

~TRADEMARK/SERVICE MARK ALLEGATION OF USE (15 U.S.C. § 1051(c) or (d))~

NOTE: The following form complies with the provisions of the Trademark Law Treaty Implementation Act (TLTIA). Do NOT submit this form prior to October 30, 1999, the effective date of TLTIA.

WHEN TO FILE: Before the USPTO will register a mark that was based upon applicant's bona fide intention to use the mark in commerce, the owner must (1) use the mark in commerce; and (2) file an Allegation of Use. The Allegation of Use can only be filed either **on or before** the day the examining attorney approves the mark for publication in the *Official Gazette*; or **on or after** the day the Notice of Allowance is issued. If the Allegation of Use is filed *between* those periods, it will be returned. To avoid return of an untimely Allegation of Use, you can check the status of your application by calling 703-305-8747, or using <http://tarr.uspto.gov/>

BASIC INSTRUCTIONS

The following form is written in a "scannable" format that will enable the U.S. Patent and Trademark Office (USPTO) to scan paper filings and capture application data automatically using optical character recognition (OCR) technology. Information is to be entered next to identifying data tags, such as <MARK>. OCR software can be programmed to identify these tags, capture the corresponding data, and transmit this data to the appropriate data fields in the Trademark databases, largely bypassing manual data entry processes.

Please enter the requested information in the blank space that appears to the right of each tagged (< >) element. However, do not enter any information immediately after the section headers (the bolded wording appearing in all capital letters). If you need additional space, first, in the space provided on the form, enter "See attached." Then, please use a separate piece of paper on which you first list the data tag (e.g., <Goods and/or Services Not in Use to be **Deleted**>), followed by the relevant information. Some of the information requested *must* be provided. Other information is either required only in certain circumstances, or provided only at your discretion. **Please consult the "Help" section following the form for detailed explanations as to what information should be entered in each blank space.**

To increase the effectiveness of the USPTO scanners, it is recommended that you use a typewriter to complete the form.

For additional information, please see the *Basic Facts about Trademarks* booklet, available at <http://www.uspto.gov/web/offices/tac/doc/basic/>, or by calling the Trademark Assistance Center at 703-308-9000.

MAILING INFORMATION

Send the completed form; appropriate fee (the filing fee for the Allegation of Use is \$100.00 *per class* of goods and/or services, made payable to "The Commissioner of Patent and Trademarks"); and one (1) **SPECIMEN**, showing the mark as currently used in commerce for at least one product or service in each international class covered, to

(Before Approval for Publication):

Fee
Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

(After Notice of Allowance):

Box ITU
Fee
Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

You may also wish to include a self-addressed stamped postcard with your submission, on which you identify the mark and serial number, and list each item being submitted (e.g., application, fee, specimen, etc.). We will return this postcard to confirm receipt of your submission.

~TRADEMARK/SERVICE MARK ALLEGATION OF USE (15 U.S.C. § 1051(c) or (d))~

~To the Assistant Commissioner for Trademarks~

<TRADEMARK/SERVICEMARK INFORMATION>

<Mark>

<Serial Number>

<APPLICANT INFORMATION>

<Name>

<Street>

<City>

<State>

<Country>

<Zip/Postal Code>

<NOTICE OF ALLOWANCE INFORMATION>

<Notice of Allowance> ~Enter YES if you are filing the Allegation of Use **after** a Notice of Allowance has issued. If not, enter NO.~

<GOODS AND/OR SERVICES INFORMATION>

<All Goods and/or Services in Application/Notice of Allowance>~The owner is using the mark in commerce on or in connection with all goods and/or services listed in the application or Notice of Allowance. If not, list in the next section the goods and/or services not in use to be deleted.~

<Goods and/or Services Not in Use to be **Deleted**>~In the following space, list only those goods and/or services (and/or entire classes(es)) appearing in the application or Notice of Allowance for which the owner is **not** using the mark in commerce. **LEAVE THIS SPACE BLANK IF THE OWNER IS USING THE MARK ON OR IN CONNECTION WITH ALL THE GOODS AND/OR SERVICES LISTED IN THE APPLICATION OR NOTICE OF ALLOWANCE.**~

