the Office action.](#)** This email is NOT the Office action.
- (2) **Respond to the Office action, if a response is required.** Respond by 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: 90664983
Date: 05/04/2022 1:24 pm
Created by: Lance Cummins

CACTII SKINCARE

Changed

- Issued Examiner's Amendment and Entered Changes

From: Jalissa Horne <jbh@copymarklaw.com>
Sent: Wednesday, May 4, 2022 11:43 AM
To: Cummins, Lance <Lance.Cummins@uspto.gov>
Cc: support@copymarklaw.com
Subject: Re: United States Trademark Application Serial No. 90664983 / CACTII SKINCARE

CAUTION: This email has originated from a source outside of USPTO. PLEASE CONSIDER THE SOURCE before responding, clicking on links, or opening attachments.

Hello, Lance.

Thank you for reaching out on this. I have reviewed and accept your proposed changes. I will look forward to that update via Examiner's Amendment.

I appreciate your assistance, and please let me know if you need anything further from me.

Best regards,

Jalissa

Jalissa Bauman Horne

Associate Attorney

jbh@copymarklaw.com

IMPORTANT NOTICE TO EMAIL RECIPIENTS: *Do not read, copy, or disseminate this communication unless you are the intended addressee. This email communication may contain confidential and/or privileged information intended only for the addressee. This correspondence alone does not create an Attorney-Client relationship with the recipient, and such relationship with regard to any legal matter is only formed by entering into a mutual agreement and fee arrangement with CopyMark Law Group, LLC; reliance on the contents by any others is taken at the reader's own risk.*

On Wed, May 4, 2022 at 10:33 AM Cummins, Lance <Lance.Cummins@uspto.gov> wrote:

United States Trademark Application Serial No. 90664983 / CACTII SKINCARE

Dear Ms. Horne,

I am the assigned trademark examining attorney for the above-referenced application. I have received your response to the Office action and it looks like the disclaimer for "SKIN CARE" just needs to be amended to "SKINCARE" to match the amended mark. If you could email or call with your approval I can take care of it via examiner's amendment.

Kind regards,

Lance Cummins

Examining Attorney

Law Office 120

United States Patent and Trademark Office

(571) 270-1348

Trademark Snap Shot Amendment & Mail Processing Stylesheet
(Table presents the data on Amendment & Mail Processing Complete)

OVERVIEW

SERIAL NUMBER	90664983	FILING DATE	04/22/2021
REG NUMBER	0000000	REG DATE	N/A
REGISTER	SUPPLEMENTAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	CUMMINS, LANCE E	L.O. ASSIGNED	N20-NOT FOUND

PUB INFORMATION

RUN DATE	04/30/2022		
PUB DATE	N/A		
STATUS	661-RESPONSE AFTER NON-FINAL-ACTION-ENTERED		
STATUS DATE	04/29/2022		
LITERAL MARK ELEMENT	CACTII SKINCARE		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	04/28/2022		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	YES	1 (a)	YES	1 (a)	NO
1 (b)	NO	1 (b)	NO	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	CACTII SKINCARE
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
------------	-----------------------

NAME	Cactii Skin Care LLC
ADDRESS	13049 Trina Dr Philadelphia, PA 19116
ENTITY	16-LTD LIAB CO
CITIZENSHIP	Pennsylvania

GOODS AND SERVICES

INTERNATIONAL CLASS	003
DESCRIPTION TEXT	Bath soaps; body oils; body scrubs; bath bombs; all of the foregoing made in significant part of cactus

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	003	FIRST USE DATE	12/06/2020	FIRST USE IN COMMERCE DATE	12/06/2020	CLASS STATUS	6-ACTIVE
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MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
DISCLAIMER W/PREDETER TXT	"SKIN CARE"
PSEUDO MARK	CACTI SKIN CARE

PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
04/29/2022	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	009
04/28/2022	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	008
04/28/2022	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	007
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01/03/2022	GNRT	F	NON-FINAL ACTION E-MAILED	005
01/03/2022	CNRT	R	NON-FINAL ACTION WRITTEN	004
12/16/2021	DOCK	D	ASSIGNED TO EXAMINER	003
07/29/2021	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
04/26/2021	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	Jalissa Bauman Horne
CORRESPONDENCE ADDRESS	Jalissa Bauman Horne CopyMark Law Group LLC 543 Brier St Kenilworth IL 60043
DOMESTIC REPRESENTATIVE	NONE

CACTII SKINCARE

CACTII SKINCARE

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	90664983
LAW OFFICE ASSIGNED	LAW OFFICE 120
MARK SECTION (current)	
MARK	mark
LITERAL ELEMENT	CACTII SKIN CARE
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
MARK SECTION (proposed)	
MARK	CACTII SKINCARE
LITERAL ELEMENT	CACTII SKINCARE
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
GOODS AND/OR SERVICES SECTION (current)	
INTERNATIONAL CLASS	003
DESCRIPTION	Soaps, candles, body oils and scrubs, and bath bombs
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 12/06/2020
FIRST USE IN COMMERCE DATE	At least as early as 12/06/2020
GOODS AND/OR SERVICES SECTION (proposed)	
INTERNATIONAL CLASS	003
TRACKED TEXT DESCRIPTION	
Soaps, candles, body oils and scrubs, and bath bombs ; Bath soaps ; body oils ; body scrubs ; bath bombs ; all of the foregoing made in significant part of cactus	
FINAL DESCRIPTION	
Bath soaps; body oils; body scrubs; bath bombs; all of the foregoing made in significant part of cactus	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 12/06/2020
FIRST USE IN COMMERCE DATE	At least as early as 12/06/2020

STATEMENT TYPE	"The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application" [for an application based on Section 1(a), Use in Commerce] OR "The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use" [for an application based on Section 1(b) Intent-to-Use]. OR "The attached specimen is a true copy of the specimen that was originally submitted with the application, amendment to allege use, or statement of use" [for an illegible specimen].
SPECIMEN FILE NAME(S)	
ORIGINAL PDF FILE	SPU0-2600170045e88160f4dc 368c592f5aa-20220411223348865269 .Luxury_Cashmere_Bath_Bomb_Cactii_Skinc are.pdf
CONVERTED PDF FILE(S) (3 pages)	\\TICRS\EXPORT18\IMAGEOUT 18\906\649\90664983\xml4\ ROA0003.JPG
	\\TICRS\EXPORT18\IMAGEOUT 18\906\649\90664983\xml4\ ROA0004.JPG
	\\TICRS\EXPORT18\IMAGEOUT 18\906\649\90664983\xml4\ ROA0005.JPG
ORIGINAL PDF FILE	SPU0-2600170045e88160f4dc 368c592f5aa-20220411223348865269 .Gentlemen_s_Gif t_Box_Cactii_Skincare.pdf
CONVERTED PDF FILE(S) (3 pages)	\\TICRS\EXPORT18\IMAGEOUT 18\906\649\90664983\xml4\ ROA0006.JPG
	\\TICRS\EXPORT18\IMAGEOUT 18\906\649\90664983\xml4\ ROA0007.JPG
	\\TICRS\EXPORT18\IMAGEOUT 18\906\649\90664983\xml4\ ROA0008.JPG
ORIGINAL PDF FILE	SPU0-2600170045e88160f4dc 368c592f5aa-20220411223348865269 .Cactii_Hair_B ody_Oil_Cactii_Skincare.pdf
CONVERTED PDF FILE(S) (3 pages)	\\TICRS\EXPORT18\IMAGEOUT 18\906\649\90664983\xml4\ ROA0009.JPG
	\\TICRS\EXPORT18\IMAGEOUT 18\906\649\90664983\xml4\ ROA0010.JPG
	\\TICRS\EXPORT18\IMAGEOUT 18\906\649\90664983\xml4\ ROA0011.JPG
SPECIMEN DESCRIPTION	Website pages showing products for sale under the mark
WEBPAGE URL	https://cactiiskincare.com/products/luxury-cashmere-bath-bomb
WEBPAGE DATE OF ACCESS	04/11/2022
WEBPAGE URL	https://cactiiskincare.com/products/gentlemen-s-gift-box
WEBPAGE DATE OF ACCESS	04/11/2022
WEBPAGE URL	https://cactiiskincare.com/products/cactus-beard-oil
WEBPAGE DATE OF ACCESS	04/11/2022
ADDITIONAL STATEMENTS SECTION	
DISCLAIMER	No claim is made to the exclusive right to use "SKIN CARE" apart from the mark as shown.
SUPPLEMENTAL REGISTER	The applicant seeks registration of the mark on the Supplemental Register (i.e., a change of the words 'Principal Register' to 'Supplemental Register').
ATTORNEY INFORMATION (new)	
NAME	Jalissa Bauman Horne
ATTORNEY BAR MEMBERSHIP NUMBER	XXX
YEAR OF ADMISSION	XXXX

U.S. STATE/ COMMONWEALTH/ TERRITORY	XX
FIRM NAME	CopyMark Law Group LLC
STREET	543 Brier St
CITY	Kenilworth
STATE	Illinois
POSTAL CODE	60043
COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
EMAIL	jbh@copymarklaw.com
OTHER APPOINTED ATTORNEY	Patrick Schweih
CORRESPONDENCE INFORMATION (current)	
NAME	CACTII SKIN CARE LLC
PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE	Nelly@cactiiskincare.com
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)	notifications@trademarkengine.com
CORRESPONDENCE INFORMATION (proposed)	
NAME	Jalissa Bauman Horne
PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE	jbh@copymarklaw.com
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)	support@copymarklaw.com
SIGNATURE SECTION	
DECLARATION SIGNATURE	/Jalissa Bauman Horne/
SIGNATORY'S NAME	Jalissa Bauman Horne
SIGNATORY'S POSITION	Attorney of Record, Illinois Bar Member
DATE SIGNED	04/28/2022
SIGNATURE METHOD	Signed directly within the form
RESPONSE SIGNATURE	/Jalissa Bauman Horne/
SIGNATORY'S NAME	Jalissa Bauman Horne
SIGNATORY'S POSITION	Attorney of Record, Illinois Bar Member
DATE SIGNED	04/28/2022
ROLE OF AUTHORIZED SIGNATORY	Authorized U.S.-Licensed Attorney
SIGNATURE METHOD	Signed directly within the form
FILING INFORMATION SECTION	
SUBMIT DATE	Thu Apr 28 16:07:46 ET 2022
TEAS STAMP	USPTO/ROA-XXXX:XXXX:XXXX: XXXX:XXXX:XXXX:XXXX-XXXX- 20220428160746357462-9066 4983-8005b8fec4a68cf05afa a1cf4f7eee996aa538564b102 ca27c21cbcc564b806285-N/A -N/A-20220428160630250597

Response to Office Action

To the Commissioner for Trademarks:

Application serial no. **90664983** CACTII SKIN CARE(Standard Characters, see <https://tmng-al.uspto.gov/resting2/api/img/90664983/large>) has been amended as follows:

MARK

Applicant proposes to amend the mark as follows:

Current: CACTII SKIN CARE(Standard Characters, see <https://tmng-al.uspto.gov/resting2/api/img/90664983/large>)

Proposed (USPTO generated image): CACTII SKINCARE (Standard Characters, see [mark](#))

The mark consists of standard characters, without claim to any particular font style, size, or color.

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant proposes to amend the following:

Current:

Class 003 for Soaps, candles, body oils and scrubs, and bath bombs

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 12/06/2020 and first used in commerce at least as early as 12/06/2020 , and is now in use in such commerce.

Proposed:

Tracked Text Description: ~~Soaps, candles, body oils and scrubs, and bath bombs~~; [Bath soaps](#); [body oils](#); [body scrubs](#); [bath bombs](#); [all of the foregoing made in significant part of cactus](#)

Class 003 for Bath soaps; body oils; body scrubs; bath bombs; all of the foregoing made in significant part of cactus

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 12/06/2020 and first used in commerce at least as early as 12/06/2020 , and is now in use in such commerce.

Applicant hereby submits one(or more) specimen(s) for Class 003. The specimen(s) submitted consists of Website pages showing products for sale under the mark.

"The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application" [for an application based on Section 1(a), Use in Commerce] OR **"The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use"** [for an application based on Section 1(b) Intent-to-Use]. OR **"The attached specimen is a true copy of the specimen that was originally submitted with the application, amendment to allege use, or statement of use"** [for an illegible specimen].

Original PDF file:

[SPU0-2600170045e88160f4dc 368c592f5aa-2022041122334 8865269 . Luxury Cashmere Bath Bomb Cactii Skinc are.pdf](#)

Converted PDF file(s) (3 pages) [Specimen File1Specimen File2Specimen File3](#)

Original PDF file:

[SPU0-2600170045e88160f4dc 368c592f5aa-2022041122334 8865269 . Gentlemen s Gift Box Cactii Skincare.pdf](#)

Converted PDF file(s) (3 pages) [Specimen File1Specimen File2Specimen File3](#)

Original PDF file:

[SPU0-2600170045e88160f4dc 368c592f5aa-2022041122334 8865269 . Cactii Hair B ody Oil Cactii Skincare.pdf](#)

Converted PDF file(s) (3 pages) [Specimen File1Specimen File2Specimen File3](#)

Webpage URL: <https://cactiiskincare.com/products/luxury-cashmere-bath-bomb>

Webpage Date of Access: 04/11/2022

Webpage URL: <https://cactiiskincare.com/products/gentlemen-s-gift-box>

Webpage Date of Access: 04/11/2022

Webpage URL: <https://cactiiskincare.com/products/cactus-beard-oil>

Webpage Date of Access: 04/11/2022

ADDITIONAL STATEMENTS

Disclaimer

No claim is made to the exclusive right to use "SKIN CARE" apart from the mark as shown.

Supplemental Register

The applicant seeks registration of the mark on the Supplemental Register (i.e., a change of the words 'Principal Register' to 'Supplemental Register').

The owner's/holder's proposed attorney information: Jalissa Bauman Horne. Other appointed attorneys are Patrick Schweihs. Jalissa Bauman Horne of CopyMark Law Group LLC, is a member of the XX bar, admitted to the bar in XXXX, bar membership no. XXX, and the attorney(s) is located at

543 Brier St
Kenilworth, Illinois 60043
United States

is appointed to submit this Response to Office Action Form on behalf of the applicant.

The email address is jbh@copymarklaw.com

Jalissa Bauman Horne submitted the following statement: The attorney of record is an active member in good standing of the bar of the highest court of a U.S. state, the District of Columbia, or any U.S. Commonwealth or territory.

Correspondence Information (current):

CACTII SKIN CARE LLC
PRIMARY EMAIL FOR CORRESPONDENCE: Nelly@cactiiskincare.com
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): notifications@trademarkengine.com

Correspondence Information (proposed):

Jalissa Bauman Horne
PRIMARY EMAIL FOR CORRESPONDENCE: jbh@copymarklaw.com
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): support@copymarklaw.com

Requirement for Email and Electronic Filing: I understand that a valid email address must be maintained by the owner/holder and the owner's/holder's attorney, if appointed, and that all official trademark correspondence must be submitted via the Trademark Electronic Application System (TEAS).

SIGNATURE(S)

Declaration Signature

DECLARATION: The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that, if the applicant submitted the application or allegation of use (AOU) unsigned, all statements in the application or AOU and this submission based on the signatory's own knowledge are true, and all statements in the application or AOU and this submission made on information and belief are believed to be true.

STATEMENTS FOR UNSIGNED SECTION 1(a) APPLICATION/AOU: If the applicant filed an unsigned application under 15 U.S.C. § 1051(a) or AOU under 15 U.S.C. § 1051(c), the signatory additionally believes that: the applicant is the owner of the mark sought to be registered; the mark is in use in commerce and was in use in commerce as of the filing date of the application or AOU on or in connection with the goods/services/collective membership organization in the application or AOU; the original specimen(s), if applicable, shows the mark in use in commerce as of the filing date of the application or AOU on or in connection with the goods/services/collective membership organization in the application or AOU; *for a collective trademark, collective service mark, collective membership mark application, or certification mark application*, the applicant is exercising legitimate control over the use of the mark in commerce and was exercising legitimate control over the use of the mark in commerce as of the filing date of the application or AOU; *for a certification mark application*, the applicant is not engaged in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant. **To the best of the signatory's knowledge and belief, no other persons, except, if applicable, authorized users, members, and/or concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services/collective**

membership organization of such other persons, to cause confusion or mistake, or to deceive.

STATEMENTS FOR UNSIGNED SECTION 1(b)/SECTION 44 APPLICATION AND FOR SECTION 66(a)

COLLECTIVE/CERTIFICATION MARK APPLICATION: If the applicant filed an unsigned application under 15 U.S.C. §§ 1051(b), 1126(d), and/or 1126(e), or filed a collective/certification mark application under 15 U.S.C. §1141f(a), the signatory additionally believes that: *for a trademark or service mark application*, the applicant is entitled to use the mark in commerce on or in connection with the goods/services specified in the application; the applicant has a bona fide intention to use the mark in commerce and had a bona fide intention to use the mark in commerce as of the application filing date; *for a collective trademark, collective service mark, collective membership mark, or certification mark application*, the applicant has a bona fide intention, and is entitled, to exercise legitimate control over the use of the mark in commerce and had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce as of the application filing date; the signatory is properly authorized to execute the declaration on behalf of the applicant; *for a certification mark application*, the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant. **To the best of the signatory's knowledge and belief, no other persons, except, if applicable, authorized users, members, and/or concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services/collective membership organization of such other persons, to cause confusion or mistake, or to deceive.**

Signature: /Jalissa Bauman Horne/ Date: 04/28/2022
Signatory's Name: Jalissa Bauman Horne
Signatory's Position: Attorney of Record, Illinois Bar Member
Signature method: Signed directly within the form

Response Signature

Signature: /Jalissa Bauman Horne/ Date: 04/28/2022
Signatory's Name: Jalissa Bauman Horne
Signatory's Position: Attorney of Record, Illinois Bar Member
Signature method: Signed directly within the form

The signatory has confirmed that he/she is a U.S.-licensed attorney who is an active member in good standing of the bar of the highest court of a U.S. state (including the District of Columbia and any U.S. Commonwealth or territory); 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.-licensed attorney not currently associated with his/her company/firm previously represented the owner/holder in this matter: the owner/holder has revoked their power of attorney by a signed revocation or substitute power of attorney with the USPTO; the USPTO has granted that attorney's withdrawal request; the owner/holder has filed a power of attorney appointing him/her in this matter; or the owner's/holder's appointed U.S.-licensed attorney has filed a power of attorney appointing him/her as an associate attorney in this matter.

Mailing Address: CACTII SKIN CARE LLC

13049 TRINA DR
PHILADELPHIA, Pennsylvania 19116
Mailing Address: Jalissa Bauman Horne
CopyMark Law Group LLC
543 Brier St
Kenilworth, Illinois 60043

Serial Number: 90664983
Internet Transmission Date: Thu Apr 28 16:07:46 ET 2022
TEAS Stamp: USPTO/ROA-XXXX:XXXX:XXXX:XXXX:XXXX:XXXX:
XXXX:XXXX-20220428160746357462-90664983-
8005b8fec4a68cf05afaa1cf4f7eee996aa53856
4b102ca27c21cbcc564b806285-N/A-N/A-20220
428160630250597

CACTII SKINCARE



Luxury Cashmere Bath Bomb

\$7.00

Quantity - 1



ADD TO CART

Buy with **shop** Pay

[More payment options](#)

 SHARE

Bath Bomb,



SHARE

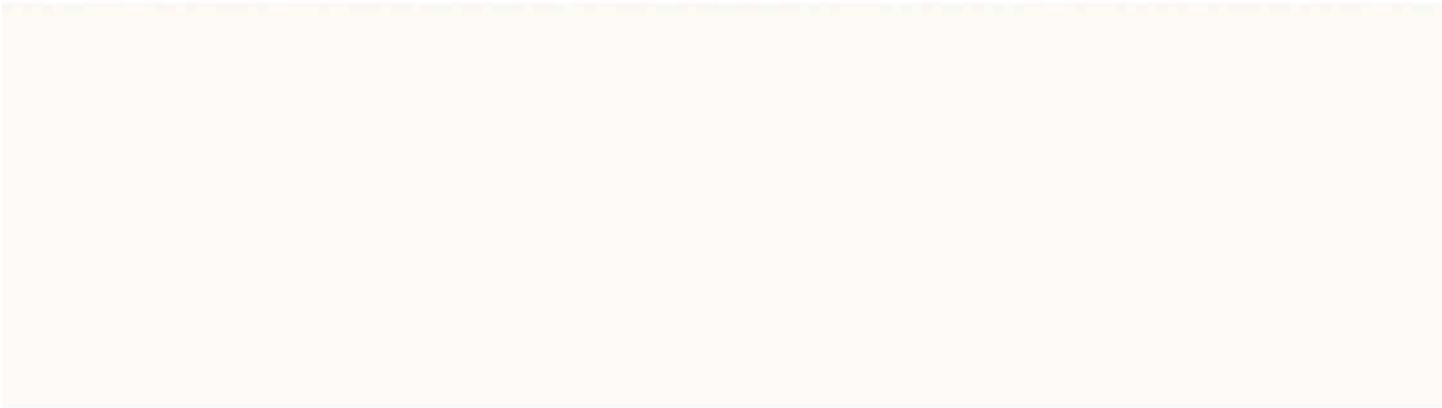
You may also like



Cactii skin care

Luxury Cashmere Bar

\$12



SEARCH

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Gentlemen's Gift Box

\$60.00

Bar - JusteKing

Body Scrub - JusteKing

Oils - JusteKing

Quantity - 1

ADD TO
CART

Buy with
shop Pay

[More payment options](#)

- Cactii wax stamped personalized note + envelope
- A choice of any bath salts– our top rated specialty, JusteKings: a luxurious blend of essential oils with coarse pink Himalayan sea salt with a complimentary spoon or wooden scoop
- A vial of light weight matching scented hair + body oil for untangling and moisture
- A choice of bath bomb which all include deep hydrating agents
- A comb + nail file
- An assortment of Cactii specialty uplifting sample size soaps

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You may also like





Cactii skin care

Luxury Cashmere Bar

\$12



o o o o

SEARCH

HOME CATALOG COLLECTIONS

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Cactii Hair & Body Oil

\$20.00

Size - 1oz

Rich with vitamin E. This oil promotes hair growth, helps untangle hair and is appropriate for body use.

Quantity - 1

ADD TO CART

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[More payment options](#)

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You may also like



Cactii skin care

Rose Bomb

\$7



SEARCH

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Luxury Cashmere Bath Bomb

\$7.00

Quantity - 1



ADD TO CART

Buy with **shop** Pay

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SHARE

Bath Bomb,



SHARE

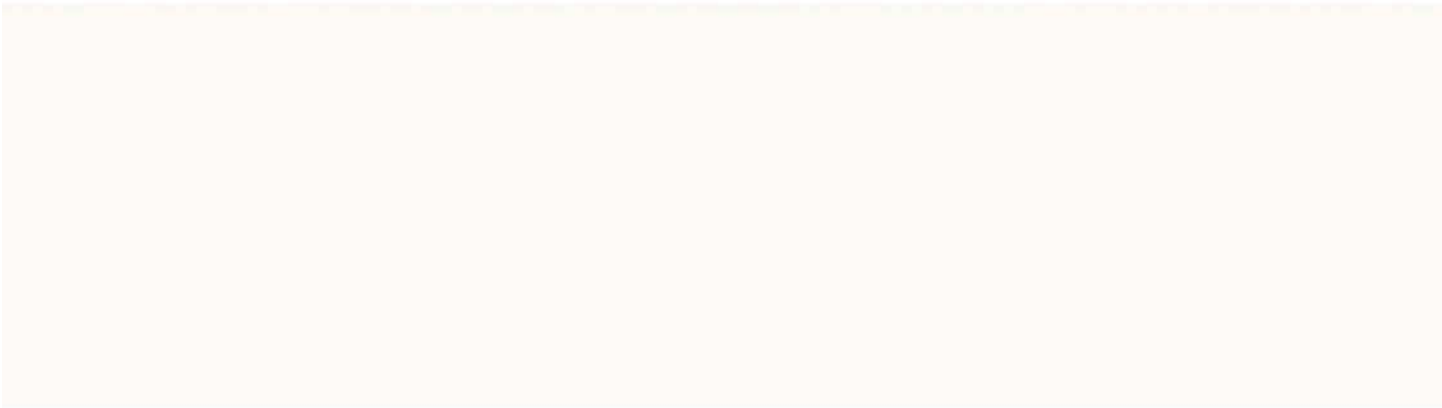
You may also like



Cactii skin care

Luxury Cashmere Bar

\$12



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Gentlemen's Gift Box

\$60.00

Bar - JusteKing

Body Scrub - JusteKing

Oils - JusteKing

Quantity - 1

ADD TO
CART

Buy with
shop Pay

[More payment options](#)

- Cactii wax stamped personalized note + envelope
- A choice of any bath salts– our top rated specialty, JusteKings: a luxurious blend of essential oils with coarse pink Himalayan sea salt with a complimentary spoon or wooden scoop
- A vial of light weight matching scented hair + body oil for untangling and moisture
- A choice of bath bomb which all include deep hydrating agents
- A comb + nail file
- An assortment of Cactii specialty uplifting sample size soaps

 SHARE



SHARE

You may also like

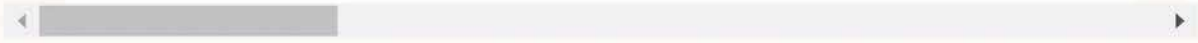




Cactii skin care

Luxury Cashmere Bar

\$12



o o o o

SEARCH

[HOME](#) [CATALOG](#) [COLLECTIONS](#)

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Cactii Hair & Body Oil

\$20.00

Size - 1oz

Rich with vitamin E. This oil promotes hair growth, helps untangle hair and is appropriate for body use.

