



Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number.
 PTO Form 1960 (Rev 10/2011)
 OMB No. 0651-0050 (Exp. 07/31/2017)

Request for Reconsideration after Final Action

TEAS - Version 5.4 : 07/11/2015

GENERAL FORM INFORMATION:

- **60 MINUTE TIME LIMIT:** This form "times-out" 60 minutes after accessing this page unless you [extend the time limit](#) when the time-out warning appears on screen. To avoid timing out, please have all information ready before starting your session.
- **DO NOT USE YOUR BROWSER BACK/FORWARD BUTTONS:** Use only the navigation buttons at the bottom of each page.
- **REQUIRED FIELDS:** All have an **ASTERISK (*)**, and the form will not validate if these fields are not filled-out.

NOTE: Use this form only to file a Request for Reconsideration after issuance of a final Office action and before the deadline for filing an appeal. The filing of a Request for Reconsideration does **not** extend the time for filing an appeal or other proper response to the final action. A Notice of Appeal is a different form that you must file separately to preserve your right to appeal the final refusal, if appropriate. See <http://estta.uspto.gov>. If you file a Notice of Appeal concurrently with a Request for Reconsideration, your application will be referred to the Trademark Trial and Appeal Board (TTAB) for processing of the appeal. The TTAB will: (1) acknowledge the appeal; (2) suspend further proceedings with respect to the appeal (including the applicant's time to file an appeal brief; and (3) remand the application to the examining attorney for review of the Request for Reconsideration.

Also, do **NOT** use this form to respond to any actions mailed after the mark is published and/or registered, because the Intent-to-Use (ITU) and Post-Registration units issue those actions, respectively. To access forms for filing a Statement of Use/Amendment to Allege Use and/or Request for Extension of Time to File a Statement of Use, [click here](#). A form for responding to Post Registration office actions will be developed in the future.

FOLLOW THE 4 STEPS TO ACCESS THE RESPONSE FORM:

STEP 1: CHECK STATUS.

To use this form, the "Current Status" of your application must be "A Final Action has been mailed (or e-mailed)." [Click here](#) to confirm the status before proceeding. If the application is not in the correct status, you must wait until the status is updated (usually 48-72 hours after receiving an e-mail notice that a final Office action has issued). Otherwise, you will receive an error message when you click the "Continue" button at Step 4.

STEP 2: ENTER APPLICATION SERIAL NUMBER BELOW OR ACCESS PREVIOUSLY FILLED-OUT/SAVED FORM.

* **Serial Number:**

(*Do not enter serial number if you are accessing your saved form.*)

OR

To access **previously-saved data**, use the "Browse/Choose File" button below to access the file from your local drive, and then click the "Continue" button at Step 4. You cannot change your answers to the form wizard questions at Step 3; however, you *can* change data within an existing section(s) of a saved form. To introduce a completely new section, you must start a new form. For further instructions for retrieving your saved data, [click here](#). You must follow these instructions to ensure that you can view your data in the expected editable format.

no file selected

NOTE: This button should **not** be used to attempt to upload or attach any other file, for example, a specimen file or a foreign registration certificate. For these or any other types of attachments, after answering "Yes" to the appropriate wizard question(s), you can then attach the file within the specific part of the form relating to that issue.



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	<p>Important: ONCE A RESPONSE TO FINAL REFUSAL IS SUBMITTED ELECTRONICALLY, THE USPTO WILL IMMEDIATELY PROVIDE THE SENDER WITH AN ELECTRONIC ACKNOWLEDGMENT OF RECEIPT OF THE RESPONSE TO FINAL REFUSAL. Please contact teas@uspto.gov within 24 hours of transmission (or by the next business day) if you do not receive this acknowledgment.</p> <p>Contact Points: For general trademark information, please e-mail TrademarkAssistanceCenter@uspto.gov, or telephone 1-800-786-9199. If you need help in resolving technical glitches, please e-mail teas@uspto.gov. Please include your telephone number in your e-mail, so we can talk to you directly, if necessary. For status information on an application that has an assigned serial number, use http://tsdr.uspto.gov.</p> <p>NOTE ABOUT STATUS CHECKS: Do NOT attempt to check the status of a filing until at least 72 hours after submission of the filing, to allow sufficient time for our databases to be updated.</p>
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*** Instructions:**

To file the response to final refusal form electronically, please complete the following steps:

1. Fill out all fields for which information is known. Fields with a * symbol are mandatory for filing purposes and must be completed.
2. Sign the response to final refusal form on the Signature Page. If the desired signatory is not available to sign the application, there are three options available:
 1. To electronically forward the Signature Page to the signatory, use the Text Form option on the Signature Page for an electronic signature.
 2. To mail or fax to the signatory, use the Handwritten pen-and-ink signature option on the Signature Page for the traditional "pen-and-ink" signature.
 3. To electronically save the form, use the Download Portable Data option on the Validation Page.
3. Validate the form by selecting the "Continue" button on the Signature Page.
4. On the Validation Page, it is critical to confirm that all information is displayed properly immediately before filing, regardless of the appearance of the data at any point earlier in the process.
5. Click on the Pay/Submit button at the bottom of the Validation Page. If a fee payment is required, this will allow you to choose from 3 different [payment methods](#): credit card, automated deposit account, or electronic funds transfer. Access the proper screen for payment, and make the appropriate entries. If your transmission is successful, you will receive a SUCCESS! Page.
6. You will receive an e-mail acknowledging receipt of your submission.

Serial Number	XXXXXXXX
Mark	
Currently Authorized Correspondence E-mail Address	Primary Email Address:

NOTE: If the correspondence information above includes an e-mail address that is no longer correct or contains a typographical error, please use the [Change of Correspondence Address Form](#) to update or correct the e-mail address AND reauthorize the USPTO to communicate with you by e-mail. If the correspondence information above does NOT include an e-mail address, you are encouraged to use the [Change of Correspondence Address Form](#) to enter an e-mail address and provide authorization for the USPTO to communicate with you by e-mail, which would enable you to be notified immediately when an Office action or official notice issues. It is important that you maintain a current e-mail address with the USPTO so that you are able to receive critical correspondence. For assistance in resolving any technical issues with this process, please contact TEAS@uspto.gov.

WARNING: For an application filed under TEAS Plus or TEAS RF, the failure to maintain a correct and authorized e-mail address for ongoing e-mail communication will result in the loss of TEAS Plus or TEAS RF status and a requirement to pay a processing fee of \$50 per class.

STEP 3: ANSWER ALL WIZARD QUESTIONS.

You must answer all wizard questions appearing directly below, now currently set on "No" as a default (unless you are accessing a previously filled-out/saved form, then see STEP 2, *above*). At least one answer must be "Yes" or your response will be completely blank. You should review the Office action and then answer "Yes" to any question that directly relates to a requirement and/or refusal raised in the final Office action. You must respond explicitly to **each** refusal and/or requirement; that is, if the examining attorney requires specific wording, you must enter that wording in the proper place in the form.

A RESPONSE WITH ONLY YOUR SIGNATURE IS NOT ACCEPTABLE. Merely providing a response with a signature and no other information, or authorizing the examining attorney to make any necessary changes to the application *without specifying the exact changes*, is not a proper response to the final Office action (except if the *only* issue raised was that the original filing was unsigned, improperly signed, or lacked the required declaration language).

1. Do you need to respond to a refusal to register your mark, including (*but not limited to*) a possible finding that your mark appears to be:

- likely to cause confusion with another mark(s)
- merely descriptive (or generic) or deceptively misdescriptive
- primarily merely a surname
- geographically descriptive or geographically deceptively misdescriptive
- deceptive
- functional
- multiple marks instead of a single mark
- a protected symbol (e.g., a flag, the Red Cross)
- used in a manner that would not be perceived as actually being a trademark/servicemark*

You must answer "Yes" to this question to [submit your arguments against the refusal](#), and if necessary, attach [supporting evidence](#), to attempt to convince the examining attorney to withdraw the refusal.

***NOTE:** To submit a "substitute specimen" to overcome a refusal, also answer "Yes" to #2.

Yes No

2. Do you need to do any of the following:

- [change/delete an existing class number](#)*
- [modify the identification of goods/services/the nature of the collective membership organization](#)**
- [change filing basis](#)
- [add/modify dates of use](#)
- [submit a new or substitute specimen](#)
- [submit a foreign registration certificate or proof of renewal of foreign registration](#)

***NOTE:** To ADD a new class, answer "Yes" to #6, and to pay fee(s) for additional class(es), answer "Yes" to #7.

****NOTE:** You may only modify the identification of goods/services/collective membership organization to clarify or limit them; adding to or broadening the scope of goods/services/collective membership organization is **not** permitted.

Yes No

3. Do you need to add or delete (withdraw) any of the following:

NOTE: ALL of the below will display within the "Additional Statement(s)" section of the form, even when only one is appropriate and should be selected.