<USE INFORMATION>

<Date of First Use Anywhere>

<Date of First Use in Commerce>

<OPTIONAL - REQUEST TO DIVIDE INFORMATION>

<Request to Divide> ~Enter YES if you are submitting a request to divide with this document. If not, enter NO.~

<FEE INFORMATION>

\$100.00 x <Number of Classes> = <Total Fees Paid>

<SPECIMEN AND SIGNATURE INFORMATION>

~Applicant requests registration of the above-identified trademark/service mark 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). Applicant is the owner of the mark sought to be registered, and is using the mark in commerce on or in connection with the goods/services identified above, as evidenced by the attached specimen(s) showing the mark as currently used in commerce.

(You MUST ATTACH A SPECIMEN showing the mark as currently used in commerce for at least one product or service in each international class covered.)

The undersigned being hereby 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 this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.~

~Signature~ _____

<Date Signed>

<Name>

<Title>

<CONTACT INFORMATION>

<Name>

<Company/Firm Name>

<Street>

<City>

<State>

<Country>

<Zip/Postal Code>

<Telephone Number>

<Fax Number>

<e-Mail Address>

<CERTIFICATE OF MAILING> *~Recommended to avoid lateness due to mail delay.~*

~I certify that the foregoing is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513, on~

<Date of Deposit>

~Signature~ _____

<Name>

LINE-BY-LINE HELP INSTRUCTIONS

TRADEMARK/SERVICE MARK INFORMATION

Mark: Enter the word mark in typed form; or, in the case of a design or stylized mark, a brief description of the mark (e.g., “Design of a fanciful cat”).

Serial Number: Enter the eight-digit USPTO serial number (e.g., 75/457392).

APPLICANT INFORMATION

Name: Only the owner of the mark may file the Allegation of Use. Enter the full name of the owner of the mark, i.e., the name of the individual, corporation, partnership, or other entity that is seeking registration. If a joint venture organized under a particular business name, enter that name. If joint or multiple applicants, enter the name of each applicant. If a trust, enter the name of the trustee(s). If an estate, enter the name of the executor(s).

Street: Enter the street address or rural delivery route where the owner is located.

City: Enter the city and/or foreign area designation where the owner’s address is located.

State: Enter the U.S. state or foreign province in which the owner’s address is located.

Country: Enter the country of the owner’s address. If the address is outside the United States, the owner must appoint a “Domestic Representative” on whom notices or process in proceedings affecting the mark may be served. *See* “Domestic Representative” section, below.

Zip/Postal Code: Enter the owner’s U.S. Zip code or foreign country postal identification code.

NOTICE OF ALLOWANCE INFORMATION

Notice of Allowance: Enter YES or NO as to whether the mark has been published for opposition in the *Official Gazette* and a Notice of Allowance has been issued in connection with the application. Before the USPTO will register a mark that was based upon applicant’s bona fide intention to use the mark in commerce, the owner must (1) use the mark in commerce; and (2) file an Allegation of Use. The Allegation of Use can only be filed either **on or before** the day the examining attorney approves the mark for publication in the *Official Gazette*; or **on or after** the day the Notice of Allowance is issued. If the Allegation of Use is filed *between* those periods, it will be returned. To avoid return of an untimely Allegation of Use, you can check the status of your application by calling 703-305-8747, or using <http://tarr.uspto.gov/>

GOODS AND/OR SERVICES INFORMATION

All Goods and/or Services in Application/Notice of Allowance: If the owner is NOT using the mark in commerce on or in connection with all of the goods and/or services listed in the application or Notice of Allowance, complete the next section. Otherwise, we will presume such use on or in connection with all goods and/or services.

Goods and/or Services Not in Use to be Deleted: List the goods and/or services (if any) identified in the application or Notice of Allowance with which the owner is NOT using the mark in commerce; or, specify an entire international class(es), as appropriate (e.g., Classes 9 & 42).