Quantity - 1

ADD TO CART

Buy with **shop** Pay

[More payment options](#)

SHARE



SHARE

You may also like



Cactii skin care

Rose Bomb

\$7

SEARCH

HOME CATALOG COLLECTIONS

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CACTII SKINCARE

To: Cactii Skin Care LLC (Nelly@cactiiskincare.com)
Subject: U.S. Trademark Application Serial No. 90664983 - CACTII SKIN CARE - N/A
Sent: January 03, 2022 08:23:15 AM
Sent As: ecom120@uspto.gov
Attachments: [Attachment - 1](#)
[Attachment - 2](#)
[Attachment - 3](#)
[Attachment - 4](#)
[Attachment - 5](#)
[Attachment - 6](#)
[Attachment - 7](#)
[Attachment - 8](#)

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

**U.S. Application Serial
No.** 90664983

Mark: CACTII SKIN
CARE

**Correspondence
Address:**
CACTII SKIN CARE
LLC
13049 TRINA DR
PHILADELPHIA, PA
19116

Applicant: Cactii Skin
Care LLC

Reference/Docket No.
N/A

**Correspondence Email
Address:**

Nelly@cactiiskincare.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: **January 03, 2022**

INTRODUCTION

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 searched the USPTO database of registered and pending marks and 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:

- SECTION 2(e)(1) REFUSAL - MERELY DESCRIPTIVE
 - *ADVISORY – AMENDMENT TO SUPPLEMENTAL REGISTER AND DISCLAIMER*
- REFUSAL – MARK ON DRAWING DIFFERS FROM MARK ON SPECIMEN
- REQUIREMENT – AMEND ID TO AVOID DECEPTIVENESS REFUSAL
- REQUIREMENT – CLASSIFICATION AND IDENTIFICATION OF GOODS
 - *ADVISORY - MULTIPLE-CLASS APPLICATION REQUIREMENTS*

SECTION 2(e)(1) REFUSAL - MERELY DESCRIPTIVE

Registration is refused because the applied-for mark merely describes an ingredient, function, feature, purpose, or use 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)).

Applicant has applied to register the mark CACTII SKIN CARE for "Soaps, candles, body oils and scrubs, and bath bombs." Accordingly, the determination regarding descriptiveness is made with respect to those goods.

As the attached evidence from Segen's Medical Dictionary (<https://medical-dictionary.thefreedictionary.com/Cactii>) establishes, "CACTII" refers to CACTUS, and is "the common name for members of the family Cactaceae," most of which are "found in deserts which have infrequent but heavy rainfall."

A term that describes an ingredient of the goods is merely descriptive. TMEP §1209.01(b); *see In re TriVita, Inc.*, 783 F.3d 872, 114 USPQ2d 1574 (Fed. Cir. 2015) (holding NOPALEA merely descriptive of dietary and nutritional supplements containing nopal juice); *In re Keebler Co.*, 479 F.2d 1405, 178 USPQ 155 (C.C.P.A. 1973) (holding RICH 'N CHIPS merely descriptive of chocolate chip cookies); *In re Andes Candies Inc.*, 478 F.2d 1264, 178 USPQ 156 (C.C.P.A. 1973) (holding CREME DE MENTHE merely descriptive of candy); *In re Entenmann's, Inc.*, 15 USPQ2d 1750 (TTAB 1990) (holding OATNUT merely descriptive of bread containing oats and hazelnuts); *Flowers Indus., Inc. v. Interstate Brands Corp.*, 5 USPQ 2d 1580 (TTAB 1987) (holding HONEY WHEAT merely descriptive of bread containing honey and wheat). Applicant's goods encompass those which could, and commonly do, feature cactus/cactii as an ingredient. *See* attached evidence from elle.com, bareminerals.co.uk, wearedore.com, cardonformen.com, and coveteur.com.

The attached evidence from the Macmillan dictionary (<https://www.macmillandictionary.com/dictionary/american/skin-care>) establishes that "SKIN CARE" refers to "the things you do to keep your skin in good condition." The goods identified by applicant include soaps, body oils, scrubs, and bath bombs, which are skin care products, as established by the attached evidence from Wikipedia.

Generally, if the individual components of a mark retain their descriptive meaning in relation to the goods, the combination results in a composite mark that is itself descriptive and not registrable. *In re Fat Boys Water Sports LLC*, 118 USPQ2d 1511, 1516 (TTAB 2016) (citing *In re Tower Tech, Inc.*, 64 USPQ2d 1314, 1317-18 (TTAB 2002)); TMEP §1209.03(d); *see, e.g., In re Cannon Safe, Inc.*, 116 USPQ2d 1348, 1351 (TTAB 2015) (holding SMART SERIES merely descriptive of metal gun safes); *In re King Koil Licensing Co.*, 79 USPQ2d 1048, 1052 (TTAB 2006) (holding THE BREATHABLE MATTRESS merely descriptive of beds, mattresses, box springs, and pillows).

Only where the combination of descriptive terms creates a unitary mark with a unique, incongruous, or otherwise nondescriptive meaning in relation to the goods and/or services is the combined mark registrable. *See In re Colonial Stores, Inc.*, 394 F.2d 549, 551, 157 USPQ 382, 384 (C.C.P.A. 1968); *In re Positec Grp. Ltd.*, 108 USPQ2d 1161, 1162-63 (TTAB 2013).

In this case, both the individual components and the composite result are descriptive of applicant's goods and do not create a unique, incongruous, or nondescriptive meaning in relation to the goods and/or services. Specifically, CACTII SKIN CARE is merely descriptive of

applicant's goods as it describes that the goods are used to keep the skin in good condition, and feature ingredients derived from members of the family Cactaceae.

Ultimately, when purchasers encounter applicant's goods using the mark "CACTII SKIN CARE" they will immediately understand the mark as an ingredient, function, feature, purpose, or use of applicant's goods and not an indication that the applicant is the source of the goods. Therefore, applicant's mark merely describes applicant's goods and registration is refused pursuant to Section 2(e)(1) of the Trademark Act.

Advisory – Amendment to Supplemental Register and Disclaimer

The applied-for mark has been refused registration on the Principal Register. Applicant may respond to the refusal by submitting evidence and arguments in support of registration and/or 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).

Applicant is further advised that, if the application is amended to seek registration on the Supplemental Register, applicant will be required to disclaim "SKIN CARE" because such wording appears to be generic in the context of applicant's goods. *See* 15 U.S.C. §1056(a); *In re Wella Corp.*, 565 F.2d 143, 144, 196 USPQ 7, 8 (C.C.P.A. 1977); *In re Creative Goldsmiths of Wash., Inc.*, 229 USPQ 766, 768 (TTAB 1986); TMEP §1213.03(b).

Applicant may submit a disclaimer in the following format:

No claim is made to the exclusive right to use "SKIN CARE" apart from the mark as shown.

TMEP §1213.08(a)(i).

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

Applicant should note the following additional ground for refusal.

REFUSAL – MARK ON DRAWING DIFFERS FROM MARK ON SPECIMEN

Mark shown on drawing does not match mark on specimen. Registration is refused because the specimen does not show the mark in the drawing in use in commerce in International Class(es) 3, which is required in the application or amendment to allege use. Trademark Act Sections 1 and 45, 15 U.S.C. §§1051, 1127; 37 C.F.R. §§2.34(a)(1)(iv), 2.56(a); TMEP §§904, 904.07(a), 1301.04(g)(i). The mark appearing on the specimen and in the drawing must match; that is, the mark in the drawing "must be a substantially exact representation of the mark" on the

specimen. *See* 37 C.F.R. §2.51(a)-(b); TMEP §807.12(a).

In this case, the specimen displays the mark as CACTII SKINCARE. However, the drawing displays the mark as CACTII SKIN CARE. The mark on the specimen does not match the mark in the drawing because the mark on the specimen displays SKINCARE as one word, whereas the drawing shows it as two words, that is, SKIN CARE. Applicant has thus failed to provide the required evidence of use of the mark in commerce. *See* TMEP §807.12(a).

Response options. Applicant may respond to this refusal by satisfying one of the following:

- (1) **Submit a [new drawing of the mark](#)** that shows the mark on the specimen and, if appropriate, an amendment of the description and/or color claim that agrees with the new drawing. *See* 37 C.F.R. §2.72(a)-(b). Applicant may amend the mark in the drawing to match the mark on the specimen but may not make any other changes or amendments that would materially alter the drawing of the mark. *See* 37 C.F.R. §2.72(a)-(b); TMEP §807.14.
- (2) **Submit a different specimen** (a verified [“substitute” specimen](#)) for each applicable international class that (a) shows the mark in the drawing in actual use in commerce for the goods and/or services in the application or amendment to allege use, and (b) was in actual use in commerce at least as early as the filing date of the application or prior to the filing of an amendment to allege use.

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).

For more information about drawings and instructions on how to satisfy these response options using the online Trademark Electronic Application System (TEAS) form, see the [Drawing webpage](#).

Although applicant’s mark has been refused registration, applicant may respond to the refusal(s) by submitting evidence and arguments in support of registration. However, if applicant responds to the refusal(s), applicant must also respond to the requirement(s) set forth below.

REQUIREMENT – AMEND ID TO AVOID DECEPTIVENESS REFUSAL

Applicant’s mark includes the wording “CACTII”, which indicates that applicant’s goods have and/or exhibit the following feature or characteristic: They contain ingredients derived from cactii.

This feature or characteristic is considered desirable for applicant’s goods in Classes 3 and/or 5, because cactus contains electrolytes to hydrate the skin and antioxidants to help prevent UV damage. *See* attached evidence from elle.com, bareminerals.co.uk, wearedore.com, cardonformen.com, and coveteur.com. However, if some or all of the goods do not in fact have or exhibit this feature or characteristic, then registration may be refused because the mark consists of or includes deceptive matter in relation to the identified goods. *See* 15 U.S.C. §1052(a); *In re Budge Mfg. Co.*, 857 F.2d 773, 8 USPQ2d 1259 (Fed. Cir. 1988); TMEP §1203.02-.02(b).

To avoid such refusal, applicant may amend the identification to specify that the goods possess this relevant feature or characteristic. *See* TMEP §§1203.02(e)(ii), (f)(i), 1402.05 *et seq.* However, merely amending the identification to exclude goods or services with the named feature or characteristic will not avoid a deceptiveness refusal. TMEP §1203.02(f)(i).

Therefore, applicant may amend the identification to include, if accurate: “all of the foregoing made in significant part of cactus.”

Applicant should note the following additional amendments required to the identification of goods, the suggestions for which incorporate this language where required.

REQUIREMENT – CLASSIFICATION AND IDENTIFICATION OF GOODS

Applicant must correct the punctuation in the identification to clarify the individual items in the list of goods and/or services. *See* 37 C.F.R. §2.32(a)(6); TMEP §1402.01(a). Proper punctuation in identifications is necessary to delineate explicitly each product or service within a list and to avoid ambiguity. Commas, semicolons, and apostrophes are the only punctuation that should be used in an identification of goods and/or

services. TMEP §1402.01(a). An applicant should *not* use colons, periods, exclamation points, and question marks in an identification. *Id.* In addition, applicants should not use symbols in the identification such as asterisks (*), at symbols (@), or carets. *Id.*

In general, **commas** should be used in an identification (1) to separate a series of related items identified within a particular category of goods or services, (2) before and after “namely,” and (3) between each item in a list of goods or services following “namely” (e.g., personal care products, namely, body lotion, bar soap, shampoo). *Id.* **Semicolons** generally should be used to separate a series of distinct categories of goods or services within an international class (e.g., personal care products, namely, body lotion; deodorizers for pets; glass cleaners). *Id.*

Thus, applicant should replace commas with semicolons in the identification of goods, if appropriate.

The wording “soaps” in the identification of goods for International Class 3 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 “bath soaps” in Class 3, or “medicated soaps” in Class 5.

Applicant has classified “candles” in International Class 3; however, the proper classification is International Class 4. Therefore, applicant may respond by (1) adding International Class 4 to the application and reclassifying these goods in the proper international class, (2) deleting “candles” from the application, or (3) deleting the remainder of the items in the identification and reclassifying the specified goods in the proper international class. *See* 37 C.F.R. §§2.86(a), 6.1; TMEP §§1403.02 *et seq.* If applicant adds one or more international classes to the application, applicant must comply with the multiple-class requirements specified in this Office action.

Applicant may substitute the following wording, if accurate (*italicized* wording indicating no changes are suggested in a particular Class, and **bolded** wording indicating suggested changes):

International Class 3: **bath** soaps; body oils; **body** scrubs; bath bombs; **all of the foregoing made in significant part of cactus**

International Class 4: candles

International Class 5: medicated soaps made in significant part of cactus

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).

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.

ADVISORY - 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 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(s) already paid (view the [USPTO’s current fee schedule](#)). Specifically, the application identifies goods and/or services based on use in commerce that are classified in at least 3 classes; however, applicant submitted a fee(s) sufficient for only 1 class(es). 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 not acceptable for any international class. [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).

Specimens for services must show a direct association between the mark and the services and include: (1) copies of advertising and marketing material, (2) a photograph of business signage or billboards, or (3) materials showing the mark in the sale, rendering, or advertising of the services. *See* 37 C.F.R. §2.56(b)(2), (c); TMEP §1301.04(a), (h)(iv)(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](#).

CONCLUSION

Response guidelines. For this application to proceed, applicant must explicitly address each refusal and/or requirement in this Office action. For a refusal, applicant may provide written arguments and evidence against the refusal, and may have other response options if specified above. For a requirement, applicant should set forth the changes or statements. Please see “[Responding to Office Actions](#)” and the informational [video “Response to Office Action”](#) for more information and tips on responding.

Because of the legal technicalities and strict deadlines of the trademark application process, applicant is encouraged to hire a private attorney who specializes in trademark matters to assist in this process. The assigned trademark examining attorney can provide only limited assistance explaining the content of an Office action and the application process. USPTO staff cannot provide legal advice or statements about an applicant's legal rights. TMEP §§705.02, 709.06. See [Hiring a U.S.-licensed trademark attorney](#) for more information.

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

/Lance Cummins/
Examining Attorney
Law Office 120
571-270-1348
lance.cummins@uspto.gov

RESPONSE GUIDANCE

- **Missing the response deadline to this letter will cause the application to [abandon](#).** A response or notice of appeal must be received by the USPTO before midnight **Eastern Time** of the last day of the response period. TEAS and ESTTA 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.



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What Is Cactus Water And Why Is It In All Your Skincare Right Now?

ELLE BY [MOLLY KAPLAN](#) OCT 15, 2018






Okay, fine, the thought of taking a prickly cactus to your face doesn't exactly *scream* self care and relaxation. But, there's a reason those little guys thrive in the desert's dry air: they're full of ultra-hydrating H₂O that sustains them over during long dry spells.

Have you ever used cactus water-infused beauty products?

Yes! I'm hooked.	No but I see your POINT.
------------------	--------------------------

We've seen a surge in cactus water-based skincare lately, and as summer fades to fall, my skin (and my dating profile...it's cuffing season, y'all) is getting seriously thirsty. So to separate fact from fad, I tapped celebrity dermatologist Dr. Lily Talakoub of McLean Dermatology & Skincare Center for her expert opinion.

		
<p>I'M REAL SHEET MASK TONYMOLY skinstore.com \$3.00</p>	<p>CACTUS WATER MAKEUP REMOVING WIPES Pacifica target.com \$1.49</p>	<p>HYDRATION CACTUS WATER & HIBISCUS CLEANSING STICK St. Ives target.com \$3.10</p>
<p>SHOP NOW</p>	<p>SHOP NOW</p>	<p>SHOP NOW</p>

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So what's all the hype about?

Dr. Lily Talakoub: Cactus water contains a much higher concentration of electrolytes to hydrate the skin, and rich antioxidants that help prevent UV damage. Look for prickly pear cactus as an ingredient, it's the only cactus that has a blend of multiple antioxidants, vitamins, and electrolytes. They protect the skin against sun damage, aging and collagen loss.

+ MORE FROM ELLE

"Acne prone skin can benefit from the antibacterial properties of cactus oil."

What skin types are best suited for cactus water?

DL: All skin types can benefit from cactus water skincare. Dry, dehydrated skin can benefit from the electrolytes that hold water and moisture in the skin, and acne prone skin can benefit from the antibacterial properties of cactus oil. Meanwhile, people with sensitive skin can benefit from the calming vitamins and nutrients in

cactus oil.

Cactus water drinks are a big trend right now. Can drinking cactus water be good for your skin too?

DI: Similar to drinking Gatorade, the electrolytes replete lost electrolytes from the body after a heavy workout and help retain moisture in the skin. In general, it can help keep the body and skin more hydrated than drinking water alone.

Do you have any favorite cactus water-infused beauty products?

DI: Boscia cactus water moisturizer is amazing! It is so hydrating and leaves the skin soft and supple.



CACTUS WATER MOISTURIZER

boscia
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The verdict? Cactus water is here to stay. Shop some of our favorites below.

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HOLLY RHUE, PHE.COM CONTRIBUTOR
 Holly Rhue is a writer and editor in New York City.

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A Cactus Extract That Soothes Your Skin? We'll Explain.

BY WENDY ROSE GOULD



You may not think of the desert as a destination for quenching skincare ingredients, but the arid landscape requires plants to be really, really good at retaining moisture and defending themselves against the sun. Case in point: Prickly Pear, which also goes by the names Barbary Fig, Nopal Fruit and Opuntia.

For those who are unacquainted, Prickly Pear is a red, bulbous fruit covered in protective bristles that grows on paddle cacti in the American southwest, Australia and the Mediterranean. The plant easily soaks up and retains water to become plump and juicy and the fruits are then harvested for food — and now skincare.

Prickly Pear is a hero ingredient in our new PURENESS Skincare Collection, which consists of a Gel Cleanser and Soothing Light Moisturiser, each made with minimal ingredients. This collection helps skin feel soothed and less sensitive. It's also proven to be suitable for even the most sensitive skin. Soothing cactus fruit still sound crazy? We'll explain.

Prickly Pear: A Superstar Hydrator and Anti-Ageing Ingredient

You'll find a few variations of Prickly Pear in skincare products. One is a hydrating and nutrient-dense extract that's made from the pulp of the fruit and cactus itself, and another is an oil that's derived from cold-pressing the seeds.

"The fleshy pulp of both the fruit and cacti is loaded with water and electrolytes. It makes sense when you think about it: cacti have to go for long periods of time without water so they're nature's experts on locking in hydration," explains [Sarah Akram](#), a celebrity esthetician based in Washington D.C.

Prickly Pear's hydrating and antibacterial properties means the ingredient is also ideal for acne-prone skin. According to Akram, it helps calm the skin and restore balance to its protective barrier.

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PURENESS GEL CLEANSER

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Akram says that Prickly Pear is also exceptionally useful as an anti-ageing ingredient. "It's loaded with antioxidants, omega fatty acids, and boasts high amounts of vitamin E, which is ideal for soothing, replenishing and nourishing skin," she says. "Also, the Prickly Pear seed oil contains Vitamin K and Linoleic Acid, two ingredients that help visibly brighten your complexion and reduces the look of hyper-pigmentation caused by UV damage."



Try Prickly Pear Yourself

By now you probably understand why this soothing, nourishing ingredient is in PURENESS Skincare. So if you need a little skin calming in your life, we recommend using the full collection: PURENESS Gel Cleanser, which helps visibly reduce sensitivity, soothe the skin and gently remove excess oil, and PURENESS Soothing Light Moisturiser, which helps reduce the look of redness while seriously hydrating skin without weighing it down.

Who Benefits Most from Prickly Pear

Prickly Pear is a gentle ingredient that can be used by all skin types. Because of its soothing properties, it's especially ideal for those with acne-prone, dry, sensitive, or inflamed skin. The ingredient is also an excellent age-defying ingredient and can help improve overall tone and texture in your complexion. It can be incorporated daily, and it mixes well with other ingredients.

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Beauty

EVERYTHING YOU NEED TO KNOW ABOUT CACTUS IN BEAUTY

1 year ago by DORÉ

Photos Frankie Martin Words Tanya Kerevanai

The word cactus is typically synonymous with dry, desert conditions, prickly surfaces, pain, and a plant that should be avoided ('don't touch' comes to mind)—not so much as an ingredient in beauty products that has soothing and hydrating properties. Every year, there seems to be a trendy skincare ingredient dominating the beauty market. A recent one that caught our attention amongst plant-based cosmetic ingredients is cactus. It seems counterintuitive that a desert plant could be beneficial for the skin but cactus is known for its restorative and hydrating properties.

Despite their dry surroundings, cacti are rich in antioxidants and fat soluble vitamins like Vitamin E, which contribute to the plants being able to retain moisture in dry conditions. Think of it this way – because cacti come from desert environments where there is limited rainfall, they adapt to this harsh climate by retaining water. Cacti derivatives have soothing and healing benefits, which makes sense given aloe and cactus are related in that they are both succulents.

More beauty companies are highlighting cactus in their skincare products. LA-based beauty brand *Freck Beauty* launched their skincare collection in November 2018 with cactus as their main ingredient, citing its hydrating and nourishing properties when used topically. Brands like Japanese brand, *Boscia*, created their ultra-lightweight moisturizer and peel-off mask with cactus water while *Youth to the People* released a face oil containing prickly pear cactus extract.

This all left me wondering – can a dry, prickly plant hydrate your skin with long term benefits? To find out, we asked two founders, a dermatologist and a chemist to weigh in and tell us everything they know about cactus in beauty.

Why cactus? What nutrients do cacti contain?

Most cactus species grow in hot, dry desert regions and are prevalent in parts of the Southwestern United States. Cactus-containing skin care products are mostly derived from prickly pear cactus seed oil, which has potent antioxidant vitamins and hydrating ingredients," says Adarsh Vijay Mudgil, M.D., board-certified dermatologist and founder of Mudgil Dermatology. Prickly pear seed oil, also known as barbary fig seed oil, is native to Morocco. The oil contains high amounts of Vitamin E, about 150% more than another known oil found in Morocco, argan oil, and is rich in essential fatty acids, amino acids and vitamin K.

Lan Bellinky, Co-Creator of *Boscia*, notes that the company wanted to "harness the power of cacti because of their ability to survive and thrive in the driest and harshest climates." She adds that "cactus water can help retain moisture in the skin to help prevent future dehydration and improve the skin's barrier function to prevent moisture loss."



How does cactus benefit the skin?

"Because of its mineral richness, prickly pear extract is an excellent hydrator and skin soother," says Mercedes Taylor, Lead Chemist and Product Innovation Manager at Youth to the People. Cactus is "rich in anti-inflammatory ingredients and antioxidants and can be a potent moisturizer," says Dr. Mudgil. It is composed of "fat soluble vitamins (A, D, E, K), water, fatty acids, amino acids and other antioxidants," he adds.

Because cacti are high in antioxidants and fatty acids, they have an anti-inflammatory and calming effect. The fatty acids in prickly pear cactus seed oil help calm inflammation and redness. An added benefit is that the oil is easily absorbed into the skin and doesn't leave a greasy residue.

Prickly pear seed oil also has potent antioxidants called betalains, which are also found in acai, beetroot, and goji berries, and can help protect the skin from damaging radicals that can lead to wrinkles. The oil contains amino acids, which can help with collagen production. The vitamin K component helps brighten hyperpigmentation areas like dark spots and can help minimize under-eye dark circles. A small study of 11 healthy women using eye pads containing vitamin K and caffeine in an emu oil base demonstrated an improvement in minimizing under-eye dark circles and wrinkles, but we should note that it was unclear if the improvement was due to the vitamin K or caffeine component.

Fatty acids, linoleic acid and oleic acid, replenish lost lipids in the skin to restore the skin's elasticity and moisturize. The high linoleic acid content of prickly pear seed oil is thought to help with acne, as it can prevent sebum from hardening and clogging pores.

What skin types are best for cactus products?

"This is a well-tolerated ingredient, which can be used on all skin types," says Dr. Mudgil, unless you have an allergy to prickly pear cactus, he adds. In particular, "dehydrated skin can benefit from the cactus water nutrients that hold water and moisture in the skin," says Belinky.

Belinky explains that although the *Boscia* cactus water products are great for all skin types, "the texture is great for those with combination to oily skin types due to the cactus flesh-like properties." Remi, founder and CEO of Freck Beauty, notes that the Freck Beauty cactus collection can be used for any skin texture, but is especially useful for dry or acne-sensitive skin.

The Superberry Hydrate + Glow Oil can be used for "any skin type at any age because it is fast-absorbing, will not congest pores, and can be added to any moisturizer for a boost of hydration and antioxidants," says Taylor of Youth to the People.

What should I look for in skincare containing cactus?

"There are over 2000 different types of cacti but they are not all created equal. Look for prickly pear cactus or cactus seed oil in a product's ingredients. Prickly pear extract is the most common cactus derivative and although it is "mostly made of water, it is nutrient dense and contains potent doses of magnesium, calcium and vitamin C," explains Taylor.

The Queen of the Night cactus, also known as *Cereus Grandiflorus* Flower Extract, is from the flower of the cactus and is a rare cactus that blooms on one night of the year between dusk and dawn and withers away shortly after. The plant "adapts to drastic climate conditions and rebounds from dramatic dehydration," says Belinky. It is known to "rejuvenate, nourish and rebound dry skin and impart intense moisture and conditioning to the skin," she adds. Both *Boscia* and Freck Beauty use the Queen of the Night cactus in their products.