- Disclaimer
- Colors claimed as feature of the mark
- Description of the mark (including nature and location of color(s), if appropriate)*
- Stippling statement
- Claim of prior registration(s)
- Translation/Transliteration

- Meaning and/or significance of wording, letter(s), and/or numeral(s) in the mark
- Section 2(f) claim
- Consent to register name(s), likeness(es), signature(s) of individual(s)
- Supplemental Register amendment
- Concurrent use claim
- Miscellaneous statement**

*NOTE: Do **not** use this section if you are also answering "Yes" to Question #4, *below*, which will then provide this field. Use this **only** if adding or modifying an existing description **but not attaching a new mark image**.

NOTE: The miscellaneous statement field includes the ability to attach a file, for example, to provide requested product literature. Do **not use this section for attachments where a specific different section for the purpose already exists, for example, submission of a substitute specimen in #2, *above*. This field may also be used to request **DELETION (WITHDRAWAL)** of an additional statement currently of record, for example, a disclaimer (see specific instructions within form).

Yes No

4. Do you need to submit a new drawing of the mark, either to [change the mark](#) itself or [submit a better quality image](#)?

NOTE: A material change to your mark is never permissible. Only minor changes in the mark are *sometimes* permitted. A drawing must be in JPG format.

Yes No

5. Do you need to correct or change the [applicant's name or entity information](#) or provide missing applicant or entity information?

Yes No

6. Do you need to [ADD a new class\(es\) of goods/services/a collective membership organization](#)?

NOTE: You may **not** add class(es), goods/services, or any descriptive language to an identification that would result in a broadening of the scope of the current identification of goods/services/the nature of the collective membership organization.

NOTE: To pay the fee(s) for adding class(es), answer "Yes" to #7. To change an existing classification number or delete goods/services/a collective membership organization, answer "Yes" to #2.

Yes No

If the answer is Yes, enter the number of classes: 1

7. Do you need to submit a fee for: (1) an existing or additional class of goods/services/a collective membership organization; (2) [failing to satisfy the requirements of TEAS Plus or TEAS RF](#); and/or (3) processing a payment that has been [refused or charged back](#)?

Yes No

8. Is a [newly appearing attorney](#) filing(i.e., a person not the subject of an applicant-signed appointment filed prior to this submission) this form?

WARNING: Answer YES to this question **only** if one of the three requirements set forth in the underlying help text for "newly appearing attorney" has been satisfied. Failure to satisfy one of the three requirements may result in a later determination that this submission is incomplete and/or not in compliance with the minimum filing requirements.

Yes No

9. Do you need to change correspondence address (includes e-mail address)?

Yes No

10. Do you need to submit a Signed Declaration to verify an application?

NOTE: Answer "Yes" to this question if the application was unsigned, improperly signed, or lacked the required declaration language.

Yes No

STEP 4: ACCESS ACTUAL REQUEST FORM.

Click on the "Continue" button below to access the request form for entering your information.

[Burden/Privacy Statement](#) | [TEAS Form Burden Statement](#)

[Help Desk](#) | [Bug Report](#) | [Feedback](#) | [TEAS Home](#) | [Trademark Home](#) | [USPTO](#)



Navigation History: [Wizard](#) > [Mark Info](#) > [Refusal](#) > Update GS > Addtl Stmtns > Mark Update > Applicant/Entity > New GS > Fee > Correspondence > Signature

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ARGUMENT(S)

NOTE: Should you wish to present your argument as a PDF attachment, rather than as direct text entry, you may do so within the "Evidence Section," below. *For more information on this approach, click [here](#).*

EVIDENCE

Evidence	<p><u>Evidence File</u> Click on the 'Attach' button to select the file in JPG/PDF format (not exceeding 5 megabytes per attachment) or .WAV, .WMV, .WMA, .MP3, .MPG, or .AVI format (not exceeding 5 megabytes for sound files or 30 megabytes for motion files).</p> <p>WARNING: Do not submit your entire response as a PDF file. Each portion of this form serves a specific purpose for data processing reasons. FAILURE TO FOLLOW THIS INSTRUCTION WILL CAUSE SIGNIFICANT DELAYS IN THE PROCESSING AND REVIEW OF YOUR RESPONSE. For complete requirements concerning PDF files, click here.</p> <p>0 file(s) attached</p> <p><u>Describe what the evidence submitted consists of:</u></p>
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[Burden/Privacy Statement](#) | [TEAS Form Burden Statement](#)

[Help Desk](#) | [Bug Report](#) | [Feedback](#) | [TEAS Home](#) | [Trademark Home](#) | [USPTO](#)



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CLASSIFICATION AND LISTING OF GOODS/SERVICES/COLLECTIVE MEMBERSHIP ORGANIZATION

Amending the Original Class(es) in the Application

Enter information for the Original Class

Check here to delete the following class of goods/services/collective membership organization from your application. If checked, it is not necessary to modify the current class below.

