

# **EXHIBIT B**

TRADEMARK

ATTORNEY DOCKET NO.: \_\_\_\_\_

The Patent and Trademark Office date stamp sets forth the receipt date (or both the receipt date and the Serial No.) of:

Applicant, Registrant, Parties Biocentix, Inc.

No. (Application, Registration, Cancellation, Opposition) \_\_\_\_\_

Filing or Registration Date \_\_\_\_\_

Mark MD FORMULATIONS 3 Design

- Trademark Application     Specimen     Drawing
- Response
- Assignment
- Amendment to Allege Use     Specimen
- Statement of Use     Specimen
- Sec. 8 Decl.     Sec. 15 Decl.     Specimen
- Renewal Application     Specimen
- Opposition     Cancellation
- Request for Extension
- Check \$ 325
- Other \_\_\_\_\_



05-08-2002

U.S. Patent & TMO/TM Mail Rpt Dt. #67

Atty/Sec. MDK Client/ Matter Name Bare - USTM: MD FORMULATIONS 3 Design (203) Date 5/8/02

**SHEPPARD MULLIN**  
SHEPPARD MULLIN RICHTER & HAMPTON LLP  
ATTORNEYS AT LAW

SEVENTEENTH FLOOR  
FOUR EMBARCADERO CENTER  
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WWW.SHEPPARDMULLIN.COM

(415) 774-2953  
mkahn@smrh.com

42E-76968

May 8, 2002

**BOX: NEW APP FEE**

Hon. Assist. Commissioner of Trademarks  
United States Patent & Trademark Office  
2900 Crystal Drive  
Arlington, VA 22202-3513

Re: Use Application for the Trademark MD FORMULATIONS & Design  
In the name of Bare Escentuals, Inc.  
Our Ref. No.: 42E-76968

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Dear Sir:

Enclosed for filing with the Patent and Trademark Office is an application for the mark MD FORMULATIONS & Design based upon actual use, together with three specimens showing the mark as used.

Our filing fee of \$325.00 to cover the statutory filing fee is enclosed. Please charge any additional fees or charges to our deposit account No. 501395.

Very truly yours,



Michelle D. Kahn

for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

WORD-SFFKM61317306.1  
Enclosures

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
TRADEMARK EXAMINING OPERATION

Mark: MD FORMULATIONS & Design

International Class: 3

Box NEW APP - FEE  
Hon. Assist. Commissioner of Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

Sir:

Applicant, Bioceutix, Inc., is a California corporation having a principal place of business at 425 Bush Street, 3<sup>rd</sup> Floor, San Francisco, CA 94108.

Applicant requests registration of the above-identified trademark shown in the accompanying drawing in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. 1051 et. seq., as amended) for:

Skin care products; namely, moisturizers, cleansers, sunscreen preparations, lip balms, and dead skin removing gels.

Applicant is using the mark in commerce on or in connection with the above identified goods. (15 U.S.C. §1051(a), as amended). Three specimens showing the mark as used in commerce are submitted with this application.

The mark was first used anywhere at least as early as January, 2002, and was first used in interstate commerce at least as early as January, 2002. The mark is still used in interstate commerce.

The mark is used on the goods, packaging for the goods and in other means customary to the trade.

DECLARATION

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that she is properly authorized to execute this application on behalf of the applicant; she believes the applicant to be the owner of the trademark sought to be registered, or, if the application is being filed under 15 U.S.C. 1051(a), she believes applicant to be entitled to use such mark in commerce; to the best of her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of her own knowledge are true and all statements made on information and belief are believed to be true.

Biocentix, Inc.

Dated:

9/29/02

By:



Leslie A. Blodgett  
President and Chief Executive Officer

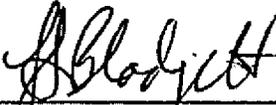
POWER OF ATTORNEY

Applicant hereby appoints SHEPPARD, MULLIN, RICHTER & HAMPTON LLP., a firm including Michelle D. Kahn and Michelle MacKenzie, members of the State Bar of California, with full power of substitution and revocation, to prosecute this application, to make alterations and amendments thereto, to receive the Certificate of Registration and to transact all business in the Patent and Trademark Office connected therewith.