How long do I wait until I see a difference in my skin?

Generally, "it takes four weeks to gauge skin changes from any tweak in your regimen," explains Dr. Mudgil. For many of the products containing cactus, there is a notable difference in hydration and glow upon initial use and long-term benefits such as a more supple complexion are seen after 4-6 weeks of use.

Which skincare products contain cactus?

The starter pack

Freck Beauty Cactus Collection, The Haul includes four products that are nourishing for the

skin at an affordable price point and all use different parts of the cactus. Regarding the price point, "our chemist freaked out when she saw the eye jelly was \$28 and said we could sell it for \$200," says Remi. "We stand behind quality ingredients and fair pricing and want to pass it on to consumers," she adds. A consumer, she notes, who is "adventurous, savvy about ingredients and cares about self-expression and originality." Details about the four products are included below:

· **SO JELLY** – an under eye jelly containing cactus flower extract, which provides hydration and cell proliferation and prickly pear seed oil, which contains vitamin K and helps brighten hyperpigmentation.

· **CACTUS WATER** – a cleansing lactic acid toner containing cactus flower extract and lactic acid, which works to slough away dead skin. Added kelp extract is rich in antioxidants and is known to calm the skin and fight inflammation.

· **FORECLAY** – a cactus clay mask containing prickly pear seed oil, kelp extract and kaolin clay, which "pulls toxins from the skin while replenishing and hydrating with cactus oil so the skin is not left feeling chafed," says Remi.

· **RICH BITCH** – a cactus and vitamin c moisturizer containing prickly pear seed oil, jojoba seed oil, and both kelp and rosemary leaf extract.

Although not part of The Haul, **LIL PRICK** is a cactus seed dry serum, which contains over 30% raw prickly pear seed oil, a non-comedogenic oil rich in linoleic acid. Pro tip: make sure the ingredient you are most interested in is not at the bottom of the ingredient list, which signifies a low concentration.

The ultra lightweight moisturizer

Boscia Cactus Water Moisturizer is a lightweight moisturizer made from hydrating ingredients like the coveted Queen of the Night Cactus, South African Resurrection Plant and Aloe Vera. It is a fast-absorbing solution for combination-to-oily skin and helps improve skin moisture and revitalize dehydrated skin without the weight of a heavy cream, explains Belinky. It's also great as a primer under makeup application. Pro tip from the founder – store this moisturizer in the fridge for a cool, refreshing hydration boost.

The Prickly Pear Seed Oil

The Youth to the People Superberry Hydrate + Glow Oil is a quickly-absorbing lightweight face oil with hydrating prickly pear cactus and squalane oil that hydrates the skin. The prickly pear cactus extract is taken from the "fruit of the cactus and cold pressed to ensure all of its hydrating benefits are present," says Taylor. After cleansing, apply 2-5 drops of oil into hands, rub together and press into skin. Pro tip – mix a drop of oil into makeup for a smooth finish.

Are there any side effects?

Representatives from Boscia, Freck Beauty and Youth to the People noted there are no known side effects from their cactus products. Per Remi of Freck Beauty, the RICH BITCH moisturizer contains high amounts of vitamin C so use this product with a daily sunscreen.

So, what do you think? Are you ready to try cactus skincare for yourself?

MEET THE STORY



In Skin, Beauty
Tip: tanya kerennan, cactus beauty

Beauty
LASERS, PEELS, AND MICRO,
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4 COMMENTS

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MAYA • July 31 2020, 3:17 • 81P15

What a thorough, informative, and well-written article! Thank you for sharing and educating. Looks like I'm going shopping...I'll let you know how my skin likes it. Keep 'em coming!

MEITAI • August 3 2020, 9:44 • 81P15

Thank you for such an interesting article! I love your writing! And who knew cactus has all of these benefits! Looking forward to reading your next article about clean beauty!

SYLVIE MARIE • August 5 2020, 10:18 • 80P15

I once gave Gatorade to a dying cactus — it's all I had with me.



SKINCARE BENEFITS OF CACTUS

by Cardon Team | Apr 22, 2020



SHARPEN YOUR KNOWLEDGE OF CACTUS EXTRACT, ONE OF SKINCARE'S MOST POWERFUL INGREDIENTS—WITH ANTI-AGING, ULTRA-HYDRATING, SKIN-FIRMING, TOXIN-THWARTING, AND COMPLEXION-CLEARING BENEFITS

While prickly to the touch, cactus also happens to be one of the most soothing skincare ingredients. Many brands have yet to catch on to cactus' skin-friendly benefits, but those people using cactus notice an instant spike in their skin's elasticity and moisture levels.

That's why cactus is the central ingredient in [each of Cardon's formulas](#), and it even inspired the brand name itself.

The cardon cactus, native to Mexico, is the tallest species of cacti in the world, and usually bears a half dozen or more "branches" that tower beautifully overhead.

In skincare, however, the use of cacti for their soothing, healing properties dates back to the Aztec era. Nowadays, cactus extract is typically derived from the prickly pear cactus, as is the case in each of [Cardon's products](#). The prickly pear cactus is native to the United States and Mexico, and is also the most commonly eaten cactus—particularly in Mexican cuisine—due to its flat.

paddle-like segments. And yes, it's just as healthy to eat, assuming you've de-prickled the paddle.

In terms of skin benefits, though, here are the many nourishing abilities of cactus extract, plus its specific impact on dry, sensitive, and oily skin.



Vitamin E: It works by boosting collagen production and elasticity.

Electrolytes: Any series of minerals, in this case potassium and magnesium, that preserve the skin's moisture barrier functions, and in turn boost the efficacy of other nourishing ingredients (like the aforementioned vitamins).

CACTUS EXTRACT BENEFITS FOR DRY AND SENSITIVE SKIN

People with dry and sensitive skin are especially prone to irritation, inflammation, and of course, dehydration. It can be hard to find products for delicate skin, since many have underlying, counterproductive effects on these more sensitive skin types.

That's why cactus extract should be a go-to ingredient for people with dry and sensitive skin: It soothes on contact, promotes high hydration, and boosts defensiveness against outside threats.

The large quantities of Vitamin E in cactus extract provide the biggest benefits to dry and sensitive skin, thanks to the vitamins' ability to heal, hydrate, and firm skin quickly.

While cactus extract is most obviously used in daytime SPF moisturizers and overnight hydrators, it is an ingredient that can be deployed in various skincare products. As an example, Cardon's purifying clay cleanser also utilizes cactus extract, as well as every product in its assortment. So, if you have dry or sensitive skin, build an entire regimen around products and ingredients that soothe and nourish skin. Yes, you need moisturizers to do it, but there's no reason your cleanser, toner, mask, shave cream, and more can't also work in your favor.





CACTUS BENEFITS FOR OILY SKIN

Cactus extract benefits all types of skin, given its many soothing, firming, youthful rewards. In [oily skin routines](#), cactus extract provides the skin with rich vitamins and minerals. The core problem that people with oily skin have, however, is [sebum accumulation](#). This buildup can lead to clogged pores, acne, as well as bacterial and fungal threats. Hydrating oily skin can help manage sebum production.

Cactus extract is rich in linoleic acid, which helps break down this accumulation and flush the excess sebum from the pores. In addition to being anti-inflammatory, cactus extract is also antimicrobial, and together that's a recipe for healthy, unclogged pores, plus a clear, firm complexion. Learn more about [caring for oily skin](#).

Whether you have oily, dry, or sensitive skin, you can still take advantage of the many soothing, hydrating, and healing benefits of cactus extract. So ask yourself, are you a cacti kind of guy?



[Cardon, cactus-based skincare, best skincare routine for men](#)



Tag: [cactus](#), [ingredients](#), [skincare tips](#)

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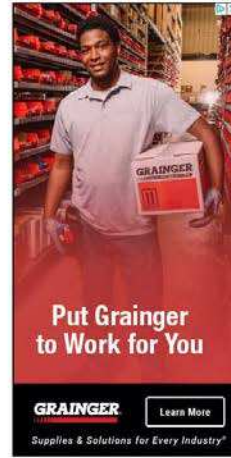


SKIN

Cactus: The Plant That Belongs In Your Skin-Care Routine

These plants know a thing or two about surviving the summer heat.

By: [Jafella Sardis](#)



TRENDING

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We already know about buzzy ingredients like hyaluronic acid and glycerin, but there are also plenty of topicals found in nature that can help us achieve that bouncy, dewy skin. You may not have realized it, but cactus is one such ingredient. These plants come from deserts, where a finite amount of rainfall occurs. Sure, it's something of a

barren wasteland for us humans, but cacti do an exceptional job of surviving these types of harsh conditions. It may seem confusing to think of a plant that lives in such a dry environment can help hydrate your skin, so we turned to an expert for some advice. Board-certified dermatologist [Dr. Jessie Cheung](#) of Cheung Aesthetics and Wellness explains why cactus may just be the best occlusive—aka something that prevents water loss—for your skin.

Given the climate in which cacti live, they naturally retain much of their water to survive. Says Dr. Cheung, "Imagine all the antioxidants and hydration that a cactus needs to survive in the harsh desert environment." This explains why cacti have such thick skins; without an almost impenetrable membrane, any water or antioxidants that a cactus would pull from either the ground or the small amount of rainwater throughout the year would otherwise evaporate, leaving the plant dehydrated and unable to withstand the dryness of the desert. That is why there is a jelly-like substance inside a cactus which contains a concentration of moisture and high levels of antioxidants that help the plant survive.

Now, how do these ingredients work on our skin? Dr. Cheung explains, "Cactus, most commonly prickly pear cactus, is rich in essential fatty acids, which help maintain the skin's lipid barrier and lock in moisture." She also explains that cacti include betalains, which are natural antioxidants, "to protect from the sun and free-radical exposure that breaks down collagen and causes wrinkles." Furthermore, the high levels of vitamins E and K found in cactus help to brighten the skin and maintain hydration throughout the day.

Many different cacti survive the heat of the desert, but there are a few varieties you should be looking for in your next skin-care purchase. "Cactus flower and cactus water [are] rich in vitamins and minerals [to help maintain] hydration," says Dr. Cheung. Furthermore, prickly pear cactus and cactus seed oil contain incredibly high levels of antioxidants to protect the skin from the oxidative effects of free-radical damage. She also reveals that "aloe helps decrease inflammation and helps to retain moisture" in the skin, which is why it is ideal to use when treating a sunburn and to calm any lingering irritation.

Here Are A Few Of Our Favorite Skin-Care Products That Contain Cactus:

FRECK SO JELLY CACTUS EYE JELLY WITH PLANT COLLAGEN

\$28

This eye jelly contains cactus flower extract, which delivers a surge of water to the skin. The added plant collagen reduces the appearance of fine lines and wrinkles, resulting in an eye area that is plump and smooth. This product's consistency is quite thin and jelly-like, making it perfect for a lighter summer skin-care routine.



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cactus (redirected from Cacti) Also found in Dictionary, Thesaurus, Encyclopedia

cactus A regionally popular short form for (1) Peyote, or (2) Mescaline.

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cactus the common name for members of the family Cactaceae, all of which, with one possible exception (Rhipsalis), are native to the continent of America. Most cacti are XEROPHYTES and succulents, found in deserts which have infrequent but heavy rainfall; cacti are absent from deserts with little or no rainfall. Epiphyllum species and their relatives are found in rain forests and are chiefly EPIPHYTES. Cacti are distinguished from other succulents by having an areole, a pin-cushion type of structure from which wool, spines, new shoots and flowers develop. Other succulents do not possess an areole even though spines may be present.

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One thing's not in doubt - at over eight foot tall, they're among the **biggest cactii** in the Midlands. *REACH FOR THE SKY: Monster cacti are stars of attraction that boasts 4,000 prickly customers!*

A Christmas **cactii** like a well-lit spot but not direct strong light and a fairly high humidity. *flowers: Q & A: Gardening*

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It has a pontoon to swim off a cafe, lots of **cactii** and sea birds, and you get a free aquascopa ride. *TRAVEL: Sleeping GIANT, Think Benidorm is full of lager louts? Expect to be pleasantly surprised by this fantastic family holiday hotspot*

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Skin care

From Wikipedia, the free encyclopedia

For other uses, see *Skin care* (disambiguation).



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Skin care is the range of practices that support skin integrity, enhance its appearance and relieve skin conditions. They can include nutrition, avoidance of excessive sun exposure and appropriate use of emollients. Practices that enhance appearance include the use of cosmetics, botulinum, exfoliation, fillers, laser resurfacing, microdermabrasion, peels, retinol therapy^[1] and ultrasonic skin treatment.^[2] Skin care is a routine daily procedure in many settings, such as skin that is either too dry or too moist, and prevention of dermatitis and prevention of skin injuries.^[3]

Skin care is a part of the treatment of wound healing, radiation therapy and some medications.



A cosmetologist applying a face mask

Contents [hide]
1 Background
2 Neonate
3 Sunscreen
4 Elderly
5 Acne
6 Pressure sore
7 Stoma
8 Wound healing
9 Nutrition
10 Radiation
11 EGFR
12 Related products
13 Procedures
14 References

Background

Skin care is at the interface of cosmetics,^[4] and dermatology.^[5]

The US Federal Food, Drug, and Cosmetic Act defines cosmetics as products intended to cleanse or beautify (for instance, shampoos and lipstick). A separate category exists for medications, which are intended to diagnose, cure, mitigate, treat, or prevent disease, or to affect the structure or function of the body (for instance, sunscreens and acne creams), although some products, such as moisturizing sunscreens and anti-dandruff shampoos, are regulated within both categories.^{[4][6]}

Skin care differs from dermatology by its inclusion of non-physician professionals, such as estheticians and wound care nursing staff.^{[1][7]} Skin care includes modifications of individual behavior and of environmental and working conditions.^[7]

Neonate

Guidelines for neonatal skin care have been developed. Nevertheless, the pediatric and dermatological communities have not reached consensus on best cleansing practices, as good quality scientific evidence is scarce.^[8] Immersion in water seems superior to washing alone, and use of synthetic detergents or mild liquid baby cleansers seems comparable or superior to water alone.^[9] Add from ^[9]^[10]

Sunscreen

Main articles: Sunscreen and Health effects of sunlight exposure

Sun protection is an important aspect of skin care. Though the sun is beneficial in order for the human body to get its daily dose of vitamin D, unprotected excessive sunlight can cause extreme damage to the skin. Ultraviolet (UVA and UVB) radiation in the sun's rays can cause sunburn in varying degrees, early ageing and increased risk of skin cancer.^[11] UV exposure can cause patches of uneven skin tone and dry out the skin. It can even reduce skin's elasticity and encourage sagging and wrinkle formation.

Sunscreen can protect the skin from sun damage; sunscreen should be applied at least 20 minutes before exposure, and should be re-applied every four hours. Sunscreen should be applied to all areas of the skin that will be exposed to sunlight, and at least a tablespoon (25 ml) should be applied to each limb, the face, chest, and back, to ensure thorough coverage. Many tinted moisturizers, foundations and primers now contain some form of SPF.

Sunscreens may come in the form of creams, gels or lotions; their SPF number indicates their effectiveness in protecting the skin from the sun's radiation. There are sunscreens available to suit every skin type; in particular, those with oily skin should choose non-comedogenic sunscreens; those with dry skins should choose sunscreens with moisturizers to help keep skin hydrated, and those with sensitive skin should choose unscented, hypoallergenic sunscreen and spot-test in an inconspicuous place (such as the inside of the elbow or behind the ear) to ensure that it does not irritate the skin.



A woman applying sunscreen

Elderly

Skin ageing is associated with increased vulnerability.^[12] Skin problems including pruritus are common in the elderly but are often inadequately addressed.^[13] A literature review of studies that assessed maintenance of skin integrity in the elderly found most to be low levels of evidence,^[12] but the review concluded that skin-cleansing with synthetic detergents or amphoteric surfactants induced less skin dryness than using soap and water.^[12] Moisturizers with humectants helped with skin dryness, and skin barrier occlusive reduced skin injuries.^[12]

There is limited evidence that moisturising soap bar, combinations of water soak, oil soak, and lotion are effective in maintaining the skin integrity of elderly people when compared to standard care.^[14]

Acne

Main article: Acne

According to the American Academy of Dermatology, between 40 and 50 million Americans suffer from acne each year.^[15] While many associate acne with adolescence, acne can occur at any age, with its causes including heredity, hormones, menstruation, food, and emotional stress.^[15]

Those with inflammatory acne should exfoliate with caution as the procedure may make conditions worse and consult a dermatologist before treatment.^[15] Some anti-acne creams contain drying agents such as benzoyl peroxide (in concentrations of 2.5 - 10%).^[16]

Pressure sore

Main article: Pressure ulcer

Pressure sores are injuries to skin and underlying tissue as a result of prolonged pressure on the skin. A known example of pressure sore is a bed sore called pressure ulcer.

Stoma

Add from ^[17]^[18]

When cleaning the stoma area, plain warm water should be use and dry wipe to gently clean around the stoma. Pat gently and make sure not to rub the area. Put all used wipes in a disposable bag and wash your hands after.

Wound healing

Main article: Wound healing

Wound healing is a complex and fragile process in which the skin repairs itself after injury. It is susceptible to interruption or failure that creates non-healing chronic wounds.^[19]

Nutrition

Add from

- 2001 American Society for Clinical Nutrition Nutritional skin care: health effects of micronutrients and fatty acids Esther Boelsma, Henk FJ Hendriks, and Len Roza

Radiation

Radiation induces skin reactions in the treated area, particularly in the axilla, head and neck, perineum and skin fold regions.^[20] Formulations with moisturising, anti-inflammatory, anti-microbial and wound healing properties are often used, but no preferred approach or individual product has been identified as best practice.^{[19][21]} Soft silicone dressings that act as barriers to friction may be helpful.^[20] In breast cancer, calendula cream may reduce the severity of radiation effects on the dark spot corrector.^{[21][22]} Deodorant use after completing radiation treatment has been controversial but is now recommended for practice.^[22] Add from ^[23]^[24]^[25]

EGFR

Epidermal growth factor receptor (EGFR) inhibitors are medications used in cancer treatment. These medications commonly cause skin and nail problems, including rashes, dry skin and paronychia.^[27] Preventive intensive moisturising with emollient ointments several times, avoidance of water-based creams and water soaks (although in certain circumstances white vinegar or potassium permanganate soaks may help), protection the skin from excessive exposure to sunshine, and soap substitutes which are less dehydrating for the skin than normal soaps, as well as shampoos that reduce the risk of scalp folliculitis, are recommended. Treatment measures with topical antibiotic medication can be helpful.^{[27][28][29]}

Related products

Main articles: Cosmeceutical and Nutricosmetics

Cosmeceuticals are topically-applied, combination products that bring together cosmetics and "biologically active ingredients". Products which are similar in perceived benefits but ingested orally are known as nutriscosmetics. According to the United States Food and Drug Administration (FDA), the Food, Drug, and Cosmetic Act "does not recognize any such category as "cosmeceuticals." A product can be a drug, a cosmetic, or a combination of both, but the term "cosmeceutical" has no meaning under the law". Drugs are subject to an intensive review and approval process by FDA. Cosmetics, and these related products, although regulated, are not approved by FDA prior to sale.

Procedures

Main article: *Dermatology § Therapies*

Skin care procedures include use of botulinum^[a] exfoliation; fillers; laser medicine in cosmetic resurfacing, hair removal, vitiligo, port-wine stain and tattoo removal; photodynamic therapy; microdermabrasion; peels; retinol therapy^[1]

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Authority control ↗	
General	Integrated Authority File (Germany) ?
National libraries	United States ? • Latvia ?
Other	Microsoft Academic ?
Categories: Skin care	

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skin care

DEFINITIONS AND SYNONYMS

NOUN UNCOUNTABLE US

DEFINITIONS

1 the things you do to keep your skin in good condition

Synonyms and related words

View the pronunciation for skin care.

Using the dictionary

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QUIZZES

VOCABULARY QUIZ: TRENDING WORDS OF 2020



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To: Cactii Skin Care LLC (Nelly@cactiiskincare.com)
Subject: U.S. Trademark Application Serial No. 90664983 - CACTII SKIN CARE - N/A
Sent: January 03, 2022 08:23:17 AM
Sent As: ecom120@uspto.gov
Attachments:

United States Patent and Trademark Office (USPTO)

USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued
on **January 03, 2022** for
U.S. Trademark Application Serial No. 90664983

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 [HERE](#).** 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 misleading notices sent by private companies about your application.](#)** Private companies not associated with the USPTO may mail or email you trademark-related offers and notices – most of which require fees. The USPTO will only email **official USPTO correspondence from the domain “@uspto.gov.”**
- **[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 identified above is not your attorney and cannot give you legal advice, but rather works for and represents the USPTO in trademark matters.

*** User:lcummins ***

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	1	0	1	1	0:01	90664983[SN]
02	1	0	1	1	0:01	cactii[on]
03	33	0	33	32	0:02	*CACTI*[bi,ti] not dead[lid]
04	299	0	164	153	0:02	*CACTU*[bi,ti] not dead[lid]
05	97	0	97	93	0:01	4 & "003"[cc]
06	1515	N/A	0	0	0:13	*{"CKQX":2}{v}{ "CKQX":2}{ "T":2}{v}*[bi,ti] not dead[lid]
07	8116	N/A	0	0	0:02	*SK{"IY"}N*[bi,ti] not dead[lid]
08	25242	N/A	0	0	0:01	*CARE*[bi,ti] not dead[lid]
09	1476	N/A	0	0	0:01	7 & 8
10	8	0	8	8	0:01	6 & (7 8)
11	19	0	19	19	0:02	*{"CKQX"}{v:2}{ "CKQX":2}T*[bi,ti] not dead[lid] & (7 8)
12	53	0	53	51	0:01	6 & ("003" "a" "b" "200")[ic]
13	46	0	46	45	0:01	6 & ("005")[ic]
14	274	0	274	270	0:01	6 & ("003")[cc] not (12 13)

Session started 12/30/2021 10:01:02 AM

Session finished 12/30/2021 10:12:08 AM

Total search duration 0 minutes 30 seconds

Session duration 11 minutes 6 seconds

Default NEAR limit=1ADJ limit=1

Sent to TICRS as Serial Number: 90664983

Trademark/Service Mark Application, Principal Register

Serial Number: 90664983

Filing Date: 04/22/2021

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	90664983
MARK INFORMATION	
*MARK	Cactii Skin Care
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	Cactii Skin Care
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	Cactii Skin Care LLC
*MAILING ADDRESS	13049 Trina Dr
*CITY	Philadelphia
*STATE (Required for U.S. applicants)	Pennsylvania
*COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
*ZIP/POSTAL CODE (Required for U.S. and certain international addresses)	19116
PHONE	267-202-1743
*EMAIL ADDRESS	XXXX
LEGAL ENTITY INFORMATION	
TYPE	limited liability company
STATE/COUNTRY/REGION/JURISDICTION/U.S. TERRITORY WHERE LEGALLY ORGANIZED	Pennsylvania
GOODS AND/OR SERVICES AND BASIS INFORMATION	
INTERNATIONAL CLASS	003
*IDENTIFICATION	Soaps, candles, body oils and scrubs, and bath bombs
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 12/06/2020
FIRST USE IN COMMERCE DATE	At least as early as 12/06/2020
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT18\IMAGEOUT 18\906649\90664983.xml1 \ APP0003.JPG

SPECIMEN DESCRIPTION	Name of the business, screenshot of website
WEBPAGE URL	Www.cactiiskincare.com
WEBPAGE DATE OF ACCESS	03/17/2021
CORRESPONDENCE INFORMATION	
NAME	Cactii Skin Care LLC
PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE	Nelly@cactiiskincare.com
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)	notifications@trademarkengine.com
FEE INFORMATION	
APPLICATION FILING OPTION	TEAS Standard
NUMBER OF CLASSES	1
APPLICATION FOR REGISTRATION PER CLASS	350
*TOTAL FEES DUE	350
*TOTAL FEES PAID	350
SIGNATURE INFORMATION	
SIGNATURE	/Manal King/
SIGNATORY'S NAME	Manal King
SIGNATORY'S POSITION	CEO
SIGNATORY'S PHONE NUMBER	267-202-1743
DATE SIGNED	04/22/2021
SIGNATURE METHOD	Sent to third party for signature

Trademark/Service Mark Application, Principal Register

Serial Number: 90664983

Filing Date: 04/22/2021

To the Commissioner for Trademarks:

MARK: Cactii Skin Care (Standard Characters, see [mark](#))

The literal element of the mark consists of Cactii Skin Care. The mark consists of standard characters, without claim to any particular font style, size, or color.

The applicant, Cactii Skin Care LLC, a limited liability company legally organized under the laws of Pennsylvania, having an address of
13049 Trina Dr
Philadelphia, Pennsylvania 19116
United States
267-202-1743(phone)
XXXX

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 003: Soaps, candles, body oils and scrubs, and bath bombs

In International Class 003, the mark was first used by the applicant or the applicant's related company or licensee or predecessor in interest at least as early as 12/06/2020, and first used in commerce at least as early as 12/06/2020, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, consisting of a(n) Name of the business, screenshot of website.