Check here to modify the current classification number; listing of goods/services/the nature of the collective membership organization; dates of use; and/or filing basis; or to submit a substitute specimen, a foreign registration certificate, or proof of renewal of a foreign registration. If not checked, the changes will be ignored.

Original International Class : 000

*International Class: 012 (Enter class number 001- 045, A, B and 200)

***Listing of Goods/Services/Collective Membership Organization**

[NOTE: Do not enter a Class or any other code in the field below. You must enter only the common commercial name for the specific goods/services/nature of the collective membership organization associated with the mark. Also, do not include any html or other programming code or language that may create links in the listing of goods/recitation of services/description of the collective membership organization]. For more information about acceptable language for the goods/services, see the USPTO's on-line [Goods and/or Services Manual](#). If entering multiple listings of goods/services, please separate with a semi-colon (;), NOT a comma.

WARNING: Your entry may NOT exceed the scope of your current identification. While you may modify the current listing to clarify, limit, or remove goods/services/the collective membership organization, you may NOT at this point ADD or BROADEN goods or services or otherwise amend the goods/services/nature of the collective membership organization beyond the scope of that in the current identification. A new filing would be required to cover any new goods/services/or broadening the nature of the collective membership organization not within the scope of the current identification.

WARNING: Registration Subject to Cancellation for Fraudulent Statements

Statements made in filings to the USPTO must be accurate; inaccuracies could result in the cancellation of a trademark registration. For example, an owner's/holder's lack of a bona fide intention to use the mark with all goods/services included in an application, or the lack of use on all goods/services for which use is claimed, could jeopardize the validity of the resulting registration.

Filing Basis Section 1(a), Use in Commerce: *For all applications:* The mark is in use in commerce and was in use in commerce as of the application filing date. The provided specimen shows the mark in use in commerce (see specimen statement below). *For a collective trademark, collective service mark, collective membership mark, 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 application filing date. *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. **WARNING:** If you filed your original application under Section 1(b), Intent to Use, do not use this form to submit dates of use and a specimen, unless responding to a specimen issue created by an already filed Allegation of Use. Otherwise, you must file the specific [Allegation of Use](#) form (Statement of Use/Amendment to Allege Use). Filing an Allegation of Use is not a proper response to an Office action.

[Date of First Use of Mark Anywhere](#) at least as early as (MM/DD/YYYY)

[Date of First Use of Mark Commerce](#) at least as early as (MM/DD/YYYY)

Specimen File

NOTE: For an [instructional video](#) on what is an appropriate trademark or service mark specimen for a good/service, [click here](#). (To view video, you must have Windows Media Player installed. For information about downloading Windows Media Player, [click here](#).)

Click on the 'Attach' button to select the file in JPG/PDF format (not exceeding 5 megabytes per attachment) or .WAV, .WMV, .WMA, .MP3, .MPG, or .AVI format (not exceeding 5 megabytes for sound files or 30 megabytes for motion files).

WARNING: Do not submit your entire filing as a PDF file. Each portion of this form serves a specific purpose for data processing reasons.

FAILURE TO FOLLOW THIS INSTRUCTION WILL CAUSE SIGNIFICANT DELAYS IN THE PROCESSING AND REVIEW OF YOUR FILING. For complete requirements concerning PDF files, click [here](#).

0 file(s) attached

Describe what the submitted specimen consists of:

*** CLICK BOX BELOW IF SPECIMENS ARE BEING SUBMITTED OR WERE UNVERIFIED IN THE INITIAL APPLICATION:** If additional or new specimen(s) is/are being submitted, or the originally-submitted specimen(s) was unverified, check the statement immediately below to support the submission (the required declaration will automatically appear at the end of the form).

WARNING: You must select the specimen statement below for the substitute, new, or originally submitted unverified specimen to be acceptable.

"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]. 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 or her own knowledge are true and all statements made on information and belief are believed to be true.

Filing Basis Section 1(b), Intent to Use: *For a trademark or service mark application:* The applicant believes the applicant is entitled to use the mark in commerce on or in connection with the goods or 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. *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.

WARNING: If your goods/services/collective membership organization for this class is/are already based on Section 1(a), use in commerce, do not also check this basis for the identical goods/services/collective membership organization.

WARNING: If you select this option, additional filing(s) and fee(s) will be required after you begin the required use of the mark in commerce prior to registration. For more information, [click here](#) (see first and second forms on linked page).

Filing Basis Section 44(d), Priority based on foreign filing: *For a trademark or service mark application:* The applicant believes 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; and the applicant asserts a claim of priority based upon a foreign application. *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; the applicant 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; and the applicant asserts a claim of priority based upon a foreign application. *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.