Please direct all communications to:

Michelle D. Kahn  
SHEPPARD, MULLIN, RICHTER & HAMPTON LLP  
Four Embarcadero, 17<sup>th</sup> Floor  
San Francisco, CA 94111  
(415) 434-9100

Signed this 21 day of April, 2002, at San Francisco, California.

By:   
Leslie A. Blodgett  
President and Chief Executive Officer

Biocutix, Inc.  
425 Bush Street, 3<sup>rd</sup> Floor  
San Francisco, CA 94108

International Class: 3

Goods: Skin care products; namely, moisturizers, cleansers, sunscreen preparations, lip balms, and dead skin removing gels.

First Use Anywhere: January, 2002

First Use in  
Interstate Commerce: January, 2002

md formulations

CERTIFICATE OF EXPRESS MAIL UNDER 37 CFR 1.10

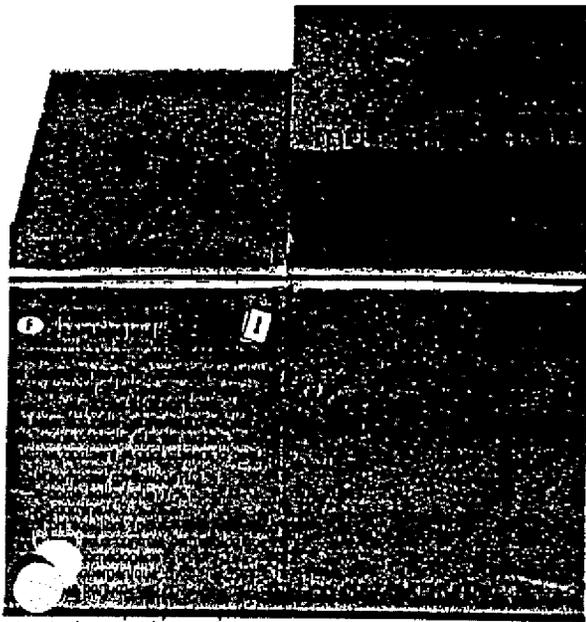
EK234599677US

"Express Mail" Mailing Label Number: \_\_\_\_\_

Date of Deposit: May 8, 2002.

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Asst. Commissioner of Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513.

Summer Spano  
Summer Spano



deux. Appliquez une faible quantité de produit sur le visage et le cou en évitant le contour des yeux. Laissez sécher pendant 10 à 15 minutes. Puis, rincez à l'eau tiède et séchez en tapotant à l'aide d'une serviette propre. Utilisez 1 à 2 fois par semaine.

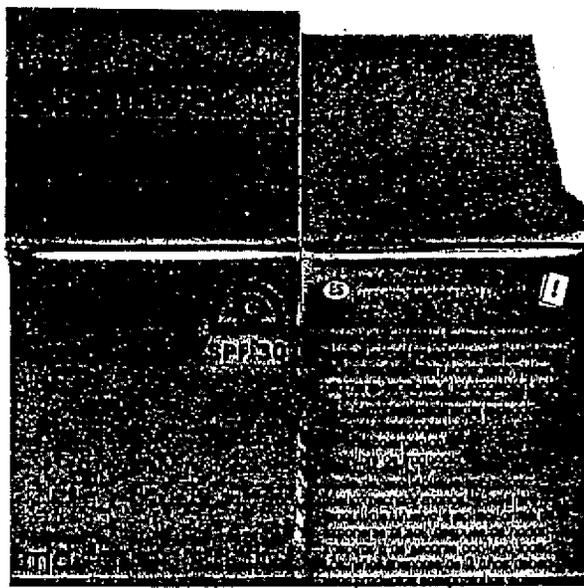
**Précautions d'emploi:** À usage externe uniquement. Éviter tout contact avec les yeux. En cas d'irritation, rincer abondamment. Interrompre l'utilisation du produit et consulter un médecin. Utilisez un écran solaire SPF 15 (ou d'indice supérieur) afin d'éviter tout risque de photosensibilisation.