[Specimen File1](#)

Webpage URL: www.cactiiskincare.com

Webpage Date of Access: 03/17/2021

The applicant's current Correspondence Information:

Cactii Skin Care LLC

PRIMARY EMAIL FOR CORRESPONDENCE: Nelly@cactiiskincare.com

SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): notifications@trademarkengine.com

Requirement for Email and Electronic Filing: I understand that a valid email address must be maintained by the applicant owner/holder and the applicant owner's/holder's attorney, if appointed, and that all official trademark correspondence must be submitted via the Trademark Electronic Application System (TEAS).

A fee payment in the amount of \$350 has been submitted with the application, representing payment for 1 class(es).

Declaration

Basis:

If the applicant is filing the application based on use in commerce under 15 U.S.C. § 1051(a):

- The signatory believes that the applicant is the owner of the trademark/service mark sought to be registered;
- The mark is in use in commerce and was in use in commerce as of the filing date of the application on or in connection with the goods/services in the application;
- The specimen(s) shows the mark as used on or in connection with the goods/services in the application and was used on or in connection with the goods/services in the application as of the application filing date; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

And/Or

If the applicant is filing the application based on an intent to use the mark in commerce under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e):

- The signatory believes that the applicant is entitled to use the mark in commerce;
 - The applicant has a bona fide intention to use the mark in commerce and had a bona fide intention to use the mark in commerce as of the application filing date on or in connection with the goods/services in the application; and
 - To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.
- To the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive.
- To the best of the signatory's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the allegations and other factual contentions made above have evidentiary support.
- The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Declaration Signature

Signature: /Manal King/ Date: 04/22/2021

Signatory's Name: Manal King

Signatory's Position: CEO

Signatory's Phone Number: 267-202-1743

Signature method: Sent to third party for signature

Payment Sale Number: 90664983

Payment Accounting Date: 04/22/2021

Serial Number: 90664983

Internet Transmission Date: Thu Apr 22 18:34:26 ET 2021

TEAS Stamp: USPTO/BAS-XXXX:XXX:XXXX:XXXX:XXXX:XXXX:X

XXX:XXXX-20210422183426929983-90664983-7

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210422164257581306

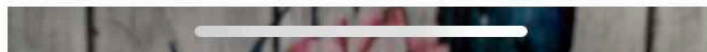
Cactii Skin Care

👤 Refer a family member or friend and receive a free bar of soap of your choice with your next order! ✕



Apple Cinnamon

\$8



Cactii Skin Care

👤 Refer a family member or friend and receive a free bar of soap of your choice with your next order! ✕



Apple Cinnamon

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Mark: CACTUS COAST

CACTUS COAST

US Serial Number: 97483488

Application Filing Date: Jun. 30, 2022

US Registration Number: 7131922

Registration Date: Aug. 08, 2023

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Aug. 08, 2023

Publication Date: May 23, 2023

Mark Information

Mark Literal Elements: CACTUS COAST

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Hoodies; Pullovers; Sweatshirts; T-shirts; Tank tops

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: May 18, 2021

Use in Commerce: May 18, 2021

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

Currently ITU: No

Filed 44D: No

Currently 44D: No

Filed 44E: No

Currently 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Flying Cactus Media Ltd

Owner Address: 20-22 Wenlock Road
London UNITED KINGDOM N17GU

Legal Entity Type: private limited company

State or Country Where Organized: UNITED KINGDOM

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Neal Greenfield

Attorney Primary Email Address: neal.greenfield@esqgo.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: NEAL GREENFIELD
303 NORTH GLENOAKS BOULEVARD, SUITE 200
BURBANK, CALIFORNIA UNITED STATES 91502

Correspondent e-mail: neal.greenfield@esqgo.com uspto@esqgo.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Aug. 08, 2023	NOTICE OF REGISTRATION CONFIRMATION EMAILED	
Aug. 08, 2023	REGISTERED-PRINCIPAL REGISTER	
May 23, 2023	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
May 23, 2023	PUBLISHED FOR OPPOSITION	
May 03, 2023	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Apr. 14, 2023	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 14, 2023	ASSIGNED TO EXAMINER	
Jul. 06, 2022	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED	
Jul. 04, 2022	NEW APPLICATION ENTERED	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Aug. 08, 2023

From: tmng.notices@uspto.gov
Sent: Tuesday, August 08, 2023 06:23:30 AM EDT
Subject: Official USPTO Notification: U.S. Trademark Application SN 97483488

OFFICIAL USPTO NOTICE OF REGISTRATION

U.S. Application Serial No. 97483488
Mark: CACTUS COAST
Owner/Holder: Flying Cactus Media Ltd
Docket/Reference No.

Issue Date: August 8, 2023

Your mark has registered with the United States Patent and Trademark Office (USPTO). Your United States trademark registration number is 7131922.

View and download your registration certificate using the [Trademark Status & Document Retrieval \(TSDR\) database](#). If you have difficulty accessing the registration certificate, contact the Trademark Assistance Center (TAC) at TrademarkAssistanceCenter@uspto.gov or 800-786-9199 (select option #1). New registration certificates are issued electronically. For more information, visit the USPTO's [electronic registration certificates webpage](#).

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Requirements to maintain your registration:

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- **If you do not submit your maintenance documents at the required times, your registration will be cancelled.** If that happens, you must file a new application. Filing a new application doesn't guarantee your trademark will register again.

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- You may receive unsolicited offers and notices from third-parties not affiliated with the USPTO. All official correspondence about your trademark registration will be from the "United States Patent and Trademark Office" in Alexandria, Virginia, and all emails will be from the domain "@uspto.gov." Visit our [misleading notices webpage](#) for more information.
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- To help ensure that you receive emails from the USPTO, keep your email address(es) current using the [Change Address or Representation \(CAR\) form](#) and add USPTO email addresses to your contacts or "Safe Senders" list.
- If your trademark registration identifies goods and/or services not in use with your trademark, you can use the [Section 7 form](#) to request deletion of any goods and/or services not in use with your trademark. There's no fee to file a Section 7 form if you file the Section 7 form before you file your required registration maintenance documents, and you are only deleting goods, services, or classes. Other amendments and corrections may require a filing fee. For information on amendments and corrections after registration, see [TMEP §1609](#).

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United States of America

United States Patent and Trademark Office

CACTUS COAST

Reg. No. 7,131,922

Registered Aug. 08, 2023

Int. Cl.: 25

Trademark

Principal Register

Flying Cactus Media Ltd (UNITED KINGDOM private limited company)
20-22 Wenlock Road
London, ENGLAND N17GU

CLASS 25: Hoodies; Pullovers; Sweatshirts; T-shirts; Tank tops

FIRST USE 5-18-2021; IN COMMERCE 5-18-2021

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO
ANY PARTICULAR FONT STYLE, SIZE OR COLOR

SER. NO. 97-483,488, FILED 06-30-2022

Katherine Kelly Vidal

Director of the United States
Patent and Trademark Office



REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION

WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.

Requirements in the First Ten Years*

What and When to File:

- **First Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.
- **Second Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

- You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.

From: TMOfficialNotices@USPTO.GOV
Sent: Tuesday, May 23, 2023 01:05 AM
To: XXXX
Cc: XXXX
Subject: Official USPTO Notice of Publication Confirmation: U.S. Trademark SN 97483488: CACTUS COAST

TRADEMARK OFFICIAL GAZETTE PUBLICATION CONFIRMATION

U.S. Serial Number: 97483488
Mark: CACTUS COAST
International Class(es): 025
Owner: Flying Cactus Media Ltd
Docket/Reference Number:

The mark identified above has been published in the Trademark Official Gazette (TMOG) on May 23, 2023.

To Review the Mark in the TMOG:

Click on the following link or paste the URL into an internet browser: <https://tmog.uspto.gov/#issueDate=2023-05-23&serialNumber=97483488>

On the publication date or shortly thereafter, the applicant should carefully review the information that appears in the TMOG for accuracy. For corrections or amendments after publication, please use the Post-Approval/Publication/Post-Notice of Allowance (NOA) Amendment Form, accessible at <https://teas.uspto.gov/office/ppa>. For general information about this notice, please contact the Trademark Assistance Center at 1-800-786-9199.

Significance of Publication for Opposition:

- * Any party who believes it will be damaged by the registration of the mark may file a notice of opposition (or extension of time therefor) with the Trademark Trial and Appeal Board. If no party files an opposition or extension request within thirty (30) days after the publication date, then eleven (11) weeks after the publication date a certificate of registration should issue.

To check the status of the application, go to https://tsdr.uspto.gov/#caseNumber=97483488&caseType=SERIAL_NO&searchType=statusSearch or contact the Trademark Assistance Center at 1-800-786-9199. Please check the status of the application at least every three (3) months after the application filing date.

To view this notice and other documents for this application on-line, go to https://tsdr.uspto.gov/#caseNumber=97483488&caseType=SERIAL_NO&searchType=documentSearch. NOTE: This notice will only become available on-line the next business day after receipt of this e-mail.



UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

Commissioner for Trademarks
www.uspto.gov

OFFICIAL USPTO NOTICE OF PUBLICATION UNDER 12(a)

U.S. Application Serial No. 97483488

Mark: CACTUS COAST

International Class(es): 025

Owner: Flying Cactus Media Ltd

Docket/Reference No.

Issue Date: May 3, 2023

Your mark is scheduled to publish in the *Trademark Official Gazette (TMOG)* on **May 23, 2023**.

Your mark appears to be entitled to register on the Principal Register, subject to any claims of concurrent use.

What happens when your mark publishes. Within 30 days of the publication date, any party who believes it will be damaged by the registration of the mark may file a notice of opposition (or extension of time) with the Trademark Trial and Appeal Board. If no objection is filed, we will issue a registration.

View your mark in the TMOG after the publication date at <https://tmog.uspto.gov/> by selecting your publication date in the "issues" field, entering your serial number in the "search by" field, and clicking on the magnifying glass.

Ensure that the information in the TMOG is correct. If any information is incorrect, promptly request correction using the "Post-Approval/Publication/Post-Notice of Allowance (NOA) Amendment" form at <https://teas.uspto.gov/office/ppa/>. For more information, see <https://www.uspto.gov/trademark/trademark-updates-and-announcements/procedures-submitting-amendmentscorrections-trademark>.

Direct questions about this notice to the Trademark Assistance Center (TAC) at 1-800-786-9199 (select option 1) or TrademarkAssistanceCenter@uspto.gov.

Email Address(es):

neal.greenfield@esqgo.com
uspto@esqgo.com

From: TMOfficialNotices@USPTO.GOV
Sent: Wednesday, May 3, 2023 04:04 AM
To: XXXX
Cc: XXXX
Subject: Official USPTO Notification of Notice of Publication: U.S. Trademark SN 97483488: CACTUS COAST

NOTIFICATION OF "NOTICE OF PUBLICATION"

Your trademark application (U.S. Serial No. 97483488) is scheduled to publish in the *Official Gazette* on May 23, 2023. To preview the Notice of Publication, go to the Trademark Status & Document Retrieval (TSDR) database, accessible at <https://tsdr.uspto.gov/search.action?sn=97483488>. If you have difficulty accessing the Notice of Publication, contact the Trademark Assistance Center (TAC) by e-mail at TrademarkAssistanceCenter@uspto.gov or by telephone at 800-786-9199.

PLEASE NOTE:

1. The Notice of Publication may not be immediately available but will be viewable within 24 hours of this e-mail notification.
2. You will receive a second e-mail on the actual "Publication Date," which will include a link to the issue of the *Official Gazette* in which the mark has published.

Please confirm that the correspondence information shown in TSDR is correct. If the correspondence information is not correct, please update this information using the online Change of Correspondence Address Form, accessible at <https://teas.uspto.gov/ccr/cca>.

Do NOT hit "Reply" to this e-mail notification. If you find an error in the Notice of Publication, update the information using the Post-Approval/Publication/Post-Notice of Allowance (NOA) Amendment Form, accessible at <https://teas.uspto.gov/office/ppa>.

Trademark Snap Shot Publication Stylesheet
(Table presents the data on Publication Approval)

OVERVIEW

SERIAL NUMBER	97483488	FILING DATE	06/30/2022
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	MORENO, PAUL A	L.O. ASSIGNED	103

PUB INFORMATION

RUN DATE	04/15/2023		
PUB DATE	N/A		
STATUS	681-PUBLICATION/ISSUE REVIEW COMPLETE		
STATUS DATE	04/15/2023		
LITERAL MARK ELEMENT	CACTUS COAST		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	YES	1 (a)	YES	1 (a)	NO
1 (b)	NO	1 (b)	NO	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	CACTUS COAST
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
------------	-----------------------

NAME	Flying Cactus Media Ltd
ADDRESS	20-22 Wenlock Road London, N17GU
ENTITY	99-private limited company
CITIZENSHIP	United Kingdom

GOODS AND SERVICES

INTERNATIONAL CLASS	025
DESCRIPTION TEXT	Hoodies; Pullovers; Sweatshirts; T-shirts; Tank tops

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	025	FIRST USE DATE	05/18/2021	FIRST USE IN COMMERCE DATE	05/18/2021	CLASS STATUS	6-ACTIVE
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MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
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PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
04/14/2023	CNSA	O	APPROVED FOR PUB - PRINCIPAL REGISTER	004
04/14/2023	DOCK	D	ASSIGNED TO EXAMINER	003
07/06/2022	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED	002
07/04/2022	NWAP	I	NEW APPLICATION ENTERED	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	Neal Greenfield
CORRESPONDENCE ADDRESS	NEAL GREENFIELD 303 NORTH GLENOAKS BOULEVARD, SUITE 200 BURBANK, CA 91502
DOMESTIC REPRESENTATIVE	NONE

CACTUS COAST

User: Paul Moreno

Statistics for Case 97483488						
#	Search	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/Search Duration
1	*{"ckqx"}a{"ckqx"}t{"OU"}{"sz"}*[bi,ti] not dead [ld]	321	0	0	0	0:15
2	*{"ckqx"}oa{"sz"}t*[bi,ti] not dead [ld]	3453	0	0	0	0:01
3	1 and 2	1	0	1	1	0:16
4	1 and ("025" a b 200)[ic]	40	0	40	40	0:14
5	2 and ("025" a b 200)[ic]	490	0	490	490	0:01
6	4 and registrant [ow]	28	0	28	28	0:14
7	5 and registrant [ow]	324	0	324	324	0:01

Session started 04/14/2023 1:07 pm

Session ended 04/14/2023 1:20 pm

Total search duration 62.00

Session duration 13 minutes 41 seconds

Adjacency Level 1

Near Level 1

CACTUS COAST

10 results

Eligible for Free Shipping
 Free Shipping by Amazon
 All customers get FREE Shipping on orders over \$25 shipped by Amazon

Department
 Clothing, Shoes & Jewelry
 Women
 Men
 Boys
 Novelty & More

Avg. Customer Review
 ★★★★★ & Up
 ★★★★★ & Up
 ★★★★★ & Up
 ★★★★★ & Up









Price
 Up to \$25
 \$25 to \$50
 \$ Min \$ Max Go

International Shipping
 International Shipping Eligible

Seller
 Amazon.com

Availability
 Include Out of Stock

RESULTS
Price and other details may vary based on product size and color.

 <p>+9 colors/patterns Cactus Coast Unicorn Riding T-Shirt Boys Kids Men Women T-Shirt ★★★★★ - 19 \$16⁹⁹ Get it as soon as Fri, Jul 1 FREE Shipping on orders over \$25 shipped by Amazon Amazon Merch on Demand</p>	 <p>+4 colors/patterns Cactus Coast Unicorn Riding T-Shirt Boys Kids Men Women Sweatshirt \$25⁹⁷ Get it as soon as Fri, Jul 1 FREE Shipping by Amazon Amazon Merch on Demand</p>	 <p>+4 colors/patterns Cactus Coast Unicorn Riding T-Shirt Boys Kids Men Women Pullover... \$25⁹⁷ Get it as soon as Fri, Jul 1 FREE Shipping by Amazon Amazon Merch on Demand</p>	 <p>+9 colors/patterns Cactus Coast Womens Unicorn Riding T-Shirt Gift Girls Boys Kids Men Women V-Neck \$15⁹⁷ Get it as soon as Fri, Jul 1 FREE Shipping on orders over \$25 shipped by Amazon Amazon Merch on Demand</p>
			

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 97483488

Filing Date: 06/30/2022

NOTE: Data fields with the * are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.

The table below presents the data as entered.

Input Field	Entered
TEAS Plus	YES
MARK INFORMATION	
*MARK	CACTUS COAST
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	CACTUS COAST
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	Flying Cactus Media Ltd
*MAILING ADDRESS	20-22 Wenlock Road
*CITY	London
*COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	England
*ZIP/POSTAL CODE (Required for U.S. and certain international addresses)	N17GU
*EMAIL ADDRESS	XXXX
LEGAL ENTITY INFORMATION	
*TYPE	private limited company
*STATE/COUNTRY/REGION/JURISDICTION/U.S. TERRITORY WHERE LEGALLY ORGANIZED	United Kingdom
GOODS AND/OR SERVICES AND BASIS INFORMATION	
*INTERNATIONAL CLASS	025
*IDENTIFICATION	Hoodies; Pullovers; Sweatshirts; T-shirts; Tank tops
*FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 05/18/2021
FIRST USE IN COMMERCE DATE	At least as early as 05/18/2021

SPECIMEN FILE NAME(S)	\\TICRS\EXPORT18\IMAGEOUT18\974\834\97483488\xml1 \ FTK0003.JPG
SPECIMEN DESCRIPTION	The specimen shows the mark being used with the applied goods.
WEBPAGE URL	https://www.amazon.com/s?rh=n%3A7141123011%2Cp_4%3ACactus+Coast&ref=bl_sl_s_ap_web_7141123011
WEBPAGE DATE OF ACCESS	06/28/2022
ADDITIONAL STATEMENTS INFORMATION	
*TRANSLATION (if applicable)	
*TRANSLITERATION (if applicable)	
*CLAIMED PRIOR REGISTRATION (if applicable)	
*CONSENT (NAME/LIKENESS) (if applicable)	
*CONCURRENT USE CLAIM (if applicable)	
ATTORNEY INFORMATION	
NAME	Neal Greenfield
ATTORNEY BAR MEMBERSHIP NUMBER	XXX
YEAR OF ADMISSION	XXXX
U.S. STATE/ COMMONWEALTH/ TERRITORY	XX
STREET	303 North Glenoaks Boulevard, Suite 200
CITY	Burbank
STATE	California
COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
ZIP/POSTAL CODE	91502
EMAIL ADDRESS	neal.greenfield@esqgo.com
CORRESPONDENCE INFORMATION	
NAME	Neal Greenfield
PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE	neal.greenfield@esqgo.com
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)	uspto@esqgo.com
FEE INFORMATION	
APPLICATION FILING OPTION	TEAS Plus
NUMBER OF CLASSES	1
APPLICATION FOR REGISTRATION PER CLASS	250
*TOTAL FEES DUE	250
*TOTAL FEES PAID	250
SIGNATURE INFORMATION	
* SIGNATURE	/Colin Joseph Henderson/

* SIGNATORY'S NAME	Colin Joseph Henderson
* SIGNATORY'S POSITION	Director
* DATE SIGNED	06/30/2022
SIGNATURE METHOD	Sent to third party for signature
* SIGNATURE	/Neal Greenfield/
* SIGNATORY'S NAME	Neal Greenfield
* SIGNATORY'S POSITION	Attorney of Record, New York Bar Member
SIGNATORY'S PHONE NUMBER	424-363-6233
* DATE SIGNED	06/30/2022
SIGNATURE METHOD	Sent to third party for signature

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 97483488

Filing Date: 06/30/2022

To the Commissioner for Trademarks:

MARK: CACTUS COAST (Standard Characters, see [mark](#))

The literal element of the mark consists of CACTUS COAST. The mark consists of standard characters, without claim to any particular font style, size, or color.

The applicant, Flying Cactus Media Ltd, a private limited company legally organized under the laws of United Kingdom, having an address of
20-22 Wenlock Road
London N17GU
England
XXXX

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 025: Hoodies; Pullovers; Sweatshirts; T-shirts; Tank tops

Use in Commerce: The applicant is using the mark in commerce on or in connection with the identified goods/services. The applicant attaches, or will later submit, one specimen as a JPG/PDF image file showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, regardless of whether the mark itself is in the standard character format or is a stylized or design mark. The specimen image file may be in color, and the image must be in color if color is being claimed as a feature of the mark.

In International Class 025, the mark was first used by the applicant or the applicant's related company or licensee predecessor in interest at least as early as 05/18/2021, and first used in commerce at least as early as 05/18/2021, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, consisting of a(n) The specimen shows the mark being used with the applied goods..

[Specimen File1](#)

Webpage URL: https://www.amazon.com/s?rh=n%3A7141123011%2Cp_4%3ACactus+Coast&ref=bl_sl_s_ap_web_7141123011

Webpage Date of Access: 06/28/2022

The owner's/holder's proposed attorney information: Neal Greenfield. Neal Greenfield, is a member of the XX bar, admitted to the bar in XXXX, bar membership no. XXX, is located at

303 North Glenoaks Boulevard, Suite 200

Burbank, California 91502

United States

neal.greenfield@esqgo.com

Neal Greenfield submitted the following statement: The attorney of record is an active member in good standing of the bar of the highest court of a U.S. state, the District of Columbia, or any U.S. Commonwealth or territory.

The applicant's current Correspondence Information:

Neal Greenfield

PRIMARY EMAIL FOR CORRESPONDENCE: neal.greenfield@esqgo.com

SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): uspto@esqgo.com

Requirement for Email and Electronic Filing: I understand that a valid email address must be maintained by the applicant owner/holder and the applicant owner's/holder's attorney, if appointed, and that all official trademark correspondence must be submitted via the Trademark Electronic Application System (TEAS).

A fee payment in the amount of \$250 has been submitted with the application, representing payment for 1 class(es).

Declaration

Basis:

If the applicant is filing the application based on use in commerce under 15 U.S.C. § 1051(a):

- The signatory believes that the applicant is the owner of the trademark/service mark sought to be registered;
- The mark is in use in commerce and was in use in commerce as of the filing date of the application on or in connection with the goods/services in the application;
- The specimen(s) shows the mark as used on or in connection with the goods/services in the application and was used on or in connection with the goods/services in the application as of the application filing date; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

And/Or

If the applicant is filing the application based on an intent to use the mark in commerce under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e):

- The signatory believes that the applicant is entitled to use the mark in commerce;
 - The applicant has a bona fide intention to use the mark in commerce and had a bona fide intention to use the mark in commerce as of the application filing date on or in connection with the goods/services in the application; and
 - To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.
- To the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive.
- To the best of the signatory's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the allegations and other factual contentions made above have evidentiary support.
- The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Declaration Signature

Signature: /Colin Joseph Henderson/ Date: 06/30/2022

Signatory's Name: Colin Joseph Henderson

Signatory's Position: Director

Signature method: Sent to third party for signature

Signature: /Neal Greenfield/ Date: 06/30/2022

Signatory's Name: Neal Greenfield

Signatory's Position: Attorney of Record, New York Bar Member

Signatory's Phone Number: 424-363-6233

Signature method: Sent to third party for signature

Payment Sale Number: 97483488

Payment Accounting Date: 06/30/2022

Serial Number: 97483488

Internet Transmission Date: Thu Jun 30 13:40:36 ET 2022

TEAS Stamp: USPTO/FTK-XXX.XX.XXX.XXX-202206301340364

03980-97483488-820c7b3363894cc246b23177e

2a57a33efc44e608978782ef889c536e5c2a9ede

-CC-40352839-20220628130404570927

CACTUS COAST

10 results

Eligible for Free Shipping
 Free Shipping by Amazon
 All customers get FREE Shipping on orders over \$25 shipped by Amazon

Department
 Clothing, Shoes & Jewelry
 Women
 Men
 Boys
 Novelty & More

Avg. Customer Review
 ★★★★★ & Up
 ★★★★★ & Up
 ★★★★★ & Up
 ★★★★★ & Up









Price
 Up to \$25
 \$25 to \$50
 \$ Min \$ Max Go

International Shipping
 International Shipping Eligible

Seller
 Amazon.com

Availability
 Include Out of Stock

RESULTS
Price and other details may vary based on product size and color.