Foreign Application Number

Note: The USPTO database can only store 12 characters for this field. You should adjust your entry if possible, eliminating any unnecessary leadings 0's or country abbreviations, for example.

Date of Foreign Filing (MM/DD/YYYY)

Country of Foreign Application Country

At this time, the applicant does NOT intend to rely on Section 44(e) as a basis for registration, but is asserting only a valid claim of priority.

WARNING: Do NOT check this box if the Section 44(d) basis is the **ONLY** basis either for the overall application or a specific good/service/collective membership organization.

Filing Basis Section 44(e), Based on Foreign Registration: *For all applications:* The applicant attaches a copy of the foreign registration certificate or proof of renewal of such registration, and an English translation if such documents are in a foreign language. *For a trademark or service mark application:* The applicant believes 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 the

applicant 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. **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.

Foreign Registration Number

Note: The USPTO database can only store 12 characters for this field. You should adjust your entry if possible, eliminating any unnecessary leadings 0's or country abbreviations, for example.

Foreign Registration Date

(MM/DD/YYYY)

Date Foreign Registration

Renewed
(if applicable)

(MM/DD/YYYY)

Expiration Date of Foreign

(MM/DD/YYYY)

Registration

Country of Foreign

Country

[Attach Foreign Registration/Proof of Renewal](#)

WARNING: Do not submit your entire filing as a PDF file. Each portion of this form serves a specific purpose for data processing reasons.

FAILURE TO FOLLOW THIS INSTRUCTION WILL CAUSE SIGNIFICANT DELAYS IN THE PROCESSING AND REVIEW OF YOUR FILING. For complete requirements concerning PDF files, click [here](#).

WARNING: The file size cannot exceed 5 megabytes per attachment for JPG or 30 megabytes per attachment for PDF.

0 file(s) attached

Check here if the foreign registration that is the basis of the U.S. application under Section 44(e) includes a claim of standard characters or the country of origin's standard character equivalent.

WARNING: If this box is NOT checked, then the designation of the mark as "Standard Character Mark" will automatically be changed from "YES" to "NO."

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ADDITIONAL STATEMENT(S)

Note: The declaration required to support a Section 2(f) (or in part) claim (based on use) will automatically appear at the end of this form.

Note: For an instructional video on the Additional Statements section of the form, [click here](#).

NOTE: To **delete (withdraw)** a statement that is already in the application record (e.g., a disclaimer), use the "MISCELLANEOUS STATEMENT" field, *below*.

WARNING: As a general rule, for disclaimers, translations and transliterations, consents, or an explanation of the mark's significance, include only words that are in the mark within quotation marks in the text boxes below.

DISCLAIMER: No claim is made to the exclusive right to use _____ apart from the mark as shown.

STIPPLING AS A FEATURE OF THE MARK: The stippling is a feature of the mark and does not indicate color.

STIPPLING FOR SHADING: The stippling is for shading purposes only.

ACTIVE PRIOR REGISTRATION(S): The applicant claims ownership of active prior U.S. Registration Number(s) _____ ,

· **NOTE:** Entry must not include any commas, and must be 7 numerals long (if necessary, add leading 0's to number, e.g., 0086417).

and others: Check here to indicate there are additional active prior U.S. Registration Number(s).

TRANSLATION:

The English translation of _____ in the mark is _____ .

The wording _____ has no meaning in a foreign language.

TRANSLITERATION: (*NOTE: Not required for any standard character marks.*)

The non-Latin characters in the mark transliterate to _____ and this means _____ in English.

The non-Latin characters in the mark transliterate to _____ and this has no meaning in a foreign language.

SIGNIFICANCE OF WORDING, LETTER(S), OR NUMERAL(S):

appearing in the mark means or signifies or is a term of art for _____ in the relevant trade or industry or as used in connection with the goods/services/collective membership organization listed in the application.

appearing in the mark has no significance nor is it a term of art in the relevant trade or industry or as used in connection with the goods/services/collective membership organization listed in the application, or any geographical significance.

The word(s) _____ has no meaning in a foreign language.

INDICATE THE NATURE OF THE §2(f) CLAIM OF ACQUIRED DISTINCTIVENESS

§2(f) Whole **§2(f) In Part**

NAME(S), PORTRAIT(S), SIGNATURE(S) OF INDIVIDUAL(S):

The name(s), portrait(s), and/or signature(s) shown in the mark identifies _____ , whose consent(s) to register is made of record.

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

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').