## VIT[A]PLUS

**firming treatment masque**  
rejuvenates and renews  
all skin types  
contains alpha retinyl complex

**masque de soin raffermissant**  
affermissant  
régénère et répare  
tout type de peau  
contient un complexe  
alpha rétinyl

75 ml (2.5 fl. oz.)

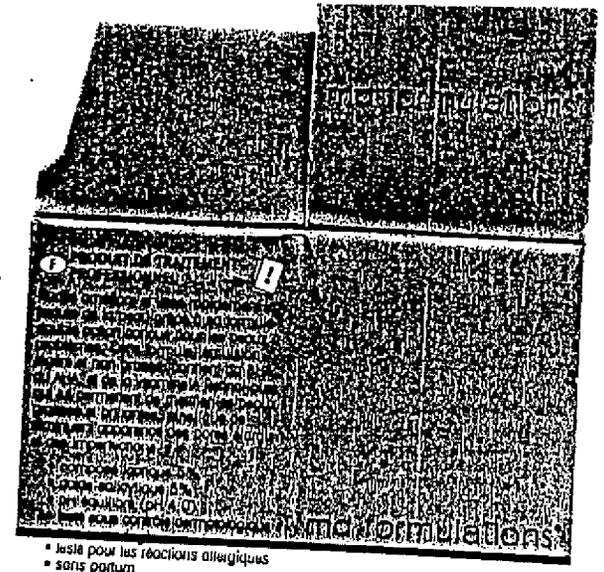


## SUN

**total protector 30**  
maximum daily protection  
all skin types • all weather

**écran total protection 30**  
protection maximale de jour  
tout type de peau • tout climat

75 ml (2.5 fl. oz.)



• Juste pour les réactions allergiques  
• sans parfum

**Utilisation:** Après le démaquillage, appliquer le produit sur les zones à traiter deux fois par jour. En cas de sensibilité au produit, réduire le traitement à une seule application par jour.

**Précautions d'emploi:** Pour usage externe uniquement. Éviter le contact avec les yeux. En cas d'irritation, rincer l'endroit affecté, interrompre l'utilisation du produit et consulter un médecin. Utilisez un filtre solaire SPF 15 ou plus puissant pour éviter d'accroître la sensibilité au soleil.

## VIT[A]PLUS

**clearing complex**  
clears, smooths  
and relaxes  
problem-prone skin

**complexe purifiant**  
purifie, lisse et renouvelle  
la texture de la peau  
pour peaux à problèmes

30 ml (1 fl. oz.)

TRADEMARK  
ATTORNEY DOCKET NO.: \_\_\_\_\_

The Patent and Trademark Office date stamp sets forth the receipt date (or both the receipt date and the Serial No.) of:

Applicant, Registrant, Parties Bioceutix, Inc.

(Application, Registration, Cancellation, Opposition) \_\_\_\_\_

Filing or Registration Date \_\_\_\_\_

Mark MD FORMULATIONS & Design

- Trademark Application
- Specimen
- Drawing
- Response
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- Amendment to Allege Use
- Statement of Use
- Sec. 8 Decl.
- Renewal Application
- Opposition
- Request for Extension
- Check \$ 325
- Other \_\_\_\_\_

Atty./Sec. Initials MDK Client/Matter Name Bare - USTM: MD FORMULATIONS & Design (203) Date 5/8/02

ENDOR NO. U.S. PA ; U.S. Patent and Trademark      CHECK NO. 449524      DATE 05/07/02

INVOICE DATE	INVOICE NUMBER	DESCRIPTION	LEDGER ACCOUNT	MATTER NUMBER	CHARGE AMOUNT
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		Use Application Filing Fee for "MD Formulations & Design"	01.07.040.021	42E-76968	325
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SHEPPARD MULLIN RICHTER & HAMPTON LLP  
LOS ANGELES, CA 90071

**TOTAL AMOUNT** 325

THIS CHECK MUST HAVE A LARGE, FAINT IMAGE OF THE LAW FIRM'S LOGO SUPERIMPOSED OVER A FADING PATTERN OF THE LAW FIRM'S NAME AND A BLEED THROUGH CHECK NUMBER.