 <p>+9 colors/patterns Cactus Coast Unicorn Riding Trex Dinosaur Gift Girls Boys Kids Men Women T-Shirt ★★★★★ - 19 \$16⁹⁹ Get it as soon as Fri, Jul 1 FREE Shipping on orders over \$25 shipped by Amazon Amazon Merch on Demand</p>	 <p>+4 colors/patterns Cactus Coast Unicorn Riding Trex Dinosaur Gift Girls Boys Kids Men Women Sweatshirt \$25⁹⁷ Get it as soon as Fri, Jul 1 FREE Shipping by Amazon Amazon Merch on Demand</p>	 <p>+4 colors/patterns Cactus Coast Unicorn Riding Trex Dinosaur Gift Girls Boys Kids Men Women Pullover... \$25⁹⁷ Get it as soon as Fri, Jul 1 FREE Shipping by Amazon Amazon Merch on Demand</p>	 <p>+9 colors/patterns Cactus Coast Womens Unicorn Riding Trex Dinosaur Gift Girls Boys Kids Men Women V-... \$15⁹⁷ Get it as soon as Fri, Jul 1 FREE Shipping on orders over \$25 shipped by Amazon Amazon Merch on Demand</p>
			

Generated on: This page was generated by TSDR on 2024-01-23 01:06:24 EST

Mark: CACTUS HACK

Cactus Hack

US Serial Number: 90666128

Application Filing Date: Apr. 23, 2021

US Registration Number: 6806455

Registration Date: Aug. 02, 2022

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Aug. 02, 2022

Publication Date: May 17, 2022

Mark Information

Mark Literal Elements: CACTUS HACK

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Athletic apparel, namely, shirts, t-shirts, polo shirts, pants, jackets, athletic uniforms, belts, socks, footwear, golf shoes, hats, golf caps, baseball caps, cap visors, hoodies

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Oct. 15, 2019

Use in Commerce: Nov. 13, 2019

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

Currently ITU: No

Filed 44D: No

Currently 44D: No

Filed 44E: No

Currently 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Lantz, Douglas

Owner Address: 17692 N 77Th Pl
Scottsdale, ARIZONA UNITED STATES 85255

Legal Entity Type: INDIVIDUAL

Citizenship: UNITED STATES

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Ashley G. Kessler

Attorney Primary Email Address: akessler@cozen.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Ashley G. Kessler
Cozen O'Connor
175 Greenwich Street, 55th Floor
3 World Trade Center
New York, NEW YORK UNITED STATES 10007

Phone: 2128832221

Fax: 646-461-2081

Correspondent e-mail: akessler@cozen.com phipdocketing@cozen.com
mlima@cozen.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Aug. 02, 2022	NOTICE OF REGISTRATION CONFIRMATION EMAILED	
Aug. 02, 2022	REGISTERED-PRINCIPAL REGISTER	
May 17, 2022	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
May 17, 2022	PUBLISHED FOR OPPOSITION	
Apr. 27, 2022	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Apr. 09, 2022	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 08, 2022	TEAS/EMAIL CORRESPONDENCE ENTERED	
Mar. 07, 2022	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Mar. 07, 2022	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Feb. 22, 2022	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Feb. 22, 2022	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Feb. 22, 2022	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Dec. 21, 2021	NOTIFICATION OF NON-FINAL ACTION E-MAILED	
Dec. 21, 2021	NON-FINAL ACTION E-MAILED	
Dec. 21, 2021	NON-FINAL ACTION WRITTEN	
Dec. 19, 2021	ASSIGNED TO EXAMINER	
Jul. 29, 2021	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Aug. 02, 2022

From: tmng.notices@uspto.gov
Sent: Tuesday, August 02, 2022 10:41:09 AM EDT
Subject: Official USPTO Notification: U.S. Trademark Application SN 90666128

OFFICIAL USPTO NOTICE OF REGISTRATION

U.S. Application Serial No. 90666128
Mark: CACTUS HACK
Owner: Lantz, Douglas
Docket/Reference No.

Issue Date: August 02, 2022

Your mark has registered with the United States Patent and Trademark Office (USPTO). Your United States trademark registration number is 6806455.

View and download your electronic registration certificate using the [Trademark Status & Document Retrieval \(TSDR\) database](#). If you have difficulty accessing the registration certificate, contact the Trademark Assistance Center (TAC) at TrademarkAssistanceCenter@uspto.gov or 800-786-9199. For more information on registration certificate options, visit the USPTO's [electronic registration certificates webpage](#).

Order presentation copies online:

You can [order a printed presentation copy in TEAS](#) of your trademark registration certificate. The presentation copy is suitable for display and framing. Trademark owners who filed an initial application before May 24, 2022 can order one for free. Owners who file an initial application on or after May 24, 2022 can purchase one for \$25.

Requirements to maintain your registration:

- File your registration [maintenance documents](#) at the required times.
- **If you do not submit your maintenance documents at the required times, your registration will be cancelled.** If that happens, you must file a new application. Filing a new application doesn't guarantee your trademark will register again.

Please note the following:

- You may receive unsolicited offers and notices from third-parties not affiliated with the USPTO. All official correspondence about your trademark registration will be from the "United States Patent and Trademark Office" in Alexandria, Virginia, and all emails will be from the domain "@uspto.gov." Visit our [misleading notices webpage](#) for more information.
- If your registration covers products that are likely targets for international counterfeiters (e.g., popular or high-demand products), consider applying to record your trademark registration with U.S. Customs and Border Protection (CBP). Recording your trademark registration helps CBP detain and seize imported goods if they violate your recorded trademark. Visit our [recording trademark registrations with CBP webpage](#) for more information.
- To help ensure that you receive emails from the USPTO, keep your email address(es) current using the [Change Address or Representation \(CAR\)](#)

[form](#) and add USPTO email addresses to your contacts or "Safe Senders" list.

- If your trademark registration contains an error that would not require republication to correct it, or identifies goods and/or services not in use with your trademark, you can use the [Section 7 Request for Amendment or Correction of Registration Certificate \(Section 7\) form](#) to request correction of that error or deletion of any goods and/or services not in use with your trademark. There's no fee to file a Section 7 form if you file the Section 7 form before you file your required registration maintenance documents, and you are only deleting goods, services, or classes. Other amendments and corrections may require a filing fee. For information on amendments and corrections after registration, see [TMEP 1609](#).

If you have any questions about this notice, contact TAC at TrademarkAssistanceCenter@uspto.gov or 800-786-9199.

United States of America

United States Patent and Trademark Office

Cactus Hack

Reg. No. 6,806,455

Registered Aug. 02, 2022

Int. Cl.: 25

Trademark

Principal Register

Lantz, Douglas (UNITED STATES INDIVIDUAL)
17692 N 77Th Pl
Scottsdale, ARIZONA 85255

CLASS 25: Athletic apparel, namely, shirts, t-shirts, polo shirts, pants, jackets, athletic uniforms, belts, socks, footwear, golf shoes, hats, golf caps, baseball caps, cap visors, hoodies

FIRST USE 10-15-2019; IN COMMERCE 11-13-2019

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

SER. NO. 90-666,128, FILED 04-23-2021



Katherine Kelly Vidal

Director of the United States
Patent and Trademark Office



REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION

WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.

Requirements in the First Ten Years*

What and When to File:

- **First Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.
- **Second Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

- You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.

From: TMOOfficialNotices@USPTO.GOV
Sent: Tuesday, May 17, 2022 01:08 AM
To: XXXX
Cc: XXXX; XXXX
Subject: Official USPTO Notice of Publication Confirmation: U.S. Trademark SN 90666128: CACTUS HACK

TRADEMARK OFFICIAL GAZETTE PUBLICATION CONFIRMATION

U.S. Serial Number: 90666128
Mark: CACTUS HACK
International Class(es): 025
Owner: Lantz, Douglas
Docket/Reference Number:

The mark identified above has been published in the Trademark Official Gazette (TMOG) on May 17, 2022.

To Review the Mark in the TMOG:

Click on the following link or paste the URL into an internet browser: <https://tmog.uspto.gov/#issueDate=2022-05-17&serialNumber=90666128>

On the publication date or shortly thereafter, the applicant should carefully review the information that appears in the TMOG for accuracy. For corrections or amendments after publication, please use the Post-Approval/Publication/Post-Notice of Allowance (NOA) Amendment Form, accessible at <https://teas.uspto.gov/office/ppa>. For general information about this notice, please contact the Trademark Assistance Center at 1-800-786-9199.

Significance of Publication for Opposition:

- * Any party who believes it will be damaged by the registration of the mark may file a notice of opposition (or extension of time therefor) with the Trademark Trial and Appeal Board. If no party files an opposition or extension request within thirty (30) days after the publication date, then eleven (11) weeks after the publication date a certificate of registration should issue.

To check the status of the application, go to https://tsdr.uspto.gov/#caseNumber=90666128&caseType=SERIAL_NO&searchType=statusSearch or contact the Trademark Assistance Center at 1-800-786-9199. Please check the status of the application at least every three (3) months after the application filing date.

To view this notice and other documents for this application on-line, go to https://tsdr.uspto.gov/#caseNumber=90666128&caseType=SERIAL_NO&searchType=documentSearch. NOTE: This notice will only become available on-line the next business day after receipt of this e-mail.



UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

Commissioner for Trademarks
www.uspto.gov

OFFICIAL USPTO NOTICE OF PUBLICATION UNDER 12(a)

U.S. Application Serial No. 90666128

Mark: CACTUS HACK

International Class(es): 025

Owner: Lantz, Douglas

Docket/Reference No.

Issue Date: April 27, 2022

Your mark is scheduled to publish in the *Trademark Official Gazette (TMOG)* on May 17, 2022.

Your mark appears to be entitled to register on the Principal Register, subject to any claims of concurrent use.

What happens when your mark publishes. Within 30 days of the publication date, any party who believes it will be damaged by the registration of the mark may file a notice of opposition (or extension of time) with the Trademark Trial and Appeal Board. If no objection is filed, we will issue a registration.

View your mark in the TMOG after the publication date at <https://tmog.uspto.gov/> by selecting your publication date in the "issues" field, entering your serial number in the "search by" field, and clicking on the magnifying glass.

Ensure that the information in the TMOG is correct. If any information is incorrect, promptly request correction using the "Post-Approval/Publication/Post-Notice of Allowance (NOA) Amendment" form at <https://teas.uspto.gov/office/ppa/>. For more information, see <https://www.uspto.gov/trademark/trademark-updates-and-announcements/procedures-submitting-amendmentscorrections-trademark>.

Direct questions about this notice to the Trademark Assistance Center (TAC) at 1-800-786-9199 (select option 1) or TrademarkAssistanceCenter@uspto.gov.

Email Address(es):

akessler@cozen.com
phipdocketing@cozen.com
mlima@cozen.com

From: TMOfficialNotices@USPTO.GOV
Sent: Wednesday, April 27, 2022 04:16 AM
To: XXXX
Cc: XXXX; XXXX
Subject: Official USPTO Notification of Notice of Publication: U.S. Trademark SN 90666128: CACTUS HACK

NOTIFICATION OF "NOTICE OF PUBLICATION"

Your trademark application (U.S. Serial No. 90666128) is scheduled to publish in the *Official Gazette* on May 17, 2022. To preview the Notice of Publication, go to the Trademark Status & Document Retrieval (TSDR) database, accessible at <https://tsdr.uspto.gov/search.action?sn=90666128>. If you have difficulty accessing the Notice of Publication, contact the Trademark Assistance Center (TAC) by e-mail at TrademarkAssistanceCenter@uspto.gov or by telephone at 800-786-9199.

PLEASE NOTE:

1. The Notice of Publication may not be immediately available but will be viewable within 24 hours of this e-mail notification.
2. You will receive a second e-mail on the actual "Publication Date," which will include a link to the issue of the *Official Gazette* in which the mark has published.

Please confirm that the correspondence information shown in TSDR is correct. If the correspondence information is not correct, please update this information using the online Change of Correspondence Address Form, accessible at <https://teas.uspto.gov/ccr/cca>.

Do NOT hit "Reply" to this e-mail notification. If you find an error in the Notice of Publication, update the information using the Post-Approval/Publication/Post-Notice of Allowance (NOA) Amendment Form, accessible at <https://teas.uspto.gov/office/ppa>.

Trademark Snap Shot Publication Stylesheet
(Table presents the data on Publication Approval)

OVERVIEW

SERIAL NUMBER	90666128	FILING DATE	04/23/2021
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	DUFFIN, GRACE M	L.O. ASSIGNED	N20-NOT FOUND

PUB INFORMATION

RUN DATE	04/12/2022		
PUB DATE	05/17/2022		
STATUS	681-PUBLICATION/ISSUE REVIEW COMPLETE		
STATUS DATE	04/11/2022		
LITERAL MARK ELEMENT	CACTUS HACK		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	YES	1 (a)	YES	1 (a)	NO
1 (b)	NO	1 (b)	NO	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	CACTUS HACK
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
------------	-----------------------

NAME	Lantz, Douglas
ADDRESS	17692 N 77Th Pl Scottsdale, AZ 85255
ENTITY	01-INDIVIDUAL
CITIZENSHIP	United States of America

GOODS AND SERVICES

INTERNATIONAL CLASS	025
DESCRIPTION TEXT	Athletic apparel, namely, shirts, t-shirts, polo shirts, pants, jackets, athletic uniforms, belts, socks, footwear, golf shoes, hats, golf caps, baseball caps, cap visors, hoodies

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	025	FIRST USE DATE	10/15/2019	FIRST USE IN COMMERCE DATE	11/13/2019	CLASS STATUS	6-ACTIVE
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MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
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PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
04/09/2022	CNSA	O	APPROVED FOR PUB - PRINCIPAL REGISTER	012
03/08/2022	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	011
03/07/2022	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	010
03/07/2022	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	009
02/22/2022	TCCA	I	TEAS CHANGE OF CORRESPONDENCE RECEIVED	008
02/22/2022	ARAA	I	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	007
02/22/2022	REAP	I	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	006
12/21/2021	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	005
12/21/2021	GNRT	F	NON-FINAL ACTION E-MAILED	004
12/21/2021	CNRT	R	NON-FINAL ACTION WRITTEN	003
12/19/2021	DOCK	D	ASSIGNED TO EXAMINER	002
07/29/2021	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	Ashley G. Kessler
CORRESPONDENCE ADDRESS	Ashley G. Kessler Cozen O'Connor 175 Greenwich Street, 55th Floor 3 World Trade Center New York, NY 10007
DOMESTIC REPRESENTATIVE	NONE

Cactus Hack

Trademark Snap Shot Amendment & Mail Processing Stylesheet
(Table presents the data on Amendment & Mail Processing Complete)

OVERVIEW

SERIAL NUMBER	90666128	FILING DATE	04/23/2021
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	DUFFIN, GRACE M	L.O. ASSIGNED	N20-NOT FOUND

PUB INFORMATION

RUN DATE	03/09/2022		
PUB DATE	N/A		
STATUS	661-RESPONSE AFTER NON-FINAL-ACTION-ENTERED		
STATUS DATE	03/08/2022		
LITERAL MARK ELEMENT	CACTUS HACK		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	YES	1 (a)	YES	1 (a)	NO
1 (b)	NO	1 (b)	NO	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	CACTUS HACK
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
------------	-----------------------

NAME	Lantz, Douglas
ADDRESS	17692 N 77Th Pl Scottsdale, AZ 85255
ENTITY	01-INDIVIDUAL
CITIZENSHIP	United States of America

GOODS AND SERVICES

INTERNATIONAL CLASS	025
DESCRIPTION TEXT	Athletic apparel, namely, shirts, t-shirts, polo shirts, pants, jackets, athletic uniforms, belts, socks, footwear, golf shoes, hats, golf caps, baseball caps, cap visors, hoodies

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	025	FIRST USE DATE	10/15/2019	FIRST USE IN COMMERCE DATE	11/13/2019	CLASS STATUS	6-ACTIVE
---------------------	-----	----------------	------------	----------------------------	------------	--------------	----------

MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
NAME/PORTRAIT DESC/CONSENT	The name(s), portrait(s), and/or signature(s) shown in the mark does not identify a particular living individual.

PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
03/08/2022	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	011
03/07/2022	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	010
03/07/2022	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	009
02/22/2022	TCCA	I	TEAS CHANGE OF CORRESPONDENCE RECEIVED	008
02/22/2022	ARAA	I	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	007
02/22/2022	REAP	I	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	006
12/21/2021	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	005
12/21/2021	GNRT	F	NON-FINAL ACTION E-MAILED	004
12/21/2021	CNRT	R	NON-FINAL ACTION WRITTEN	003
12/19/2021	DOCK	D	ASSIGNED TO EXAMINER	002
07/29/2021	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	Ashley G. Kessler
CORRESPONDENCE ADDRESS	Ashley G. Kessler Cozen O'Connor 3 World Trade Center 175 Greenwich Street, 55th Floor New York NY 10007
DOMESTIC REPRESENTATIVE	NONE

Cactus Hack

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	90666128
LAW OFFICE ASSIGNED	LAW OFFICE 120
MARK SECTION	
MARK	mark
LITERAL ELEMENT	CACTUS HACK
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
GOODS AND/OR SERVICES SECTION (current)	
INTERNATIONAL CLASS	025
DESCRIPTION	
Athletic apparel, namely, shirts, t-shirts, polo shirts, pants, jackets, athletic uniforms, belts, socks, footwear, golf shoes, hats, caps, visors, hoodies	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 10/15/2019
FIRST USE IN COMMERCE DATE	At least as early as 11/13/2019
GOODS AND/OR SERVICES SECTION (proposed)	
INTERNATIONAL CLASS	025
TRACKED TEXT DESCRIPTION	
Athletic apparel, namely, shirts, t-shirts, polo shirts, pants, jackets, athletic uniforms, belts, socks, footwear, golf shoes, hats, caps, visors, hoodies; Athletic apparel, namely, shirts, t-shirts, polo shirts, pants, jackets, athletic uniforms, belts, socks, footwear, golf shoes, hats, golf caps, baseball caps, cap visors, hoodies	
FINAL DESCRIPTION	
Athletic apparel, namely, shirts, t-shirts, polo shirts, pants, jackets, athletic uniforms, belts, socks, footwear, golf shoes, hats, golf caps, baseball caps, cap visors, hoodies	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 10/15/2019
FIRST USE IN COMMERCE DATE	At least as early as 11/13/2019
WEBPAGE URL	None Provided
WEBPAGE DATE OF ACCESS	None Provided
CORRESPONDENCE INFORMATION (current)	
NAME	Ashley G. Kessler

PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE	akessler@cozen.com
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)	phipdocketing@cozen.com; mlima@cozen.com
CORRESPONDENCE INFORMATION (proposed)	
NAME	Ashley G. Kessler
PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE	akessler@cozen.com
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)	phipdocketing@cozen.com; mlima@cozen.com
SIGNATURE SECTION	
RESPONSE SIGNATURE	/Ashley G. Kessler/
SIGNATORY'S NAME	Ashley G. Kessler
SIGNATORY'S POSITION	Attorney of Record, Member of the NY and NJ Bar
SIGNATORY'S PHONE NUMBER	2128832221
DATE SIGNED	03/07/2022
ROLE OF AUTHORIZED SIGNATORY	Authorized U.S.-Licensed Attorney
SIGNATURE METHOD	Sent to third party for signature
FILING INFORMATION SECTION	
SUBMIT DATE	Mon Mar 07 16:02:09 ET 2022
TEAS STAMP	USPTO/ROA-XX.XX.XX.XXX-20 220307160209929071-906661 28-800849df27f134647358da 1a3ce87c7bd45263df79c79be 4749abc298b4cef411-N/A-N/ A-20220307141838484974

Response to Office Action

To the Commissioner for Trademarks:

Application serial no. **90666128** CACTUS HACK(Standard Characters, see <https://tmng-al.uspto.gov/resting2/api/img/90666128/large>) has been amended as follows:

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant proposes to amend the following:

Current:

Class 025 for Athletic apparel, namely, shirts, t-shirts, polo shirts, pants, jackets, athletic uniforms, belts, socks, footwear, golf shoes, hats, caps, visors, hoodies

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 10/15/2019 and first used in commerce at least as early as 11/13/2019, and is now in use in such commerce.

Proposed:

Tracked Text Description: ~~Athletic apparel, namely, shirts, t-shirts, polo shirts, pants, jackets, athletic uniforms, belts, socks, footwear, golf shoes, hats, caps, visors, hoodies;~~ Athletic apparel, namely, shirts, t-shirts, polo shirts, pants, jackets, athletic uniforms, belts, socks, footwear, golf shoes, hats, golf caps, baseball caps, cap visors, hoodies

Class 025 for Athletic apparel, namely, shirts, t-shirts, polo shirts, pants, jackets, athletic uniforms, belts, socks, footwear, golf shoes, hats, golf caps, baseball caps, cap visors, hoodies

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 10/15/2019 and first used in commerce at least as early as 11/13/2019, and is now in use in such commerce.

Webpage URL: None Provided

Webpage Date of Access: None Provided

Correspondence Information (current):

Ashley G. Kessler

PRIMARY EMAIL FOR CORRESPONDENCE: akessler@cozen.com

SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): phipdocketing@cozen.com; mlima@cozen.com

Correspondence Information (proposed):

Ashley G. Kessler

PRIMARY EMAIL FOR CORRESPONDENCE: akessler@cozen.com

SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): phipdocketing@cozen.com; mlima@cozen.com

Requirement for Email and Electronic Filing: I understand that a valid email address must be maintained by the owner/holder and the owner's/holder's attorney, if appointed, and that all official trademark correspondence must be submitted via the Trademark Electronic Application System (TEAS).

SIGNATURE(S)

Response Signature

Signature: /Ashley G. Kessler/ Date: 03/07/2022

Signatory's Name: Ashley G. Kessler

Signatory's Position: Attorney of Record, Member of the NY and NJ Bar

Signatory's Phone Number: 2128832221 Signature method: Sent to third party for signature

The signatory has confirmed that he/she is a U.S.-licensed attorney who is an active member in good standing of the bar of the highest court of a U.S. state (including the District of Columbia and any U.S. Commonwealth or territory); 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.-licensed attorney not currently associated with his/her company/firm previously represented the owner/holder in this matter: the owner/holder has revoked their power of attorney by a signed revocation or substitute power of attorney with the USPTO; the USPTO has granted that attorney's withdrawal request; the owner/holder has filed a power of attorney appointing him/her in this matter; or the owner's/holder's appointed U.S.-licensed attorney has filed a power of attorney appointing him/her as an associate attorney in this matter.

Mailing Address: Ashley G. Kessler

Cozen O'Connor

3 World Trade Center

175 Greenwich Street, 55th Floor

New York, New York 10007

Mailing Address: Ashley G. Kessler

Cozen O'Connor

3 World Trade Center

175 Greenwich Street, 55th Floor

New York, New York 10007

Serial Number: 90666128

Internet Transmission Date: Mon Mar 07 16:02:09 ET 2022

TEAS Stamp: USPTO/ROA-XX.XX.XX.XXX-20220307160209929

071-90666128-800849df27f134647358da1a3ce

87c7bd45263df79c79be4749abc298b4cef411-N

/A-N/A-20220307141838484974

Change Address or Representation Form

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	90666128
LAW OFFICE ASSIGNED	LAW OFFICE 120
MARK SECTION	
MARK	CACTUS HACK (standard characters, see https://tmng-al.uspto.gov/resting2/api/img/90666128/large)
ATTORNEY SECTION (proposed)	
STATEMENT TEXT	By submission of this request, the undersigned appoints the following new attorney, is newly appearing as the attorney, or updates the information of an existing attorney of record:
NAME	Ashley G. Kessler
ATTORNEY BAR MEMBERSHIP NUMBER	XXX
YEAR OF ADMISSION	XXXX
U.S. STATE/ COMMONWEALTH/ TERRITORY	XX
FIRM NAME	Cozen O'Connor
INTERNAL ADDRESS	3 World Trade Center
STREET	175 Greenwich Street, 55th Floor
CITY	New York
STATE	New York
STATE/COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
POSTAL/ZIP CODE	10007
PHONE	2128832221
FAX	646-461-2081
EMAIL	akessler@cozen.com
CORRESPONDENCE SECTION(current)	
NAME	LANTZ, DOUGLAS
PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE	dlantz1188@gmail.com
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)	tmapp@legalzoom.com
CORRESPONDENCE SECTION (proposed)	
NAME	Ashley G. Kessler
PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE	akessler@cozen.com

SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)	phipdocketing@cozen.com; mlima@cozen.com
SIGNATURE SECTION	
SIGNATURE	/DJL/
SIGNATORY NAME	Douglas Lantz
SIGNATORY DATE	02/22/2022
SIGNATORY POSITION	Owner
ROLE OF AUTHORIZED SIGNATORY	Owner/Holder not represented by an attorney
SIGNATURE METHOD	Sent to third party for signature
FILING INFORMATION SECTION	
SUBMIT DATE	Tue Feb 22 13:12:56 ET 2022
TEAS STAMP	USPTO/CAR-XX.XX.XX.XXX-20 220222131256790099-906661 28-800ac41627b179a826c4cb a7ac3c4802d29353a8f189d6c e2ecff71b05a4c0f5e5-N/A-N /A-20220216181527552877

Change Address or Representation Form

To the Commissioner for Trademarks:

MARK: CACTUS HACK (standard characters, see <https://tmng-al.uspto.gov/resting2/api/img/90666128/large>)

SERIAL NUMBER: 90666128

By submission of this request, the undersigned appoints the following new attorney, is newly appearing as the attorney, or updates the information of an existing attorney of record:

Attorney Section (proposed):

Ashley G. Kessler of Cozen O'Connor

XX bar, admitted in XXXX, bar membership no. XXX, is located at

3 World Trade Center

175 Greenwich Street, 55th Floor

New York, New York 10007

United States

2128832221

646-461-2081

akessler@cozen.com

Ashley G. Kessler submitted the following statement: The attorney of record is an active member in good standing of the bar of the highest court of a U.S. state, the District of Columbia, or any U.S. Commonwealth or territory.

Correspondence Section (Current):

LANTZ, DOUGLAS

PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE: dlantz1188@gmail.com

SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): tmapp@legalzoom.com

Correspondence Section (proposed):

Ashley G. Kessler

PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE: akessler@cozen.com

SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): phipdocketing@cozen.com; mlima@cozen.com

Requirement for Email and Electronic Filing: I understand that a valid email address must be maintained by the owner/holder and the owner's/holder's attorney, if appointed, and that all official trademark correspondence must be submitted via the Trademark Electronic Application System (TEAS).

Signature: /DJL/ Date: 02/22/2022

Signatory's Name: Douglas Lantz

Signatory's Position: Owner

Signature method: Sent to third party for signature

The signatory has confirmed that he/she is either: (1) the owner/holder; or (2) a person or persons with legal authority to bind the owner/holder.