CONCURRENT USE: Enter the [appropriate concurrent use information](#) in the text box immediately below. **WARNING:** To assert concurrent use, you **must:** (1) have assigned a Section 1(a) filing basis, which indicates you are using, or, if appropriate, exercising legitimate control over

the use of, the mark in commerce; AND (2) (i) intend to initiate a legal proceeding before the Trademark Trial and Appeal Board or have obtained a Board determination from a prior proceeding establishing that you are entitled to a concurrent registration; or (ii) have obtained a final court determination establishing your concurrent right to use the same or similar mark in commerce in a limited geographic area.

MISCELLANEOUS STATEMENT: Enter information here ONLY if no other section of the form is appropriate. **FAILURE TO FOLLOW THIS INSTRUCTION WILL CAUSE SIGNIFICANT DELAYS IN THE PROCESSING AND REVIEW OF YOUR SUBMISSION.** If you wish to **DELETE (WITHDRAW)** a statement previously submitted, you may indicate that here through an instruction. *e.g., "Please delete the disclaimer currently of record."*

For collective trademark/service mark/membership applications based on Section 1(a), use of the mark in commerce: If you have not previously submitted an acceptable statement indicating your method of control for all identified classes, use the text box below to indicate your method of control (the following format is suggested: the applicant controls the members use of the mark [indicate method of control, e.g., as specified in the applicant's bylaws or other written provisions, etc.]).

For certification mark applications based on Section 1(a), use of the mark in commerce: If you have not previously submitted an acceptable copy of the applicable certification standards, click on the gray bar below labeled Click here to Attach/Remove Miscellaneous to attach a copy of the standards that you use to determine whether particular goods or services will, in fact, be certified.

For all certification mark applications: If you have not previously submitted an acceptable statement of the characteristic(s), standard(s), or feature(s) that is (or will be) certified by the mark for all identified classes, use the text box below to enter a statement of the characteristic(s), standard(s), or other feature(s) that you are (or will be) certifying about the identified goods/services. The following format is suggested: The certification mark, as used or intended to be used by persons authorized by the certifier, certifies or is intended to certify that the goods and/or services provided have [specify].

[Burden/Privacy Statement](#) | [TEAS Form Burden Statement](#)

[Help Desk](#) | [Bug Report](#) | [Feedback](#) | [TEAS Home](#) | [Trademark Home](#) | [USPTO](#)



Navigation History: [Wizard](#) > [Mark Info](#) > [Refusal](#) > [Update GS](#) > [Addtl Stmtns](#) > [Mark Update](#) > Applicant/Entity > New GS > Fee > Correspondence > Signature

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 PTO Form 1960 (Rev 10/2011)
 OMB No. 0651-0050 (Exp. 07/31/2017)

Request for Reconsideration after Final Action

TEAS - Version 5.4 : 07/11/2015

Mark Information

Note: While minor changes in the mark are *sometimes* permitted, any [material alteration](#) will NOT be permitted and will result in a refusal being issued on that ground.

If you have read and understood the above notice, you must check this box before you enter the proposed amended mark.

* Click the appropriate circle to indicate the Mark type: Standard Characters Special Form (*Stylized and/or Design*) Sound Mark

Click on the "Browse/Choose File" button to select a [properly-sized JPG image file](#) (the only accepted format) from your local drive. This image should show the mark exactly as you would wish the mark to appear on your registration certificate, if the mark registers. If you are claiming color, you **must** submit a color image; otherwise, the image must be clear [black and white](#). After the file name appears in the window, click on the "Attach" button to upload the file into the application. A "thumbnail" version of the image will then display directly within the form.

WARNING: The image size cannot exceed 5 megabytes per attachment.

no file selected

Enter any word(s), letter(s), punctuation, and/or number(s) that appear in your mark here:

NOTE: Do **NOT** enter any word(s), letter(s), punctuation, and/or number(s) that do not appear in the attached image file. Leave this space blank if your mark consists only of design elements. The image file **must** include **all** elements of the mark; i.e., if your mark consists of a design and word(s), letter(s), punctuation, and/or number(s), the image file must include all of these elements. Any entry in the [literal element](#) field that is not found in the attached image file will **not** be considered part of the mark.

* If claiming color as a feature of the mark, list the colors below, including black, gray, and/or white if actual "colors" within the mark (e.g., enter red, white, and blue). Begin the entry with a lower-case, **NOT** an upper-case, letter. (Entry required for color marks only.)

The color(s)

is/are claimed as a feature of the mark.

If other than a mark in standard characters and you are NOT claiming color as a feature of the mark, you must: (1) check this box; and (2) remove all data that may appear in the color(s) claimed field, above, even if a statement therein is factually correct; under this scenario, the field must be completely blank. **NOTE:** Check the box *only* if you believe your image is black and white, yet you received after clicking the "CONTINUE" button an ERROR about color within the mark (perhaps because the image consists of too much grayscale); otherwise, do **not** check this box, because the attached image was automatically accepted as black and white.