ATTORNEYS AT LAW  
Forty-Eighth Floor  
333 South Hope Street  
Los Angeles, CA 90071  
Telephone 213•620•1780

BANK OF AMERICA NT & SA  
Los Angeles Regional Commercial  
Banking Office 1459  
525 S. Flower Street • Los Angeles, CA 90071

16-66  
1220

This check number must bleed through to back side.  
CHECK NO. **449524**

DATE May 7, 2002

VOID AFTER 90 DAYS

PAY Three Hundred Twenty Five & 0/100\*\*\*\*\*

\$ 325.00

SHEPPARD MULLIN RICHTER & HAMPTON LLP  
GENERAL ACCOUNT

*Martha Kenney*

TO THE ORDER OF U.S. Patent and Trademark Office

FILING RECEIPT FOR TRADEMARK APPLICATION

Page 01 of 01

Jun 6, 2002

Receipt on the DATE OF FILING of the application for registration and filing fees is acknowledged for the mark identified below. The DATE OF FILING is contingent upon the collection of any payment made by check or draft. Your application will be considered in the order in which it was received and you will be notified as to the examination thereof. Action on the merits should be expected from the Patent and Trademark Office in approximately 06 months from the filing date. When inquiring about this application, include the SERIAL NUMBER, DATE OF FILING, OWNER NAME, and MARK.

MICHELLE D. KAHN  
SHEPPARD, MULLIN, RICHTER & HAMPTON LLP  
FOUR EMBARCADERO, 17TH FLOOR  
SAN FRANCISCO, CA 94111

ATTORNEY  
REFERENCE NUMBER  
42E-76968

**PLEASE REVIEW THE ACCURACY OF THE FILING RECEIPT DATA.**

A request for correction to the filing receipt should be submitted within 30 days to the following address: ASSISTANT COMMISSIONER FOR TRADEMARKS, 2900 CRYSTAL DRIVE, ARLINGTON, VIRGINIA 22202-3513. The correspondence should be marked to the attention of the Preexamination File Receipt Section. Or fax a request to 703-308-9096. The Patent and Trademark Office will review the request and make corrections when appropriate.

SERIAL NUMBER: 76/405006  
FILING DATE: May 8, 2002  
REGISTER: Principal  
LAW OFFICE:  
MARK: MD FORMULATIONS  
MARK TYPE(S): Trademark  
DRAWING TYPE: Stylized words, letters, or numbers  
FILING BASIS: Sect. 1(a) (Use in Commerce)

ATTORNEY: Michelle D. Kahn

OWNER: Biocetix, Inc. (CALIFORNIA, Corporation)  
425 Bush Street, 3rd Floor  
San Francisco, CALIFORNIA 94108

FOR: Skin care products; namely, moisturizers, cleansers, sunscreen preparations, lip balms, and dead skin removing gels

INT. CLASS: 003

FIRST USE: Jan 2002

USE IN COMMERCE: Jan 2002

ALL OF THE GOODS/SERVICES IN EACH CLASS ARE LISTED

May 28, 2003

Commissioner for Trademarks  
2800 Crystal Drive  
Arlington, VA 22202-3513  
www.uspto.gov

## NOTICE OF PUBLICATION UNDER 12(a)

- |                                      |   |
|--------------------------------------|---|
| 1. Serial No.:<br>76/405,006         | 2. Mark:<br>MD FORMULATIONS<br>(Stylized) |
| 3. International Class(es):<br>3     |   |
| 4. Publication Date:<br>Jun 17, 2003 | 5. Applicant:<br>Bioceutix, Inc.          |

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the Official Gazette on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filed within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a certificate of registration.

Copies of the trademark portion of the Official Gazette containing the publication of the mark may be obtained from:

The Superintendent of Documents  
U.S. Government Printing Office  
PO Box 371954  
Pittsburgh, PA 15250-7954  
Phone: (202)512-1800

By direction of the Commissioner.