Serial Number: 90666128

Internet Transmission Date: Tue Feb 22 13:12:56 ET 2022

TEAS Stamp: USPTO/CAR-XX.XX.XX.XXX-20220222131256790

099-90666128-800ac41627b179a826c4cba7ac3

c4802d29353a8f189d6ce2ecff71b05a4c0f5e5-

N/A-N/A-20220216181527552877

To: Lantz, Douglas (dlantz1188@gmail.com)
Subject: U.S. Trademark Application Serial No. 90666128 - CACTUS HACK - N/A
Sent: December 21, 2021 12:09:52 PM
Sent As: ecom120@uspto.gov
Attachments:

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

U.S. Application
Serial No. 90666128

Mark: CACTUS
HACK

Correspondence
Address:
LANTZ, DOUGLAS
17692 N 77TH PL
SCOTTSDALE, AZ
85255

Applicant: Lantz,
Douglas

Reference/Docket No.
N/A

Correspondence
Email Address:

dlantz1188@gmail.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: **December 21, 2021**

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 searched the USPTO database of registered and pending marks and 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:

- Amendment to Identification of Goods and/or Service Required
- Multi-Class Application Requirements

AMENDMENT TO IDENTIFICATION OF GOODS AND/OR SERVICES REQUIRED

Applicant must clarify the following indicated language for reasons stated below. *See* 37 C.F.R. §2.32(a)(6); TMEP §§1402.01, 1402.03.

Class 25	Issue	Suggestion
Athletic apparel namely shirts	Acceptable	Athletic apparel namely shirts
t-shirts	Acceptable	t-shirts
polo shirts	Acceptable	polo shirts
pants	Acceptable	pants
jackets	Acceptable	jackets
athletic uniforms	Acceptable	athletic uniforms
belts	Acceptable	belts
socks	Acceptable	socks
footwear	Acceptable	footwear
golf shoes	Acceptable	golf shoes
hats	Acceptable	hats
caps	Indefinite and must be clarified because the specific nature of the good is unclear and must be clarified.	Golf caps, baseball caps
visors	Indefinite and overly broad and must be clarified because the specific nature of the good is unclear and must be clarified and could identify goods in multiple classes.	Class 9: visors for helmets Class 25: Cap visors
hoodies	Acceptable	hoodies

Applicant may substitute the following wording, if accurate:

Class 9:

Visors for helmets

Class 25:

Athletic apparel, namely, shirts, t-shirts, polo shirts, pants, jackets, athletic uniforms, belts, socks, footwear, golf shoes, hats, golf caps, baseball caps, cap visors, hoodies

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).

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.

MULTI-CLASS APPLICATION REQUIREMENTS

The application references goods and/or services 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(s) already paid (view the [USPTO’s current fee schedule](#)). Specifically, the application identifies goods and/or services based on use in commerce that are classified in at least 2 classes; however, applicant submitted a fee(s) sufficient for only 1 class(es). 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 class(es) 25; and applicant needs a specimen for any class added. [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).

Specimens for services must show a direct association between the mark and the services and include: (1) copies of advertising and marketing material, (2) a photograph of business signage or billboards, or (3) materials showing the mark in the sale, rendering, or advertising of the services. *See* 37 C.F.R. §2.56(b)(2), (c); TMEP §1301.04(a), (h)(iv)(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](#).

Response Guidelines

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

Please call or email the assigned trademark examining attorney with questions about this Office action. Although an examining attorney cannot provide legal advice, the examining attorney can provide additional explanation about the refusal(s) and/or requirement(s) in this Office action. *See* TMEP §§705.02, 709.06.

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.

/Grace Duffin/
Grace Duffin, Esq.
Trademark Examining Attorney
Law Office 120
571-270-7069
Grace.Duffin@uspto.gov

RESPONSE GUIDANCE

- **Missing the response deadline to this letter will cause the application to [abandon](#).** A response or notice of appeal must be received by the USPTO before midnight **Eastern Time** of the last day of the response period. TEAS and ESTTA 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.

To: Lantz, Douglas (dlantz1188@gmail.com)
Subject: U.S. Trademark Application Serial No. 90666128 - CACTUS HACK - N/A
Sent: December 21, 2021 12:09:56 PM
Sent As: ecom120@uspto.gov
Attachments:

United States Patent and Trademark Office (USPTO)

USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued
on **December 21, 2021** for
U.S. Trademark Application Serial No. 90666128

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 [HERE](#).** 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 misleading notices sent by private companies about your application.](#)** Private companies not associated with the USPTO may mail or email you trademark-related offers and notices – most of which require fees. The USPTO will only email **official USPTO correspondence from the domain “@uspto.gov.”**
- **[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 identified above is not your attorney and cannot give you legal advice, but rather works for and represents the USPTO in trademark matters.

*** User:gduffin ***

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	1	0	1	1	0:01	90666128[SN]
02	325	0	322	306	0:02	*{"ckqx":2}{v:2}{"ckqx":2}{"t":2}{v:2}s*[bi,ti] not dead [ld]
03	42759	N/A	0	0	0:02	*h{v:2}{"ckqx":2}*[bi,ti] not dead [ld]
04	4	0	4	4	0:01	2 and 3
05	0	0	0	0	0:01	3 and "0025"[cc]
06	12200	N/A	0	0	0:02	3 and "025"[cc]
07	10820	N/A	0	0	0:02	3 and ("042" "035" "025" a b 200) [ic]
08	6950	N/A	0	0	0:02	3 and ("042" "025" a b 200) [ic]
09	6803	N/A	0	0	0:02	3 and ("042" "009" a b 200) [ic]
10	1453	N/A	0	0	0:02	*hack*[bi,ti] not dead [ld]
11	460	N/A	0	0	0:02	10 and "025"[cc]
12	429	N/A	0	0	0:01	10 and ("042" "035" "009" a b 200) [ic]
13	229	0	229	213	0:01	10 and ("042" "009" a b 200) [ic]
14	440	N/A	0	0	0:01	10 and ("042" "035" "025" a b 200) [ic]
15	240	0	240	133	0:01	10 and ("042" "025" a b 200) [ic]

Session started 12/21/2021 12:05:01 PM

Session finished 12/21/2021 1:06:55 PM

Total search duration 0 minutes 23 seconds

Session duration 61 minutes 54 seconds

Default NEAR limit=1ADJ limit=1

Sent to TICRS as Serial Number: 90666128

Trademark/Service Mark Application, Principal Register

Serial Number: 90666128

Filing Date: 04/23/2021

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	90666128
MARK INFORMATION	
*MARK	Cactus Hack
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	Cactus Hack
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	Lantz, Douglas
*MAILING ADDRESS	17692 N 77Th Pl
*CITY	Scottsdale
*STATE (Required for U.S. applicants)	Arizona
*COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
*ZIP/POSTAL CODE (Required for U.S. and certain international addresses)	85255
PHONE	603-748-8937
*EMAIL ADDRESS	XXXX
LEGAL ENTITY INFORMATION	
TYPE	individual
COUNTRY/REGION/JURISDICTION/U.S. TERRITORY OF CITIZENSHIP	United States
GOODS AND/OR SERVICES AND BASIS INFORMATION	
INTERNATIONAL CLASS	
*IDENTIFICATION	Athletic apparel, namely, shirts, t-shirts, polo shirts, pants, jackets, athletic uniforms, belts, socks, footwear, golf shoes, hats, caps, visors, hoodies
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 10/15/2019
FIRST USE IN COMMERCE DATE	At least as early as 11/13/2019

SPECIMEN FILE NAME(S)	
JPG FILE(S)	\\TICRS\EXPORT18\IMAGEOUT18\906\661\90666128\xml1\ APP0003.JPG
	\\TICRS\EXPORT18\IMAGEOUT18\906\661\90666128\xml1\ APP0004.JPG
	\\TICRS\EXPORT18\IMAGEOUT18\906\661\90666128\xml1\ APP0005.JPG
	\\TICRS\EXPORT18\IMAGEOUT18\906\661\90666128\xml1\ APP0006.JPG
	\\TICRS\EXPORT18\IMAGEOUT18\906\661\90666128\xml1\ APP0007.JPG
	\\TICRS\EXPORT18\IMAGEOUT18\906\661\90666128\xml1\ APP0008.JPG
	\\TICRS\EXPORT18\IMAGEOUT18\906\661\90666128\xml1\ APP0009.JPG
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CONVERTED PDF FILE(S) (1 page)	\\TICRS\EXPORT18\IMAGEOUT18\906\661\90666128\xml1\ APP0010.JPG
ORIGINAL PDF FILE	SPE0-209995566-20210422130217872225_.546887411_S9.pdf
CONVERTED PDF FILE(S) (1 page)	\\TICRS\EXPORT18\IMAGEOUT18\906\661\90666128\xml1\ APP0011.JPG
SPECIMEN DESCRIPTION	digital images of products with tag and a website currently used in commerce
WEBPAGE URL	www.cactushackgolf.com
WEBPAGE DATE OF ACCESS	04/22/2021
ADDITIONAL STATEMENTS SECTION	
NAME(S), PORTRAITS(S), SIGNATURE(S) OF INDIVIDUAL(S)	The name(s), portrait(s), and/or signature(s) shown in the mark does not identify a particular living individual.
CORRESPONDENCE INFORMATION	
NAME	Lantz, Douglas
PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE	dlantz1188@gmail.com
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)	tmapp@legalzoom.com
FEE INFORMATION	
APPLICATION FILING OPTION	TEAS Standard
NUMBER OF CLASSES	1
APPLICATION FOR REGISTRATION PER CLASS	350
*TOTAL FEES DUE	350
*TOTAL FEES PAID	350
SIGNATURE INFORMATION	
SIGNATURE	/DJ Lantz 1/

SIGNATORY'S NAME	Douglas James Lantz
SIGNATORY'S POSITION	Owner
SIGNATORY'S PHONE NUMBER	603-748-8937
DATE SIGNED	04/22/2021
SIGNATURE METHOD	Sent to third party for signature

Trademark/Service Mark Application, Principal Register

Serial Number: 90666128

Filing Date: 04/23/2021

To the Commissioner for Trademarks:

MARK: Cactus Hack (Standard Characters, see [mark](#))

The literal element of the mark consists of Cactus Hack. The mark consists of standard characters, without claim to any particular font style, size, or color.

The applicant, Douglas Lantz, a citizen of United States, having an address of

17692 N 77Th Pl

Scottsdale, Arizona 85255

United States

603-748-8937(phone)

XXXX

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class _____: Athletic apparel, namely, shirts, t-shirts, polo shirts, pants, jackets, athletic uniforms, belts, socks, footwear, golf shoes, hats, caps, visors, hoodies

In International Class _____, the mark was first used by the applicant or the applicant's related company or licensee or predecessor in interest at least as early as 10/15/2019, and first used in commerce at least as early as 11/13/2019, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, consisting of a(n) digital images of products with tag and a website currently used in commerce.

JPG file(s):

[Specimen File1](#)

[Specimen File2](#)

[Specimen File3](#)

[Specimen File4](#)

[Specimen File5](#)

[Specimen File6](#)

[Specimen File7](#)

Original PDF file:

[SPE0-209995566-2021042213 0217872225 . 546887411_S8.pdf](#)

Converted PDF file(s) (1 page)

[Specimen File1](#)

Original PDF file:

[SPE0-209995566-2021042213 0217872225 . 546887411_S9.pdf](#)

Converted PDF file(s) (1 page)

[Specimen File1](#)

Webpage URL: www.cactushackgolf.com

Webpage Date of Access: 04/22/2021

Name(s), Portrait(s), Signature(s) of individual(s)

The name(s), portrait(s), and/or signature(s) shown in the mark does not identify a particular living individual.

The applicant's current Correspondence Information:

Lantz, Douglas

PRIMARY EMAIL FOR CORRESPONDENCE: dlantz1188@gmail.com

SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): tmapp@legalzoom.com

Requirement for Email and Electronic Filing: I understand that a valid email address must be maintained by the applicant owner/holder and the applicant owner's/holder's attorney, if appointed, and that all official trademark correspondence must be submitted via the Trademark Electronic Application System (TEAS).

A fee payment in the amount of \$350 has been submitted with the application, representing payment for 1 class(es).

Declaration

Basis:

If the applicant is filing the application based on use in commerce under 15 U.S.C. § 1051(a):

- The signatory believes that the applicant is the owner of the trademark/service mark sought to be registered;
- The mark is in use in commerce and was in use in commerce as of the filing date of the application on or in connection with the goods/services in the application;
- The specimen(s) shows the mark as used on or in connection with the goods/services in the application and was used on or in connection with the goods/services in the application as of the application filing date; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

And/Or

If the applicant is filing the application based on an intent to use the mark in commerce under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e):

- The signatory believes that the applicant is entitled to use the mark in commerce;
 - The applicant has a bona fide intention to use the mark in commerce and had a bona fide intention to use the mark in commerce as of the application filing date on or in connection with the goods/services in the application; and
 - To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.
- To the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive.
- To the best of the signatory's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the allegations and other factual contentions made above have evidentiary support.
- The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Declaration Signature

Signature: /DJ Lantz 1/ Date: 04/22/2021

Signatory's Name: Douglas James Lantz

Signatory's Position: Owner

Signatory's Phone Number: 603-748-8937

Signature method: Sent to third party for signature

Payment Sale Number: 90666128

Payment Accounting Date: 04/23/2021

Serial Number: 90666128

Internet Transmission Date: Fri Apr 23 04:04:08 ET 2021

TEAS Stamp: USPTO/BAS-XXX.XX.XX.XX-20210423040408311

869-90666128-770bee765cd2c4dcc78d7d462a6

59beb26ece3d1e1f9b98ae890ec2a3a1fd1935-D

A-04072733-20210422130217872225

Cactus Hack



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SIZE L
WWW.CACTUSHACK.COM

HACK













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ACCOUNT SEARCH CART (0)



CACTUS HACK

MASCOT TEE (WHITE)

\$34.99

• 60% Combed Ring-Spun Cotton, 40% Polyester

SHARE f t @

Size: Medium

- 1 +

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MORE INFORMATION >



CACTUS HACK

MASCOT TEE (WHITE)

\$34.99

• 60% Combed Ring-Spun Cotton, 40% Polyester

SHARE f t @

Size: Medium

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ACCOUNT SEARCH CART (0)



CACTUS HACK

MASCOT TEE (WHITE)

\$34.99

• 60% Combed Ring-Spun Cotton, 40% Polyester

SHARE f t @

Size: Medium

- 1 +

ADD TO CART • \$34.99

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MORE INFORMATION >



CACTUS HACK

MASCOT TEE (WHITE)

\$34.99

• 60% Combed Ring-Spun Cotton, 40% Polyester

SHARE f t @

Size: Medium

- 1 +

ADD TO CART • \$34.99

BUY IT NOW

MORE INFORMATION >

Generated on: This page was generated by TSDR on 2024-01-23 00:46:13 EST

Mark: CACTUS LOUNGE BOUTIQUE

Cactus Lounge Boutique

US Serial Number: 90889180

Application Filing Date: Aug. 18, 2021

US Registration Number: 6844661

Registration Date: Sep. 13, 2022

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Service Mark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Sep. 13, 2022

Publication Date: Jun. 28, 2022

Mark Information

Mark Literal Elements: CACTUS LOUNGE BOUTIQUE

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Disclaimer: "LOUNGE BOUTIQUE"

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (..) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: On-line retail store services featuring apparel, gifts and jewelry; Retail shops featuring apparel, gifts and jewelry

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 2018

Use in Commerce: Jun. 2018

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

Currently ITU: No

Filed 44D: No

Currently 44D: No

Filed 44E: No

Currently 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Cactus Lounge Boutique LLC

Owner Address: 305 Vineyard Town Center, # 265
Morgan Hill, CALIFORNIA UNITED STATES 95037

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: CALIFORNIA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jennifer Appelman Rackley

Docket Number: L549438913

Attorney Primary Email Address: tm@lzlegalservices.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Jennifer Appelman Rackley
LZ Legal Services, LLC
101 N. Brand Blvd, 11th Floor
Glendale, CALIFORNIA UNITED STATES 91203

Phone: 512-535-7819

Correspondent e-mail: tm@lzlegalservices.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Sep. 13, 2022	NOTICE OF REGISTRATION CONFIRMATION EMAILED	
Sep. 13, 2022	REGISTERED-PRINCIPAL REGISTER	
Jul. 18, 2022	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 18, 2022	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jul. 18, 2022	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Jun. 28, 2022	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jun. 28, 2022	PUBLISHED FOR OPPOSITION	
Jun. 08, 2022	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
May 23, 2022	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 23, 2022	EXAMINER'S AMENDMENT ENTERED	
May 23, 2022	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	
May 23, 2022	EXAMINERS AMENDMENT E-MAILED	
May 23, 2022	EXAMINERS AMENDMENT -WRITTEN	
May 19, 2022	ASSIGNED TO EXAMINER	
Oct. 06, 2021	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED	
Aug. 21, 2021	NEW APPLICATION ENTERED	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Sep. 13, 2022

From: tmng.notices@uspto.gov
Sent: Tuesday, September 13, 2022 03:54:40 PM EDT
Subject: Official USPTO Notification: U.S. Trademark Application SN 90889180 -- Docket/Reference No. L549438913

OFFICIAL USPTO NOTICE OF REGISTRATION

U.S. Application Serial No. 90889180
Mark: CACTUS LOUNGE BOUTIQUE
Owner/Holder: Cactus Lounge Boutique LLC
Docket/Reference No. L549438913

Issue Date: September 13, 2022

Your mark has registered with the United States Patent and Trademark Office (USPTO). Your United States trademark registration number is 6844661.

View and download your registration certificate using the [Trademark Status & Document Retrieval \(TSDR\) database](#). If you have difficulty accessing the registration certificate, contact the Trademark Assistance Center (TAC) at TrademarkAssistanceCenter@uspto.gov or 800-786-9199 (select option #1). New registration certificates are issued electronically. For more information, visit the USPTO's [electronic registration certificates webpage](#).

If your registration certificate contains an error that would not require republication to correct it, you can use the Trademark Electronic Application System (TEAS) [Section 7 Request for Amendment or Correction of Registration Certificate \(Section 7\) form](#) to request correction of that error.

Order presentation copies online:

You can order a printed presentation copy of your registration certificate using the TEAS [Order Trademark Presentation Copy of Registration Certificate form](#). The presentation copy is suitable for display and framing. For more information on the availability and cost of presentation copies of trademark registrations, visit the USPTO's [electronic registration certificates webpage](#).

Requirements to maintain your registration:

- File your registration [maintenance documents](#) at the required times.
- **If you do not submit your maintenance documents at the required times, your registration will be cancelled.** If that happens, you must file a new application. Filing a new application doesn't guarantee your trademark will register again.

Please note the following:

- You may receive unsolicited offers and notices from third-parties not affiliated with the USPTO. All official correspondence about your trademark registration will be from the "United States Patent and Trademark Office" in Alexandria, Virginia, and all emails will be from the domain "@uspto.gov." Visit our [misleading notices webpage](#) for more information.
- If your registration covers products that are likely targets for international counterfeiters (e.g., popular or high-demand products), consider applying to record your trademark registration with U.S. Customs and Border Protection (CBP).

Recording your trademark registration helps CBP detain and seize imported goods if they violate your recorded trademark. Visit our [recording trademark registrations with CBP webpage](#) for more information.

- To help ensure that you receive emails from the USPTO, keep your email address(es) current using the [Change Address or Representation \(CAR\) form](#) and add USPTO email addresses to your contacts or "Safe Senders" list.
- If your trademark registration identifies goods and/or services not in use with your trademark, you can use the [Section 7 form](#) to request deletion of any goods and/or services not in use with your trademark. There's no fee to file a Section 7 form if you file the Section 7 form before you file your required registration maintenance documents, and you are only deleting goods, services, or classes. Other amendments and corrections may require a filing fee. For information on amendments and corrections after registration, see [TMEP §1609](#).

If you have any questions about this notice, contact TAC at TrademarkAssistanceCenter@uspto.gov or 800-786-9199 (select option #1).

United States of America

United States Patent and Trademark Office

Cactus Lounge Boutique

Reg. No. 6,844,661

Registered Sep. 13, 2022

Int. Cl.: 35

Service Mark

Principal Register

Cactus Lounge Boutique LLC (CALIFORNIA LIMITED LIABILITY COMPANY)

305 Vineyard Town Center, # 265
Morgan Hill, CALIFORNIA 95037

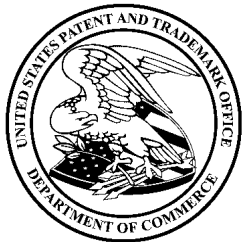
CLASS 35: On-line retail store services featuring apparel, gifts and jewelry; Retail shops featuring apparel, gifts and jewelry

FIRST USE 6-00-2018; IN COMMERCE 6-00-2018

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

No claim is made to the exclusive right to use the following apart from the mark as shown: "LOUNGE BOUTIQUE"

SER. NO. 90-889,180, FILED 08-18-2021



Katherine Kelly Vidal

Director of the United States
Patent and Trademark Office



REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION

WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.

Requirements in the First Ten Years*

What and When to File:

- **First Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.
- **Second Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

- You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.

Change Address or Representation Form

The table below presents the data as entered.

Input Field	Entered
SERIAL/REGISTRATION NUMBERS	90889180
ATTORNEY SECTION(current)	
NAME	Jennifer Appelman Rackley
ATTORNEY BAR MEMBERSHIP NUMBER	XXX
YEAR OF ADMISSION	XXXX
U.S. STATE/ COMMONWEALTH/ TERRITORY	XX
FIRM NAME	LEGALZOOM LEGAL SERVICES
STREET	9900 SPECTRUM DRIVE
CITY	AUSTIN
STATE	Texas
STATE/COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
POSTAL/ZIP CODE	78717
PHONE	512-535-7819
EMAIL	tm@lzlegalservices.com
DOCKET/REFERENCE NUMBER(S)	L549438913
ATTORNEY SECTION (proposed)	
STATEMENT TEXT	BULK UPDATE - By submission of this request, the undersigned updates the information of an existing attorney of record:
NAME	Jennifer Appelman Rackley
ATTORNEY STATEMENT	The undersigned confirms that the attorney listed herein is the attorney of record in all of the Serial Numbers updated within this filing.
ATTORNEY BAR MEMBERSHIP NUMBER	XXX
YEAR OF ADMISSION	XXXX
U.S. STATE/ COMMONWEALTH/ TERRITORY	XX
FIRM NAME	LZ Legal Services, LLC
OTHER APPOINTED ATTORNEY(S)	all other LZ Legal Services, LLC attorneys
STREET	101 N. Brand Blvd, 11th Floor
CITY	Glendale
STATE	California
STATE/COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
POSTAL/ZIP CODE	91203

PHONE	512-535-7819
EMAIL	tm@lzlegalservices.com
DOCKET/REFERENCE NUMBER(S)	L549438913
SERIAL/REGISTRATION NUMBERS	
	90889180
CORRESPONDENCE SECTION(current)	
NAME	JENNIFER APPELMAN RACKLEY
PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE	tm@lzlegalservices.com
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)	NOT PROVIDED
DOCKET/REFERENCE NUMBER(S)	L549438913
CORRESPONDENCE SECTION (proposed)	
NAME	Jennifer Appelman Rackley
PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE	tm@lzlegalservices.com
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)	NOT PROVIDED
DOCKET/REFERENCE NUMBER(S)	L549438913
SIGNATURE SECTION	
SIGNATURE	/Jennifer Appelman Rackley/
SIGNATORY NAME	Jennifer Appelman Rackley
SIGNATORY DATE	07/14/2022
SIGNATORY POSITION	Attorney of record
SIGNATORY PHONE NUMBER	512-535-7819
SIGNATURE METHOD	Sent to third party for signature
FILING INFORMATION SECTION	
SUBMIT DATE	Mon Jul 18 16:26:38 ET 2022
TEAS STAMP	USPTO/CAR-XX.XX.XXX.XXX-2 0220718162638918932-90848 339-800fed2f15c663b6af811 99a2d97b7d31269ae8206a337 53facc17765524997e-N/A-N/ A-20220714140709060064

Change Address or Representation Form

To the Commissioner for Trademarks:

SERIAL/REGISTRATION NUMBERS: 90889180

Attorney Section (Current):

Jennifer Appelman Rackley of LEGALZOOM LEGAL SERVICES
XX bar, admitted in XXXX, bar membership no. XXX, is located at
9900 SPECTRUM DRIVE
AUSTIN, Texas 78717
United States
512-535-7819
Email Address: tm@lzlegalservices.com
Docket Reference Number(s):L549438913.

BULK UPDATE - By submission of this request, the undersigned updates the information of an existing attorney of record:

Attorney Section (proposed):

Jennifer Appelman Rackley of LZ Legal Services, LLC
XX bar, admitted in XXXX, bar membership no. XXX, is located at
101 N. Brand Blvd, 11th Floor
Glendale, California 91203
United States
512-535-7819
tm@lzlegalservices.com
Other Appointed Attorney(s): all other LZ Legal Services, LLC attorneys

Docket Reference Number(s): L549438913

Jennifer Appelman Rackley submitted the following statement: The attorney of record is an active member in good standing of the bar of the highest court of a U.S. state, the District of Columbia, or any U.S. Commonwealth or territory.

