

~REQUEST FOR EXTENSION OF TIME TO FILE A STATEMENT OF USE (15 U.S.C. § 1051(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: You must file a Statement of Use within six (6) months after the mailing of the Notice of Allowance, UNLESS, within that same period, you submit a request for a six-month extension of time to file the Statement of Use. The request for an extension must:

- be filed in the USPTO within six (6) months after the issue date of the Notice of Allowance, or previously- granted extension period;
- include a verified statement of the owner's continued bona fide intention to use the mark in commerce;
- specify the goods/services to which the request pertains as they are identified in the Notice of Allowance; and
- include a fee of \$100 for each class of goods/services.

You may request five (5) extensions of time. No extensions may extend beyond thirty-six (36) months from the issue date of the Notice of Allowance. The USPTO must receive the second (2nd), third (3rd), fourth (4th), and fifth (5th) extensions within the previously-granted extension period. Do NOT wait until the request for extension has been granted before filing the next request. In addition to the requirements described above, the second (2nd) and subsequent requests must specify applicant's ongoing efforts to use the mark in commerce.

You may submit one (1) extension request during the six-month period in which you file the Statement of Use, unless the granting of this request would extend the period beyond thirty-six (36) months from the issue date of the Notice of Allowance. Instead of specifying ongoing efforts, for this request you should state the belief that the owner has made valid use of the mark in commerce, as evidenced by the Statement of Use, but that if the USPTO finds the Statement defective, the owner will require additional time to file a new Statement of Use.

If the original application were based on both Section 1(a) (Use in Commerce) and 1(b) (Intent to Use), this extension request is necessary only for those goods that were based on Section 1(b). You should NOT file an Extension Request (or Statement of Use) for those goods that were filed based on use in commerce.

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). 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 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 Extension Request 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

**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.

~REQUEST FOR EXTENSION OF TIME TO FILE A STATEMENT OF USE (15 U.S.C. § 1051(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 Mailing Date>

~Enter date in the format MM/DD/YYYY.~

<GOODS AND/OR SERVICES INFORMATION>

<All Goods and/or Services in Notice of Allowance>~The owner has a continued bona fide intention to use the mark in commerce on or in connection with all the goods and/or services listed in the Notice of Allowance. If not, list in the next section the goods and/or services to be deleted.~

<Goods and/or Services to be **Deleted**>~In following space, list only those goods/services (or entire classes(es)) appearing in the Notice of Allowance for which the owner does **not** have a continued bona fide intention to use the mark in commerce. **LEAVE THIS SPACE BLANK IF THE OWNER DOES HAVE A CONTINUED BONA FIDE INTENTION TO USE THE MARK IN COMMERCE ON OR IN CONNECTION WITH ALL GOODS/SERVICES LISTED IN THE NOTICE OF ALLOWANCE.**~

<EXTENSION REQUEST INFORMATION>~

<Number of Extension Request>

~Enter which request (1st, 2nd, 3rd, 4th or 5th) this is following the mailing of the Notice of Allowance.~

<ONGOING EFFORTS TO USE MARK IN COMMERCE>~Applies to 2nd, 3rd, 4th & 5th extension requests only.~

~The owner has made the following ongoing efforts to use the mark in commerce on or in connection with those goods and/or services for which use of the mark in commerce has not yet been made.~

<Explanation>

<STATEMENT OF USE SUBMITTED>~if applicable~

<Additional Time Requested>~Enter YES if you believe the applicant has made valid use of the mark in commerce, as evidenced by the Statement of Use submitted with this request. If the Statement of Use does not meet the requirements of 37 C.F.R. 2.88, you request additional time to correct the Statement of Use. If not, enter NO.~

<FEE INFORMATION>

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

<SIGNATURE INFORMATION>

~Applicant is the owner of the mark sought to be registered and has a continued bona fide intention to use the mark in commerce on or in connection with all the goods and/or services listed in the Notice of Allowance. Applicant **requests a six-month extension of time to file the Statement of Use under 37 CFR 2.89.**~

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., 75/453687).

APPLICANT INFORMATION

Name: 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 of these applicants. If a trust, enter the name of the trustee or trustees. If an estate, enter the name of the executor or executors.

Note: If ownership of the application has changed, you should establish current ownership, either by (1) recording the appropriate document(s) with the USPTO Assignment Branch; or (2) submitting evidence with this declaration, such as a copy of a document transferring ownership from one party to another. To have the USPTO databases reflect the current owner, you must choose option (1).

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 mark may be served.

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

NOTICE OF ALLOWANCE INFORMATION

Notice of Allowance Mailing Date: Enter the date when the USPTO mailed the Notice of Allowance. Please enter the date in the format of MM/DD/YYYY; e.g., 12/03/1999.

GOODS AND/OR SERVICES INFORMATION

All Goods and/or Services in Notice of Allowance: If the owner does NOT have a continued bona fide intention to use the mark in commerce on or in connection with *all* of the goods and/or services listed in the Notice of Allowance (even if some goods and/or services were originally based on Section 1(a) (Use in Commerce)), complete the next section. Otherwise, we will presume such bona fide intention to use the mark in commerce on or in connection with all of the goods and/or services listed in the Notice of Allowance.

Goods and/or Services to be Deleted: List all goods and/or services (if any) identified in the Notice of Allowance with which the owner does NOT have a continued bona fide intention to use the mark in commerce; or, specify an entire international class(es), as appropriate (e.g., Classes 9 & 42).

EXTENSION REQUEST INFORMATION

Number of Extension Request: Indicate whether this is the 1st, 2nd, 3rd, 4th or 5th Request for an Extension of Time to File a Statement of Use that you are submitting.

ONGOING EFFORTS TO USE MARK IN COMMERCE

Explanation: For 2nd, 3rd, 4th and 5th Extension Requests only, provide information regarding ongoing efforts the owner is making to use the mark in commerce with the identified goods and/or services, such as 1) product or service research or development; 2) market research; 3) promotional activities; 4) steps to acquire distributors; and/or 5) steps to obtain required governmental approval, or similar specified activity.

STATEMENT OF USE SUBMITTED

Additional Time Requested: Enter YES if you believe applicant has made valid use of the mark in commerce, as evidenced by the Statement of Use submitted with this request. If the Statement of Use does not meet the requirements of 37 C.F.R. 2.88, you request additional time to correct the Statement of Use. If not, enter NO.

FEE INFORMATION

The filing fee for the Request for Extension of Time to file a Statement of Use is \$100.00 *per class*.

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

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

SIGNATURE INFORMATION

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 will avoid lateness due to mail delay. The USPTO considers papers timely filed if deposited with the U.S. 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 date of actual receipt, to determine timeliness.

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.