Enter a complete and accurate [description](#) of the entire mark below, being sure to include ALL [literal elements](#) and/or design elements that are found in the attached mark image, but **NOT** including any element not appearing in the image. If a color mark, you must specify the color(s) that are part of the mark, including black, gray, and white, and also state the location thereof in the mark image (reference any wording in mark and/or design element(s)), and if a color mark, also include the nature and location of the color; i.e., you should specifically state where each color is located within the mark.

The mark consists of: (do NOT repeat this language)

. (end period is automatic)

NOTE: A description of the mark is required for **ALL** marks that are in a special form (i.e., for *any* mark not in standard characters). You must enter a description even if what the mark represents is immediately clear, e.g., "the letter C." The description must be for the complete mark, and not simply for any design element; i.e., if the

mark includes a literal element, that must be referenced here, even if already separately stated in the "literal element" field, *above*. Also, for any color mark, the description of the mark **must** include the nature and location of the color; i.e., you must specifically state where each color is located within the mark, e.g., "a bird with a red body, blue wings, and yellow beak."

NOTE: Do **NOT** include as part of the description either the words "The mark consists of" or a final period, because that introductory wording and the punctuation will automatically be added after validation; otherwise, the overall description will have improper repetitions. Also, begin the entry with a lower-case, **NOT** an upper-case, letter.

[Burden/Privacy Statement](#) | [TEAS Form Burden Statement](#)

[Help Desk](#) | [Bug Report](#) | [Feedback](#) | [TEAS Home](#) | [Trademark Home](#) | [USPTO](#)



Navigation History: [Wizard](#) > [Mark Info](#) > [Refusal](#) > [Update GS](#) > [Addtl Stmtns](#) > [Mark Update](#) > [Applicant/Entity](#) > New GS > Fee > Correspondence > Signature

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

Request for Reconsideration after Final Action

TEAS - Version 5.4 : 07/11/2015

Owner/Holder Information

Note: If this change relates to a change in the correspondence address or e-mail, please use the "New Correspondence Information" section of this form.

* Owner/Holder of Mark		<small>[If an individual, use the following format: Last Name, First Name Middle Initial or Name, if applicable]</small>	
DBA (doing business as) AKA (also known as) TA (trading as) Formerly			
<u>Entity Type</u> <u>Individual</u> <u>Corporation</u> <u>Limited Liability Company</u> <u>Partnership</u> <u>Limited Partnership</u> <u>Joint Venture</u> <u>Sole Proprietorship</u> <u>Trust</u> <u>Estate</u> <u>Other</u>		State or Country Where Legally Organized	If U.S. Company Delaware OR If non-U.S. Company Country <small>Note: You may correct an error or omission in the original listing. However, if the State/Country of Incorporation has actually changed, you should file an assignment document form PTO-1594.</small>
Internal Address			
* Street Address		<small>NOTE: You must limit your entry here, and for all remaining fields within this overall section (except City, see below), to no more than 40 characters (the storage limit for the USPTO database). You may need to abbreviate some words, e.g., St. instead of Street. Failure to do so may result in an undeliverable address, due to truncation at the 40 character limit.</small>	
* City		<small>NOTE: You must limit your entry here to no more than 22 characters.</small>	
* State (Required for U.S. owners/holders)		Missouri <small>NOTE: You must include as part of the "City" entry any information related to geographical regions (e.g., provinces) not found in the dropdown lists for "States" or "Countries." Enter the city and then the geographical region, separated by a comma (e.g., Toronto, Ontario). In most instances, you will then also have to select the country within which the region is found, below.</small>	
* Country or U.S. Territory		United States	
* Zip/Postal Code (Required for U.S. owners/holders only)			
Phone Number			
Fax Number			



**Internet
E-mail Address**

While the application may list an e-mail address for the owner/holder, the owner's/holder's attorney, and/or the owner's/holder's domestic representative, **only** one e-mail address may be used for correspondence, in accordance with [USPTO policy](#). The owner/holder must keep this address current in the USPTO's records.

Check here to [authorize](#) the USPTO to communicate with the owner/holder via e-mail.