SERIAL/REGISTRATION NUMBERS: 90889180

Correspondence Section (Current):

JENNIFER APPELMAN RACKLEY
PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE: tm@lzlegalservices.com
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): NOT PROVIDED
Docket Reference Number(s): L549438913

Correspondence Section (proposed):

Jennifer Appelman Rackley
PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE: tm@lzlegalservices.com
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): NOT PROVIDED
Docket Reference Number(s): L549438913

Attorney Statement:

The undersigned confirms that the attorney listed herein is the attorney of record in all of the Serial Numbers updated within this filing.

Requirement for Email and Electronic Filing: I understand that a valid email address must be maintained by the owner/holder and the owner's/holder's attorney, if appointed, and that all official trademark correspondence must be submitted via the Trademark Electronic Application System (TEAS).

Signature: /Jennifer Appelman Rackley/ Date: 07/14/2022

Signatory's Name: Jennifer Appelman Rackley

Signatory's Position: Attorney of record

Signatory's Phone Number: 512-535-7819

Signature method: Sent to third party for signature

Serial Number: 90889180

Internet Transmission Date: Mon Jul 18 16:26:38 ET 2022

TEAS Stamp: USPTO/CAR-XX.XX.XXX.XXX-2022071816263891

8932-90848339-800fed2f15c663b6af81199a2d

97b7d31269ae8206a33753facc17765524997e-N

/A-N/A-20220714140709060064

From: TMOOfficialNotices@USPTO.GOV
Sent: Tuesday, June 28, 2022 02:17 AM
To: XXXX
Subject: Official USPTO Notice of Publication Confirmation: U.S. Trademark SN 90889180: CACTUS LOUNGE BOUTIQUE: Docket/Reference No. L549438913

TRADEMARK OFFICIAL GAZETTE PUBLICATION CONFIRMATION

U.S. Serial Number: 90889180
Mark: CACTUS LOUNGE BOUTIQUE
International Class(es): 035
Owner: Cactus Lounge Boutique LLC
Docket/Reference Number: L549438913

The mark identified above has been published in the Trademark Official Gazette (TMOG) on Jun 28, 2022.

To Review the Mark in the TMOG:

Click on the following link or paste the URL into an internet browser: <https://tmog.uspto.gov/#issueDate=2022-06-28&serialNumber=90889180>

On the publication date or shortly thereafter, the applicant should carefully review the information that appears in the TMOG for accuracy. For corrections or amendments after publication, please use the Post-Approval/Publication/Post-Notice of Allowance (NOA) Amendment Form, accessible at <https://teas.uspto.gov/office/ppa>. For general information about this notice, please contact the Trademark Assistance Center at 1-800-786-9199.

Significance of Publication for Opposition:

- * Any party who believes it will be damaged by the registration of the mark may file a notice of opposition (or extension of time therefor) with the Trademark Trial and Appeal Board. If no party files an opposition or extension request within thirty (30) days after the publication date, then eleven (11) weeks after the publication date a certificate of registration should issue.

To check the status of the application, go to https://tsdr.uspto.gov/#caseNumber=90889180&caseType=SERIAL_NO&searchType=statusSearch or contact the Trademark Assistance Center at 1-800-786-9199. Please check the status of the application at least every three (3) months after the application filing date.

To view this notice and other documents for this application on-line, go to https://tsdr.uspto.gov/#caseNumber=90889180&caseType=SERIAL_NO&searchType=documentSearch. NOTE: This notice will only become available on-line the next business day after receipt of this e-mail.



UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

Commissioner for Trademarks
www.uspto.gov

OFFICIAL USPTO NOTICE OF PUBLICATION UNDER 12(a)

U.S. Application Serial No. 90889180

Mark: CACTUS LOUNGE BOUTIQUE

International Class(es): 035

Owner: Cactus Lounge Boutique LLC

Docket/Reference No. L549438913

Issue Date: June 8, 2022

Your mark is scheduled to publish in the *Trademark Official Gazette (TMOG)* on June 28, 2022.

Your mark appears to be entitled to register on the Principal Register, subject to any claims of concurrent use.

What happens when your mark publishes. Within 30 days of the publication date, any party who believes it will be damaged by the registration of the mark may file a notice of opposition (or extension of time) with the Trademark Trial and Appeal Board. If no objection is filed, we will issue a registration.

View your mark in the TMOG after the publication date at <https://tmog.uspto.gov/> by selecting your publication date in the "issues" field, entering your serial number in the "search by" field, and clicking on the magnifying glass.

Ensure that the information in the TMOG is correct. If any information is incorrect, promptly request correction using the "Post-Approval/Publication/Post-Notice of Allowance (NOA) Amendment" form at <https://teas.uspto.gov/office/ppa/>. For more information, see <https://www.uspto.gov/trademark/trademark-updates-and-announcements/procedures-submitting-amendmentscorrections-trademark>.

Direct questions about this notice to the Trademark Assistance Center (TAC) at 1-800-786-9199 (select option 1) or TrademarkAssistanceCenter@uspto.gov.

Email Address(es):

tm@lzlegalservices.com

From: TMOfficialNotices@USPTO.GOV
Sent: Wednesday, June 8, 2022 04:43 AM
To: XXXX
Subject: Official USPTO Notification of Notice of Publication: U.S. Trademark SN 90889180: CACTUS LOUNGE BOUTIQUE: Docket/Reference No. L549438913

NOTIFICATION OF "NOTICE OF PUBLICATION"

Your trademark application (U.S. Serial No. 90889180) is scheduled to publish in the *Official Gazette* on Jun 28, 2022. To preview the Notice of Publication, go to the Trademark Status & Document Retrieval (TSDR) database, accessible at <https://tsdr.uspto.gov/search.action?sn=90889180>. If you have difficulty accessing the Notice of Publication, contact the Trademark Assistance Center (TAC) by e-mail at TrademarkAssistanceCenter@uspto.gov or by telephone at 800-786-9199.

PLEASE NOTE:

1. The Notice of Publication may not be immediately available but will be viewable within 24 hours of this e-mail notification.
2. You will receive a second e-mail on the actual "Publication Date," which will include a link to the issue of the *Official Gazette* in which the mark has published.

Please confirm that the correspondence information shown in TSDR is correct. If the correspondence information is not correct, please update this information using the online Change of Correspondence Address Form, accessible at <https://teas.uspto.gov/ccr/cca>.

Do NOT hit "Reply" to this e-mail notification. If you find an error in the Notice of Publication, update the information using the Post-Approval/Publication/Post-Notice of Allowance (NOA) Amendment Form, accessible at <https://teas.uspto.gov/office/ppa>.

Trademark Snap Shot Publication Stylesheet
(Table presents the data on Publication Approval)

OVERVIEW

SERIAL NUMBER	90889180	FILING DATE	08/18/2021
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	THOMPSON, HEATHER	L.O. ASSIGNED	109

PUB INFORMATION

RUN DATE	05/24/2022		
PUB DATE	N/A		
STATUS	680-APPROVED FOR PUBLICATION		
STATUS DATE	05/23/2022		
LITERAL MARK ELEMENT	CACTUS LOUNGE BOUTIQUE		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	YES	1 (a)	YES	1 (a)	NO
1 (b)	NO	1 (b)	NO	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	CACTUS LOUNGE BOUTIQUE
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
------------	-----------------------

NAME	Cactus Lounge Boutique LLC
ADDRESS	305 Vineyard Town Center, # 265 Morgan Hill, CA 95037
ENTITY	16-LTD LIAB CO
CITIZENSHIP	California

GOODS AND SERVICES

INTERNATIONAL CLASS	035
DESCRIPTION TEXT	On-line retail store services featuring apparel, gifts and jewelry; Retail shops featuring apparel, gifts and jewelry

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	035	FIRST USE DATE	06/00/2018	FIRST USE IN COMMERCE DATE	06/00/2018	CLASS STATUS	6-ACTIVE
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MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
DISCLAIMER W/PREDETER TXT	"LOUNGE BOUTIQUE"

PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
05/23/2022	CNSA	O	APPROVED FOR PUB - PRINCIPAL REGISTER	008
05/23/2022	XAEC	I	EXAMINER'S AMENDMENT ENTERED	007
05/23/2022	GNEN	O	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	006
05/23/2022	GNEA	F	EXAMINERS AMENDMENT E-MAILED	005
05/23/2022	CNEA	R	EXAMINERS AMENDMENT -WRITTEN	004
05/19/2022	DOCK	D	ASSIGNED TO EXAMINER	003
10/06/2021	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
08/21/2021	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	Jennifer Appelman Rackley
CORRESPONDENCE ADDRESS	JENNIFER APPELMAN RACKLEY LEGALZOOM LEGAL SERVICES 9900 SPECTRUM DRIVE AUSTIN, TX 78717
DOMESTIC REPRESENTATIVE	NONE

Cactus Lounge Boutique

Trademark Snap Shot Amendment & Mail Processing Stylesheet
(Table presents the data on Amendment & Mail Processing Complete)

OVERVIEW

SERIAL NUMBER	90889180	FILING DATE	08/18/2021
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	THOMPSON, HEATHER	L.O. ASSIGNED	109

PUB INFORMATION

RUN DATE	05/24/2022		
PUB DATE	N/A		
STATUS	680-APPROVED FOR PUBLICATION		
STATUS DATE	05/23/2022		
LITERAL MARK ELEMENT	CACTUS LOUNGE BOUTIQUE		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	YES	1 (a)	YES	1 (a)	NO
1 (b)	NO	1 (b)	NO	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	CACTUS LOUNGE BOUTIQUE
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
------------	-----------------------

NAME	Cactus Lounge Boutique LLC
ADDRESS	305 Vineyard Town Center, # 265 Morgan Hill, CA 95037
ENTITY	16-LTD LIAB CO
CITIZENSHIP	California

GOODS AND SERVICES

INTERNATIONAL CLASS	035
DESCRIPTION TEXT	On-line retail store services featuring apparel, gifts and jewelry; Retail shops featuring apparel, gifts and jewelry

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	035	FIRST USE DATE	06/00/2018	FIRST USE IN COMMERCE DATE	06/00/2018	CLASS STATUS	6-ACTIVE
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MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
DISCLAIMER W/PREDETER TXT	"LOUNGE BOUTIQUE"

PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
05/23/2022	CNSA	O	APPROVED FOR PUB - PRINCIPAL REGISTER	008
05/23/2022	XAEC	I	EXAMINER'S AMENDMENT ENTERED	007
05/23/2022	GNEN	O	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	006
05/23/2022	GNEA	F	EXAMINERS AMENDMENT E-MAILED	005
05/23/2022	CNEA	R	EXAMINERS AMENDMENT -WRITTEN	004
05/19/2022	DOCK	D	ASSIGNED TO EXAMINER	003
10/06/2021	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
08/21/2021	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	Jennifer Appelman Rackley
CORRESPONDENCE ADDRESS	JENNIFER APPELMAN RACKLEY LEGALZOOM LEGAL SERVICES 9900 SPECTRUM DRIVE AUSTIN, TX 78717
DOMESTIC REPRESENTATIVE	NONE

Cactus Lounge Boutique

To: Cactus Lounge Boutique LLC (tm@lzlegalservices.com)
Subject: U.S. Trademark Application Serial No. 90889180 - CACTUS LOUNGE BOUTIQUE - L549438913
Sent: May 23, 2022 04:18:06 PM
Sent As: ecom109@uspto.gov
Attachments:

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

U.S. Application Serial No. 90889180

Mark: CACTUS LOUNGE BOUTIQUE

Correspondence Address:

JENNIFER APPELMAN RACKLEY
LEGALZOOM LEGAL SERVICES
9900 SPECTRUM DRIVE
AUSTIN, TX 78717

Applicant: Cactus Lounge Boutique LLC

Reference/Docket No. L549438913

Correspondence Email Address:

tm@lzlegalservices.com

EXAMINER'S AMENDMENT

Issue date: **May 23, 2022**

USPTO database searched; no conflicting marks found. 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.

Application has been amended as shown below. As agreed to by Jennifer Rackley, Esq. on May 23, 2022, the examining attorney has amended the application as shown below. Please notify the examining attorney immediately of any objections. TMEP §707. Otherwise, no response is required. *Id.* In addition, applicant is advised that amendments to the goods and/or services are permitted only if they clarify or limit them; amendments that add to or broaden the scope of the goods and/or services are not permitted. 37 C.F.R. §2.71(a).

Disclaimer Statement Entered

The following disclaimer statement is added to the record:

No claim is made to the exclusive right to use "LOUNGE BOUTIQUE" apart from the mark as shown.

See 15 U.S.C. §1056(a); TMEP §§1213, 1213.03(c), 1213.08(a)(i).

/Heather D. Thompson/
Trademark Examining Attorney
Law Office 109

Tel: 571.272.9287

Email: heather.thompson1@uspto.gov

To: Cactus Lounge Boutique LLC (tm@lzlegalservices.com)
Subject: U.S. Trademark Application Serial No. 90889180 - CACTUS LOUNGE BOUTIQUE - L549438913
Sent: May 23, 2022 04:18:08 PM
Sent As: ecom109@uspto.gov
Attachments:

United States Patent and Trademark Office (USPTO)

USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued
on **May 23, 2022** for

U.S. Trademark Application Serial No. 90889180

A USPTO examining attorney has reviewed your trademark application and issued an Office action. You may be required to respond to this Office action. Follow the steps below.

- (1) **[Read the Office action.](#)** This email is NOT the Office action.
- (2) **Respond to the Office action, if a response is required.** Respond 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.

*** User:hthompson1 ***

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	1	0	1	1	0:01	90889180[SN]
02	304	N/A	0	0	0:02	*{"ck"}a{"ckqx"1:2}t{v}s*[bi,ti] not dead[ld]
03	1297	N/A	0	0	0:01	*loung*[bi,ti] not dead[ld]
04	1701	N/A	0	0	0:02	*boutique*[bi,ti] not dead[ld]
05	10	0	10	10	0:01	(2 and (3 4)) (3 and 4)
06	101	0	101	95	0:02	2 and "025"[cc]
07	37	0	37	37	P/0:01	(cactus cacti)[fm] not dead[ld]

Session started 5/20/2022 9:21:59 PM

Session finished 5/20/2022 9:45:27 PM

Total search duration 0 minutes 10 seconds

Session duration 23 minutes 28 seconds

Default NEAR limit=1ADJ limit=1

Sent to TICRS as Serial Number: 90889180

Cactus Lounge Boutique

CACTUS LOUNGE *boutique*



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Hotel Lobby Joggers

\$39.99

Size	Style
L	PINK LEOPARD
ADD TO CART	

The Hotel Lobby Joggers are the perfect mix of style and athleisure. Featuring an elastic waist with drawstring, tapered elastic at ankles, front side pockets, and an easy to move in fabrication.

95% Polyester

5% Spandex

Sizing Chart:

Small: 2-4

Medium: 6-8

Large: 10-12

XL: 13-14

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Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 90889180

Filing Date: 08/18/2021

NOTE: Data fields with the * are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.

The table below presents the data as entered.

Input Field	Entered
TEAS Plus	YES
MARK INFORMATION	
*MARK	Cactus Lounge Boutique
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	Cactus Lounge Boutique
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	Cactus Lounge Boutique LLC
*MAILING ADDRESS	305 Vineyard Town Center, # 265
*CITY	Morgan Hill
*STATE (Required for U.S. applicants)	California
*COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
*ZIP/POSTAL CODE (Required for U.S. and certain international addresses)	95037
*DOMICILE	XXXX
*EMAIL ADDRESS	XXXX
LEGAL ENTITY INFORMATION	
*TYPE	LIMITED LIABILITY COMPANY
*STATE/COUNTRY/REGION/JURISDICTION/U.S. TERRITORY WHERE LEGALLY ORGANIZED	California
GOODS AND/OR SERVICES AND BASIS INFORMATION	
*INTERNATIONAL CLASS	035
*IDENTIFICATION	On-line retail store services featuring apparel, gifts and jewelry ; Retail shops featuring apparel, gifts and jewelry

*FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 06/00/2018
FIRST USE IN COMMERCE DATE	At least as early as 06/00/2018
SPECIMEN FILE NAME(S)	
ORIGINAL PDF FILE	SPE0-209995566-2021081318 1405765078 . 549438913_035_S1.pdf
CONVERTED PDF FILE(S) (1 page)	\\TICRS\EXPORT18\IMAGEOUT18\908\891\90889180\xml1\FTK0003.JPG
SPECIMEN DESCRIPTION	screenshot of applicant's mark providing the services claimed
WEBPAGE URL	https://thecactuslounge.com/collections/lounge-wear/products/hotel-lobby-joggers
WEBPAGE DATE OF ACCESS	07/23/2021
ADDITIONAL STATEMENTS INFORMATION	
*TRANSLATION (if applicable)	
*TRANSLITERATION (if applicable)	
*CLAIMED PRIOR REGISTRATION (if applicable)	
*CONSENT (NAME/LIKENESS) (if applicable)	
*CONCURRENT USE CLAIM (if applicable)	
ATTORNEY INFORMATION	
NAME	Jennifer Appelman Rackley
ATTORNEY DOCKET NUMBER	L549438913
ATTORNEY BAR MEMBERSHIP NUMBER	XXX
YEAR OF ADMISSION	XXXX
U.S. STATE/ COMMONWEALTH/ TERRITORY	XX
FIRM NAME	Legalzoom Legal Services
STREET	9900 Spectrum Drive
CITY	Austin
STATE	Texas
COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
ZIP/POSTAL CODE	78717
PHONE	512-535-7819
EMAIL ADDRESS	tm@lzlegalservices.com
OTHER APPOINTED ATTORNEY	all other Legalzoom Legal Services attorneys
CORRESPONDENCE INFORMATION	
NAME	Jennifer Appelman Rackley
PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE	tm@lzlegalservices.com

SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)	NOT PROVIDED
FEE INFORMATION	
APPLICATION FILING OPTION	TEAS Plus
NUMBER OF CLASSES	1
APPLICATION FOR REGISTRATION PER CLASS	250
*TOTAL FEES DUE	250
*TOTAL FEES PAID	250
SIGNATURE INFORMATION	
* SIGNATURE	/Alyssa Wagner/
* SIGNATORY'S NAME	Alyssa Wagner
* SIGNATORY'S POSITION	Owner
SIGNATORY'S PHONE NUMBER	4087102182
* DATE SIGNED	08/16/2021
SIGNATURE METHOD	Sent to third party for signature

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 90889180

Filing Date: 08/18/2021

To the Commissioner for Trademarks:

MARK: Cactus Lounge Boutique (Standard Characters, see [mark](#))

The literal element of the mark consists of Cactus Lounge Boutique. The mark consists of standard characters, without claim to any particular font style, size, or color.

The applicant, Cactus Lounge Boutique LLC, a limited liability company legally organized under the laws of California, having an address of
305 Vineyard Town Center, # 265
Morgan Hill, California 95037
United States
XXXX

Domiciled at: XXXX

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 035: On-line retail store services featuring apparel, gifts and jewelry; Retail shops featuring apparel, gifts and jewelry

Use in Commerce: The applicant is using the mark in commerce on or in connection with the identified goods/services. The applicant attaches, or will later submit, one specimen as a JPG/PDF image file showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, regardless of whether the mark itself is in the standard character format or is a stylized or design mark. The specimen image file may be in color, and the image must be in color if color is being claimed as a feature of the mark.

In International Class 035, the mark was first used by the applicant or the applicant's related company or licensee predecessor in interest at least as early as 06/00/2018, and first used in commerce at least as early as 06/00/2018, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, consisting of a(n) screenshot of applicant's mark providing the services claimed.

Original PDF file:

[SPE0-209995566-2021081318 1405765078 . 549438913_03 5_S1.pdf](#)

Converted PDF file(s) (1 page)

[Specimen File1](#)

Webpage URL: <https://thecactuslounge.com/collections/lounge-wear/products/hotel-lobby-joggers>

Webpage Date of Access: 07/23/2021

The owner's/holder's proposed attorney information: Jennifer Appelman Rackley. Other appointed attorneys are all other Legalzoom Legal Services attorneys. Jennifer Appelman Rackley of Legalzoom Legal Services, is a member of the XX bar, admitted to the bar in XXXX, bar membership no. XXX, and the attorney(s) is located at

9900 Spectrum Drive

Austin, Texas 78717

United States

512-535-7819(phone)

tm@lzlegalservices.com

The docket/reference number is L549438913.

Jennifer Appelman Rackley submitted the following statement: The attorney of record is an active member in good standing of the bar of the highest court of a U.S. state, the District of Columbia, or any U.S. Commonwealth or territory.

The applicant's current Correspondence Information:

Jennifer Appelman Rackley

PRIMARY EMAIL FOR CORRESPONDENCE: tm@lzlegalservices.com

SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): NOT PROVIDED

Requirement for Email and Electronic Filing: I understand that a valid email address must be maintained by the applicant owner/holder and the applicant owner's/holder's attorney, if appointed, and that all official trademark correspondence must be submitted via the Trademark Electronic Application System (TEAS).

A fee payment in the amount of \$250 has been submitted with the application, representing payment for 1 class(es).

Declaration

Basis:

If the applicant is filing the application based on use in commerce under 15 U.S.C. § 1051(a):

- The signatory believes that the applicant is the owner of the trademark/service mark sought to be registered;
- The mark is in use in commerce and was in use in commerce as of the filing date of the application on or in connection with the goods/services in the application;
- The specimen(s) shows the mark as used on or in connection with the goods/services in the application and was used on or in connection with the goods/services in the application as of the application filing date; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

And/Or

If the applicant is filing the application based on an intent to use the mark in commerce under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e):

- The signatory believes that the applicant is entitled to use the mark in commerce;
 - The applicant has a bona fide intention to use the mark in commerce and had a bona fide intention to use the mark in commerce as of the application filing date on or in connection with the goods/services in the application; and
 - To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.
- To the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive.
- To the best of the signatory's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the allegations and other factual contentions made above have evidentiary support.
- The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Declaration Signature

Signature: /Alyssa Wagner/ Date: 08/16/2021

Signatory's Name: Alyssa Wagner

Signatory's Position: Owner

Signatory's Phone Number: 4087102182

Signature method: Sent to third party for signature

Payment Sale Number: 90889180

Payment Accounting Date: 08/18/2021

Serial Number: 90889180

Internet Transmission Date: Wed Aug 18 13:05:42 ET 2021

TEAS Stamp: USPTO/FTK-XXX.XX.XX.XX-20210818130542200

467-90889180-781782d79b1413a437750823d2d

613ebc6377f9578e91a9b22cb46322cd2d35-DA-

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Cactus Lounge Boutique

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Hotel Lobby Joggers

\$39.99

Size	Style
L	PINK LEOPARD
ADD TO CART	

The Hotel Lobby Joggers are the perfect mix of style and athleisure. Featuring an elastic waist with drawstring, tapered elastic at ankles, front side pockets, and an easy to move in fabrication.

95% Polyester

5% Spandex

Sizing Chart:

Small: 2-4

Medium: 6-8

Large: 10-12

XL: 13-14

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EXHIBIT 3

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May 19, 2023 • FASHION

Why Cactus Leather is the Hottest New Vegan Leather

Leather: the fashion must-have that just won't quit. Every season, it's back on the trend-watch lists and paraded on catwalks around the globe. For those who like the edgy yet sophisticated look of leather (*raises hand*), there used to be two choices: either reach for a petroleum-based "pleather" garment that would pollute the planet, or wear the skin of a tortured, violently killed animal..and still pollute the planet. As choices go, this one wasn't a winner.

But today, things have changed. These days, the term "leather" has come to encompass creations made from [pineapples](#), mushrooms, [cork](#), [apples](#), mangoes...and [cacti](#). That's right, the only plant you managed not to kill is more versatile than you think.

By [Sascha Camilli](#): writer, speaker, activist and vegan fashion expert.

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What is cactus leather and how is it made?

[Desserto's](#) cactus leather, the latest innovation in sustainable fashion, is a vegan leather made from the leaves of nopal cactus – a plant that grows abundantly in Mexico, without even needing any water (seems like a great option for those of us constantly killing our plants). In 2019, Mexican innovators Adrián López Velarde and Marte Cázarez debuted the material at Milan's leather fair Lineapelle – after two years of research to elevate the quality of their cactus leather to rival traditional leather.

The idea for harnessing the properties of the nopal cactus plant into a vegan leather came when the inventors observed the results of the plastic pollution crisis. The result is an organic and partially biodegradable material that is versatile enough to be used for fashion, furniture, and car interiors. "The positive impact on the environment that our cactus leather can have if incorporated into major production lines of

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different industries, may result in a 32 to 42 percent reduction in plastic waste, depending on the version of cactus leather that is incorporated, and about 20 percent savings in water consumption," the founders [have told FashionUnited](#).

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Now reading: Why Cactus Leather is the Hottest New



Why is cactus leather sustainable?

Choosing planet-friendly cactus leather is a viable alternative to both animal-derived leather and traditional vegan leathers, which can be made either from highly toxic PVC or slightly less harmful but still problematic polyurethane. Despite the issues that both these materials present, they are still less harmful to the environment than animal leather, due not only to the toxic chemicals emitted by the leather trade every year, but also to the [devastating effects](#) of raise animals on a large scale for human consumption. Desserto's material, which is made from an organic cactus formula, with a backing crafted from recycled polyester and recycled cotton, is kinder to both animals and the environment than animal skins and petroleum-derived plastics.

Recent innovations in the area of sustainably produced leather indicate that the market is moving further away from animal skins as well as plastic, and embracing plant-based solutions that originate in nature. Desserto [plans](#) to continue teaming up with forward-thinking companies, big and small, that wish to use its cactus leather –

rather than creating their own designs. "The fashion industry has inherent advantages such as creativity, its most iconic trait," the founders said to FashionUnited. "With the support of technologies and innovations, fashion has the talent, the networks, the financing and all the resources needed for transformation.