USE INFORMATION

Date of First Use Anywhere: Enter the date on which the goods were first sold or transported or the services first rendered under the mark if such use was in the ordinary course of trade. For every applicant, whether foreign or domestic, the date of first use of a mark is the date of the first such use *anywhere*, in the United States or elsewhere. Please note this date may be earlier than, or the same as, the date of the first use of the mark in commerce.

Date of First Use in Commerce: Enter the date on which the applicant first used the mark in commerce, i.e., in interstate commerce, territorial commerce, or commerce between the U.S. and a foreign country.

OPTIONAL - REQUEST TO DIVIDE INFORMATION

Request to Divide: Enter YES or NO as to whether you are submitting a Request to Divide with this document. Specifically, if the applicant chooses to include only some of the originally identified goods and/or services in this Allegation of Use, and to designate the remaining goods/services as part of a separate or “child” application for registration, then a divisional application and fee are required. 37 C.F.R. §2.87.

FEE INFORMATION

The filing fee for the Allegation of Use is \$100.00 *per class* of goods and/or services.

Number of Classes: Enter the number of classes (*not* the international class number(s)) to which the Allegation of Use applies. For example, if the Allegation of Use applies to Classes 1, 5 and 25, then the number of classes entered would be “3.”

Total Filing Fee Paid: Enter the fee amount that is enclosed (either in the form of a check or money order in U.S. currency, made payable to “Commissioner of Patents and Trademarks”), or that is to be charged to an already-existing USPTO deposit account.

SPECIMEN AND SIGNATURE INFORMATION

Specimen: A specimen showing current use of the mark for at least one product or service in each class to which the Allegation of Use applies must be submitted with this form. Examples of acceptable specimens are tags or labels for goods, and advertisements for services. The specimen must be flat and no larger than 8½ inches (21.6 cm.) wide by 11.69 inches (29.7 cm.) long.

Signature: The appropriate person must sign the form. A person who is properly authorized to sign on behalf of the owner is: (1) a person with legal authority to bind the owner; or (2) a person with firsthand knowledge of the facts and actual or implied authority to act on behalf of the owner; or (3) an attorney who has an actual or implied written or verbal power of attorney from the owner.

Date Signed: Enter the date the form is signed.

Name: Enter the name of the person signing the form.

Title: Enter the signatory’s title, if applicable, e.g., Vice-President, General Partner, etc.

CONTACT INFORMATION

Although this may be the same as provided elsewhere in the document, please enter the following required information for where the USPTO should mail correspondence. (Please note that correspondence will *only* be mailed to an address in the U.S. or Canada).

Name: Enter the full name of the contact person.

Company/Firm Name: Enter the name of the contact person’s company or firm.

Street: Enter the street address or rural delivery route where the contact person is located.

City: Enter the city and/or foreign area designation where the contact person’s address is located.

State: Enter the U.S. state or Canadian province in which the contact person’s address is located.

Country: Enter the country of the contact person’s address.

Zip Code: Enter the U.S. Zip code or Canadian postal code.

Telephone Number: Enter the appropriate telephone number.

Fax Number: Enter the appropriate fax number, if available.

e-mail Address: Enter the appropriate e-mail address, if available.

CERTIFICATE OF MAILING

Although optional, use of this section is recommended to avoid lateness due to mail delay. Papers are considered timely filed if deposited with the United States Postal Service with sufficient postage as first class mail on or before the due date, *and* accompanied by a signed Certificate of Mailing attesting to timely deposit. The USPTO will look to the date shown on the Certificate of Mailing, rather than the date of actual receipt, to determine the timeliness of this document.

Date of Deposit: Enter the date of deposit with the United States Postal Service as first class mail.

Signature: The person signing the certificate should have a reasonable basis to expect that the correspondence will be mailed on or before the indicated date.

Name: Enter the name of the person signing the Certificate of Mailing.