The industry has a lot to offer, but it's not always as different as it seems.

Now reading: Why Cactus Leather is the Hottest New

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








Where to buy cactus leather products?

Vegan brands are seizing the opportunity to be the first ones to pioneer cactus leather: French-chic label [Thalie](#) uses it for its exquisitely crafted handbags; [Bohema](#) use it alongside Pinatex and Grape Leather for their on-trend vegan footwear; Mexican brands [SENTIENT](#) and [Carmona Collection](#) champion local innovation by using cactus leather for their vegan bags and vegan shoes; and London-based vegan handbag brand LUXTRA also experiments with cactus leather.

"I choose to use cactus leather because it ticks the eco and aesthetic boxes," says LUXTRA founder Jessica Kruger. "The material has a beautiful finish and feels lovely

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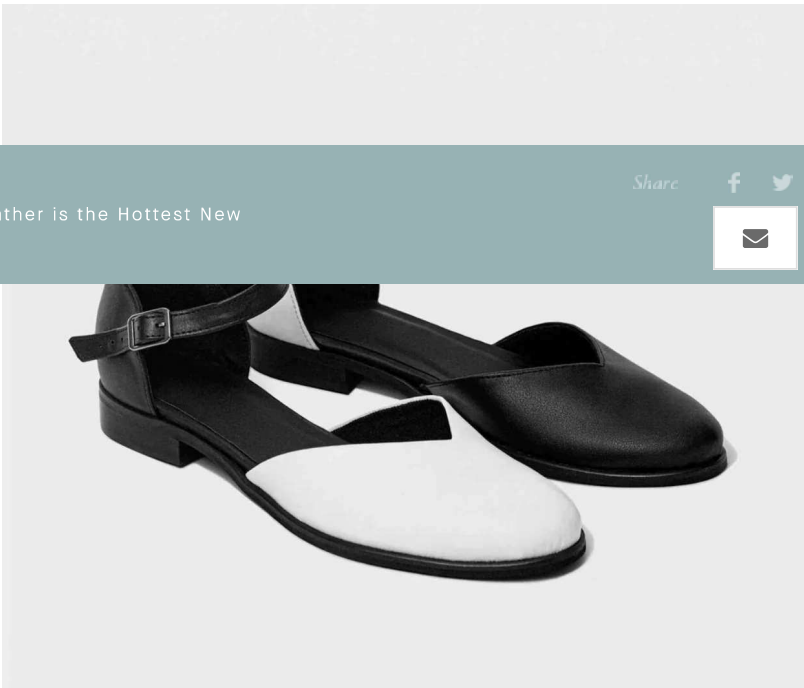
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Natalie Deana and Rebecca Joy from edgy accessory label [Frida Rome](#) agree: “We wanted to work with a vegan leather made from plants and free of PVC, and a supplier that is always working to improve its sustainable impact, which we believe to be the case with our supplier of cactus leather. Not only is it vegan, but its suppleness and the variants of textural finishes are the closest to animal leather that was available to a new brand like ours – and it’s one of the closest leather replicas on the market to date.”



Conscious material research is the future of fashion, and the fabrics of the future are vegan. Eco-friendly, animal-free, and loved by designers, cactus leather is here to stay. Keep watching this space.



By Sascha Camilli

Take a look at our stylish and sustainable [cactus leather bags and shoes collection](#) at Immaculate.

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Feature image by [Desserto](#)

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Written by Annick Ireland

			
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"A superb experience from beginning to end... I have three items, each high quality, beautifully presented... the first place I look for luxurious classic pieces for my wardrobe."

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Chic in Cacti: All New Cactus Leather Cases from OtterBox



NEWS PROVIDED BY

OtterBox →

09 Jan, 2024, 09:00 ET

-All lux, no 'yucks' with sustainably sourced material-

FORT COLLINS, Colo., Jan. 9, 2024 /PRNewswire/ -- OtterBox introduced its latest innovation today during the Consumer Electronics Show in Las Vegas - a new case using material that feels like leather but made from nopal cactus. Desserto[®] cactus leather-alternative is available exclusively from OtterBox to protect your phone and upgrade MagSafe wallets and Apple Watch Bands with a luxury material that is durable, cruelty-free and sustainable. Symmetry Series Cactus Leather is coming soon to otterbox.com and select retailers and carriers.



OtterBox introduced its latest innovation today during the Consumer Electronics Show in Las Vegas - a new case using material that feels like leather but made from nopal cactus.



Symmetry Series Cactus Leather Watch Band. is soft, comfortable and breathable - perfect for all day wear to elevate any outfit.



Symmetry Series Cactus Leather Wallet is designed to match each case and uses MagSafe to attach securely to the case.

"OtterBox knows innovation occurs within every aspect of designing a product, including the materials," said OtterBox CEO JC Richardson. "We've teamed up with Adriano di Marti to source this innovative cactus-based biomaterial that is durable, beautiful and sustainable to create a product unlike any other for both brands. These cases look good, feel good and you can feel good about using it, too."

Developed by Adriano di Marti, Desserto[®] is the world's first highly sustainable and environmentally friendly organic material made of Nopal cactus. This patented plant-based, soft touch material is used in clothing, footwear, purses and now OtterBox mobile accessories.

Nopal cacti are able to thrive in harsh conditions and do not need irrigation or constantly warm weather. The cacti support a biodiverse ecosystem and the Desserto[®] farm sequesters substantially more CO₂ than the farming process produces.² Plus, only mature leaves are harvested, allowing for regrowth of the cactus to be harvested again in six to eight months.

"Following an exhaustive development and engineering process, the organic content and performance stabilization of the material has been intelligently optimized to deliver the next generation in both biomaterials and sustainable efficiency," said Adrian Lopez Velarde, co-founder of Adriano di Marti.

Marte Cazarez, co-founder, added, "We appreciate having the opportunity to collaborate with the OtterBox project team to translate the goal of achieving the most sustainable and technically advanced material into a unique designed solution."

Symmetry Series Cactus Leather provides quiet luxury with the protection of OtterBox case technology. Crafted from rich, resilient cactus leather-alternative, this case is built to defy drops and withstand wear, scuffs and

stains. Symmetry Series Cactus Leather may have a lux look, but still has a 3X MIL-STD drop protection rating.

Accessorize this beautiful new case with a Symmetry Series Cactus Leather Wallet. This wallet is designed to match each case and uses MagSafe to attach securely to the case. The wallet attachment folds away from the case to easily facilitate MagSafe charging. Completing the collection is the Symmetry Series Cactus Leather Watch Band. The watch band is soft, comfortable and breathable – perfect for all day wear to elevate any outfit.

OtterBox Symmetry Series Cactus Leather cases are coming soon to [otterbox.com](https://www.otterbox.com).

About OtterBox:

From humble beginnings in a Fort Collins, Colo. garage, OtterBox now leverages more than 25 years of engineering and design expertise to develop protective products for all things mobile. It's no surprise that OtterBox is the #1 most trusted smartphone case brand in the U.S. From ultra-rugged to sleek and stylish, OtterBox has you covered.

Protect it. Style it. OtterBox it.

At the center of every OtterBox innovation is a deeper goal to affect positive, lasting change. In partnership with the OtterCares Foundation, OtterBox gives back by inspiring kids to change the world through entrepreneurship and philanthropy. To learn more about this mission, visit [otterbox.com/givingback](https://www.otterbox.com/givingback).

For more information, visit [otterbox.com](https://www.otterbox.com).

¹Symmetry Series Cactus Leather is NOT protective against water. Will provide added protection against drops and shock.

² From the 14 acres at the Desserto[®] cacti farm, 8,100 tons of CO₂/year is absorbed while the farm only generates 15.30 tons of CO₂ annually.

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EXHIBIT 4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Applicant : Meadow Creek Spirits, LLC
Mark : CACTI
Serial No. : 90/096,173
Application Filing Date : August 06, 2020

DECLARATION OF JACQUES BERMON WEBSTER II

I, Jacques Bermon Webster II pka Travis Scott (“**Travis Scott**”) in my capacity as principal of Meadow Creek Spirits, LLC (“**Applicant**”) hereby declare the following:

Meadow Creek Spirits, LLC is the owner of the above referenced trademark applications in U.S. Serial No. 90/096,173 (“**Application**”) with the United States Patent and Trademark Office for the mark **CACTI** (“**Mark**”).

Enclosed as evidence in support of registration are true and correct webpage printouts that show the date of access and their source, including the complete URL for each of the below referenced exhibits.

Applicant is also the owner of the recently registered standard character mark **CACTI** in U.S. Registration No. 7/109,560 for “*Alcoholic beverages except beers; Hard seltzer; Flavored malt-based alcoholic beverages, excluding beers*” in International Class 033. (**Exhibit A**)

I am professionally known as Travis Scott. I started my career as a rapper, singer, songwriter, and record producer in 2008. I am also an entrepreneur and I have embarked on various business undertakings in multiple industries, including the fashion and alcoholic beverages industries (amongst others).

I have gained extensive mainstream media exposure as a musical artist throughout the years and through various business ventures with notorious companies such as *Nike, McDonald’s, and Dior*. So much so that *Forbes* magazine has found me to be a “*cultural icon*” with an “*enormous cultural following*” and “*arguably the most vital rapper in the world*” with an “*enormous cultural following*” and “*cultural icon*.” (**Exhibit B**) In a study released by *Complex* in 2021 of people aged 18 to 34 across the United States, I was named the “*most influential*” person for youth culture. (**Exhibit C**)

As a result of my various undertakings, I have cultivated a multi-million-person fan base. My [official TikTok](#) account created in or around July 2020, has more than 17 billion views. My official [YouTube channel](#) has nearly 8 billion views and 16.5 million subscribers. I have more than 49 million followers on [Instagram](#) – making me, per *Billboard*, number six of the top ten most followed rappers on Instagram. I also have approximately 21.2 million followers on [Spotify](#) and well over 36 million monthly listeners. My music has more than 2 billion streams on [SoundCloud](#). (**Exhibit D**)

I am the principal of Cactus Jack Publishing, LLC, which is the owner of U.S. Registration Nos. 5807362, 5747382, and 6102825 for the mark **CACTUS JACK** which cover in relevant part articles of clothing in International Class 025. (**Exhibit E**)

I am publicly known as “Cactus Jack” and am recognized as such by the mainstream media and general consuming public. In addition, I have nearly 4 million followers on Instagram under the @cactusjack handle. (**Exhibit F**)

My Cactus Jack moniker is so well-known that when I collaborated with McDonald’s to release my favorite meal at its popular fast-food restaurants nationwide from September 8 – October 4, 2020, the general public ordered my limited-edition meal known as the “Travis Scott Meal” or “Cactus Jack Meal” *en masse* by saying “Cactus Jack sent me” – so much so that some of its restaurants temporarily ran out of ingredients in the meal. (**Exhibit G**) Upon information and belief, McDonald’s serves nearly 25 million customers in the United States *every day*. (**Exhibit H**) While my limited-edition meal was available, McDonald’s customer facing employees wore custom apparel I designed bearing the CACTUS JACK mark. My limited-edition meal increased McDonald’s profits by 4.8% compared to the previous year despite the pandemic. (**Exhibit I**)

I coined and adopted “Cacti” as a play on my well-known nickname “Cactus Jack” for use in connection with alcoholic beverages and articles of clothing identified in the Application. I am regularly in the media and have publicly worn different clothing items bearing CACTI and CACTUS JACK on various occasions at the *same* time. Applicant’s Instagram account under its @CACTI handle has more than 605,000 followers and each of its posts have been widely exposed to a significant number of the relevant public, some of which have several million public views. (**Exhibit J**) I have also used social media such as my Instagram account under the @travisscott handle to promote and advertise for both CACTI and CACTUS JACK for various items of clothing.

The CACTI mark identifies and is unmistakably associated with my persona Travis Scott as a particular living individual, and consumers irrefutably identify and associate my persona as such. Accordingly, I consent to the use and the registration of my name in the subject Application.

Ample unsolicited media coverage actually references, identifies, or associates me with the Mark for the clothing items listed in the Application. For example, an article from *Complex* published on July 20, 2021, is titled “*Travis Scott’s CACTI Links With Uber Eats to Give Fans Chance to Bag Merch*” and specifically identifies the merchandise as shirts. (**Exhibit K**) Another article from *EliteDaily* also published on July 20, 2021, is titled “*You Can Win Exclusive Travis Scott Cacti Merch on Uber Eats*” and also identifies shirts as the merchandise in question. (**Exhibit L**) Yet even another article published on the same day from *Fansided* is titled “*Uber Eats and Travis Scott’s Cacti Offer Exclusive Merchandise*” for shirts and expressly references the “*Travis Scott connection.*” (**Exhibit M**) The backs of the subject shirts are adorned with a note *handwritten* by me, which clearly establishes that CACTI as used in connection with clothing points uniquely to me and would be recognized or presumed as such by consumers.

As additional evidence to corroborate that relevant consumers reference, identify, and actually associate the Mark with me for both clothing and alcoholic beverages are the below enclosed online news articles

from reputable and widely disseminated sources. Notably, most of the below third-party articles reference or mention “Cactus Jack” in some manner.

1. “When the general public first became aware of **CACTI** back in July 2020, there was no indication that it was **Travis Scott**’s new alcoholic beverage. In fact, many outlets assumed that **CACTI** was a clothing line separate from his ever-increasing merch output.” Complex (March 15, 2021) – [The Story Behind **CACTI**, Travis Scott’s New Spiked Seltzer](#) (Exhibit N)
2. A picture of me captured from my @travisscott Instagram account wearing a **CACTI** hat with nearly 1.5 million likes while announcing the release of **CACTI** alcoholic beverages. NME (December 19, 2020) – [Travis Scott to release his own alcoholic beverage, **Cacti**](#) (Exhibit O)
3. “**Travis Scott** is partnering with Anheuser-Busch on a new agave-spiked seltzer called **Cacti**, bringing yet another label to the crowded spiked seltzer market. [...] Scott, whose record label is called **Cactus Jack**, says the seltzer — made with blue agave from Mexico — was inspired by his love of tequila. It will come in lime, pineapple and strawberry flavors.” CNN Business (December 21, 2020) – [Travis Scott’s new ‘**Cacti**’ agave spiked seltzer set to hit stores in 2021](#) (Exhibit P)
4. “**Scott** worked with his **Cactus Jack** Creative Team and Anheuser-Busch to develop **Cacti**. According to the press release, the team hopes to bring Scott’s “signature (out of this world) aesthetic and creative narrative to life in the beverage space.” VinePair (December 2020) – [Here Are All The Details About **Cacti**, Travis Scott’s Hard Seltzer](#) (Exhibit Q)
5. “**CACTI** is something I’m really proud of and have put a ton of work into, Scott told Complex.” KOMONEWS (February, 2021) – [Travis Scott announces ‘**Cacti**’ Seltzer release date](#) (Exhibit R)
6. “The rapper was inspired by tequila, his drink of choice, when creating **Cacti** Agave Spiked Seltzer, which launches in the spring”. Billboard (February 2021) – [Travis Scott Launches **Cacti** Brand & New Alcoholic Beverage: Here’s When it Hits Shelves](#) (Exhibit S)
7. “**CACTI** is something I’m really proud of and have put a ton of work into. Me and the team really went in, not only on getting the flavor right, but on thousands of creative protos on everything from the actual beverage, to the can concept, to the packaging and how it is presented to the world,” says Scott in an official statement. Forbes (March 2021) – [Travis Scott has officially announced his hard seltzer line **CACTI**](#). (Exhibit T)
8. “The rapper, 28, showcased his new **CACTI** Agave Spiked Seltzer in a commercial during the 2021 Grammys on Sunday night. **Scott** announced the new endeavor back in December, and the seltzer officially launched with nationwide availability starting on Monday.” People (March 2021) – [Travis Scott Launches his new Hard Seltzer in 3 Flavors: ‘I’m Excited for Everyone to Experience It!’](#) (Exhibit U)
9. “Diamond certified recording artist, songwriter, producer, fashion mogul and overall creative force, **Travis Scott** is set to release his newest venture **CACTI**™ Agave Spiked Seltzer nationwide tomorrow as a founder with America’s leading brewer”, Brewbound (March 2021) – [Anheuser-Busch and Travis Scott Launch **Cacti** Agave Spiked Seltzer](#) (Exhibit V)
10. “**CACTI** reports the hard seltzer has outperformed the launch of major hard seltzers and secured the highest first-week rate of sale for a variety pack in Anheuser-Busch history”. Forbes (March 2021) – [Travis Scott’s **CACTI** Eclipses Hard Seltzer Giants in First Week of Sales](#) (Exhibit W)
11. “After a nationwide launch in over 20,000 locations, **Travis Scott**’s **CACTI** Agave Spiked Seltzer sold out in under 24 hours. According to a report, “thousands of locations” saw their stocks instantly depleted by fans of La Flame.” Hypebeast (March 2021) – [Travis Scott’s **CACTI** Agave Spiked Seltzer Sold Out in Under 24 Hours](#) (Exhibit X)

12. *“Travis Scott's golden touch continues ... with his **Cacti** spiked seltzers flying off shelves and raising the bar for beverage debuts in the category”*. TMZ (March 2021) – [Travis Scott Spiked Seltzer Sales Are Lit!!! Massive Debut Week](#) (Exhibit Y)
13. *“Anheuser-Busch CEO Michel Doukeris told CNBC Wednesday on Closing Bell that **Cacti** Agave Spiked Seltzer sold out online and that physical retailers are reporting strong sales as well. “Several of them are saying that they have never seen anything like this before: sold out within one day. We are ramping up now production and delivery because we sold out completely yesterday.”* Black Enterprise (March 2021) – [Travis Scott's Hard Seltzer Cacti 'Sold Out Completely' in One Day](#) (Exhibit Z)
14. *“No surprise — **Travis Scott's CACTI** Agave Spiked Seltzer has sold out. The “Sicko Mode” rapper's hard seltzer creation in collaboration with Anheuser-Busch was released earlier this week. US Weekly reported that after CACTI was released nationwide in 20,000 stores on Monday — 24 hours later — many locations said they had sold out of the beverage”*. Revolt (March 2021) – [Travis Scott's Fans are Reselling his Sold Out Cacti Spiked Seltzer](#) (Exhibit AA)
15. *“Doukeris said Anheuser-Busch worked closely with **Scott**, who uses the nickname “**Cactus Jack**,” on the creation of the hard seltzer. “He was super hands-on on the development of the product itself: the flavors, the logo,” said Doukeris. Scott also helped to create the commercial promoting **Cacti** that aired during the Grammy Awards show Sunday, the company said.”* CNBC (March 2021) – [Anheuser-Busch CEO says Travis Scott-backed Cacti hard seltzer sold out after debut this week](#) (Exhibit BB)
16. *“[...] it came as no surprise that his loyal legion flocked to stores around the country to raid shelves after **Scott** decided to get in on the hard seltzer game with the release of **Cacti**, which managed to sell out in less than a day after being released this week (although Anheuser-Busch has promised another drop is coming soon.)”*. Brobible (March 2021) – [Does Travis Scott's New 'Cacti' Hard Seltzer Live Up to the Hype? We Tried it to Find out How Lit it is.](#) (Exhibit CC)
17. *“**Travis Scott's** spiked seltzer brand **CACTI** is already off to a great start sales-wise, outperforming both **VIZZY** and **Coors** in terms of seltzers marketshare. After launching the brand of drinks just over two weeks ago, **CACTI** broke into the top 5 of the seltzer category in sales with a 3.2 percent marketshare”* Yahoo (March 2021) – [Travis Scott's Spiked Seltzer CACTI Landed a Huge Debut Week](#) (Exhibit DD)
18. Streogum (March 2021) – [Taste-Testing Travis Scott's CACTI Agave Spiked Seltzer](#) (Exhibit EE)
19. *“CACTI, Travis Scott's new agave spiked seltzer, launched earlier this week following the debut of a new Eric Andre-featuring TV spot that aired during the 63rd Annual Grammy Awards”*. Yahoo (March 2021) – [Travis Scott's new CACTI Spiked Seltzer sold out in multiple location sin under 24 hours](#) (Exhibit FF)
20. *“Finally getting **CACTI** out into the world and into the hands of fans is a surreal moment for me and the team,” said **Travis Scott**. “This has been something I had a strong vision for and have wanted to do for a while”*. VMAN (March 2021) – [Where to buy Travis Scott's Cacti hard seltzers](#) (Exhibit GG)
21. Streogum (March 2021) – [Taste-Testing Travis Scott's CACTI Agave Spiked Seltzer](#) (Exhibit HH)
22. NECPS (March 2021) – [Exploring Travis Scott's Fascination with Cacti: How the prickly plants have become a major part of his life and art](#) (Exhibit II)
23. *“But **Travis Scott** has never been deterred by stiff competition, and much like he's risen to the top of the also-crowded hip-hop world, so is he seeking to do it with seltzer. **Cacti**, his new hard seltzer offering, is already making a big splash, bringing a 7% ABV and agave-sweetened*

goodness to seltzer shelves nationwide”. Mashed (March 2021) – [The Truth About Travis Scott’s CACTI Spiked Seltzer](#) (Exhibit JJ)

24. “**Travis Scott** is as big as most any brand out there. He’s dominating the hip-hop space, burning up the streetwear scene with his **Cactus Jack** label, making moves in the virtual world, and he’s even dabbled in the fast-food universe. So it should come as a surprise to absolutely nobody that now Scott is lending his dusty desert aesthetic to a spiked seltzer — another extremely popular cultural fixture. **CACTI**” UPROXX (April 2021) – [A Full Review Of CACTI, Travis Scott’s Agave Spiked Seltzer](#) (Exhibit KK)
25. “Enter rapper-producer-amorphous-brand-ambassador **Travis Scott**. Having embarked on ventures with major corporations like McDonald’s, General Mills, and Nike, Scott has now cashed in on the hard seltzer craze with **Cacti**, an Anheuser-Busch concoction of his own creation.” Rolling Stone (April 2021) – [Travis Scott’s Cacti Seltzer and the Long History of Hip-Hop Beverages](#) (Exhibit LL)
26. Two pictures of me wearing a **CACTI** hat and holding two Cacti seltzer while promoting my brand **CACTI** in Los Angeles Daily Mail (April 2021) – [Travis Scott dons wild guzzler cowboy hat to promote Cacti in LA... as his hard seltzer brand boasts MASSIVE first week sales](#) (Exhibit MM)
27. Hypebeast (April 2021) – [Travis Scott Launches CACTI College Ambassador Program](#) (Exhibit NN)
28. “**Travis Scott** is taking his **CACTI Spiked Seltzer** brand to the next level! The “Wake Up” rapper announced today that he is releasing 100 signed cans of his popular boozy beverage. In addition to sporting Scott’s signature, these special cans will also unlock two tickets to the sold out 2021 Astroworld Festival, which the Grammy nominee is headlining in Texas in November”. Food Network (June 2021) – [Travis Scott Sends Fans on a Hunt for CACTI Spiked Seltzer “Golden Tickets”](#) (Exhibit OO)
29. AdWeek (July 2021) – [Travis Scott’s Cacti Takes Over Miami as Hard Seltzer Faces Competition from Canned Cocktails](#) (Exhibit PP)
30. Daily Mail (July 2021) – [Travis Scott drew a big crowd while promoting his Cacti spiked seltzer in Miami on Friday](#) (Exhibit QQ)

Although the Application was filed on an intent to use basis, Applicant has made actual use of the Mark in United States commerce in connection with several articles of clothing listed in the Application including t-shirts, shirts, long-sleeved shirts, sweatshirts, hooded sweatshirts, shorts, sweat pants, jackets, socks, and headwear since at least as early as March 15, 2021. The CACTI mark appears on the foregoing clothing items themselves and either on the product packaging or label. The foregoing clothing items (and other merchandise) have been sold to consumers via Applicant’s website at <https://shop.drinkcacti.com/> and distributed as promotional items to consumers in different states (amongst other channels of trade). Attached is a specimen of use from StockX.com which show Applicant’s current use of the mark in commerce (Exhibit RR).

Furthermore, Applicant’s substantial financial expenditures, time, and promotional efforts have resulted in over \$2,497,000 in gross sales of clothing since 2021.

Applicant’s extensive sales volume, noteworthy and unsolicited news coverage, and its own use of the CACTI mark demonstrate that in the minds of relevant consumers, the commercial impression of the CACTI mark is inextricably connected to me.

The foregoing evidence also demonstrates that consumers would come to make the connection between CACTI and CACTUS JACK based in part on the repeated association of the mark CACTI with my public persona as Travis Scott.

In addition, I am unaware of any instances of actual confusion, or of any evidence to indicate that actual confusion has ever existed between Applicant's use of its CACTI mark and Cactus Footwear, Inc.'s use of the CACTUS mark, or any other mark incorporating "CACTUS". Applicant has never received any communication from Cactus Footwear, Inc., or from any third party contending that Applicant's use of its Mark has caused confusion with regard to any other person or entity which uses or incorporates "CACTUS" in its mark in any way. Applicant has never received any communication from consumers or any third party inquiring as to whether Applicant is in any way affiliated, sponsored, or endorsed with Cactus Footwear, Inc.

The undersigned declares that he is authorized to execute this Declaration on behalf of Applicant, that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and that the signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom.

Date: 9/20/2023

Jacques Bermon Webster II aka Travis Scott
Principal
Meadow Creek Spirits, LLC

/ Jacques Bermon Webster II /