NOTE: By checking this box, the owner/holder acknowledges that it is solely responsible for receipt of USPTO documents sent via e-mail. The owner/holder should periodically check the status of its application through the [TSDR](#) system, to see if the USPTO has e-mailed an Office action. If an action has been sent to the provided e-mail address, the USPTO is not responsible for any e-mail not received due to the owner's/holder's, the owner's/holder's attorney's, or the owner's/holder's domestic representative's security or anti-spam software, or any problems within the owner's/holder's, the owner's/holder's attorney's, or the owner's/holder's domestic representative's e-mail system. All sent actions can be viewed on-line, via the [TSDR](#) system.

[Burden/Privacy Statement](#) | [TEAS Form Burden Statement](#)

[Help Desk](#) | [Bug Report](#) | [Feedback](#) | [TEAS Home](#) | [Trademark Home](#) | [USPTO](#)



Navigation History: [Wizard](#) > [Mark Info](#) > [Refusal](#) > [Update GS](#) > [Addtl Stmtns](#) > [Mark Update](#) > [Applicant/Entity](#) > [New GS](#) > Fee > Correspondence > Signature

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 PTO Form 1960 (Rev 10/2011)
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Request for Reconsideration after Final Action

TEAS - Version 5.4 : 07/11/2015

CLASSIFICATION AND LISTING OF GOODS/SERVICES/COLLECTIVE MEMBERSHIP ORGANIZATION

Adding the New Class(es) in the Application

Enter information for the New Class

*International Class: (Enter class number 001- 045, A, B and 200)

* Listing of Goods/Services/Collective Membership Organization [NOTE: Do not enter a Class or any other code in the field below. You must enter only the common commercial name for the specific goods/services/nature of the collective membership organization associated with the mark. Also, do not include any html or other programming code or language that may create links in the listing of goods/recitation of services/description of the collective membership organization]. For more information about acceptable language for the goods/services, see the USPTO's on-line [Goods and/or Services Manual](#). If entering multiple listings of goods/services, please separate with a semi-colon (;), NOT a comma.

WARNING: Your entry may NOT exceed the scope of your current identification. While you may modify the current listing to clarify or limit the goods/services/nature of the collective membership organization or to remove goods/services, you may NOT at this point ADD to, or BROADEN, the goods/services/nature of the collective membership organization. A new filing would be required to cover any new goods/services or broadening of the nature of the collective membership organization not within the scope of the current identification.

WARNING: Registration Subject to Cancellation for Fraudulent Statements

Statements made in filings to the USPTO must be accurate; inaccuracies could result in the cancellation of a trademark registration. For example, an applicant's lack of a bona fide intention to use the mark with **all** goods/services included in an application, or the lack of use on **all** goods/services for which use is claimed, could jeopardize the validity of the resulting registration.

Filing Basis Section 1(a), Use in Commerce: *For all applications:* The mark is in use in commerce and was in use in commerce as of the application filing date. The provided specimen shows the mark in use in commerce (see specimen statement below). *For a collective trademark, collective service mark, collective membership mark, 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 application filing date. *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. **WARNING: If you filed your original application under Section 1(b), Intent to Use, and you now want to assert use, do not use this form to submit dates of use and a specimen, unless responding to a specimen issue created by an already filed Allegation of Use.** Otherwise, you must file the specific [Allegation of Use](#) form (Statement of Use/Amendment to Allege Use). Filing an Allegation of Use is not a proper response to an Office action.

Date of First Use of Mark Anywhere at least as early as (MM/DD/YYYY)

Date of First Use of Mark Commerce at least as early as (MM/DD/YYYY)

Specimen File

NOTE:

For an **instructional video** on what is an appropriate trademark or service mark specimen for a good/service, [click here](#). (To view video, you must have Windows Media Player installed. For information about downloading Windows Media Player, [click here](#).)

Click on the 'Attach' button to select the file in JPG/PDF format (not exceeding 5 megabytes per attachment) or .WAV, .WMV, .WMA, .MP3, .MPG, or .AVI format (not exceeding 5 megabytes for sound files or 30 megabytes for motion files).

WARNING: Do not submit your entire filing as a PDF file. Each portion of this form serves a specific purpose for data processing reasons.

FAILURE TO FOLLOW THIS INSTRUCTION WILL CAUSE SIGNIFICANT DELAYS IN THE PROCESSING AND REVIEW OF YOUR FILING. For complete requirements concerning PDF files, [click here](#).

[Describe what the submitted specimen consists of:](#)

* **CLICK BOX BELOW IF SPECIMENS ARE BEING SUBMITTED OR WERE UNVERIFIED IN THE INITIAL APPLICATION:** If additional or new specimen(s) is/are being submitted, or the originally-submitted specimen(s) was unverified, check the statement immediately below to support the submission (the required declaration will automatically appear at the end of the form).

WARNING: You must select the specimen statement below for the substitute, new, or originally submitted unverified specimen to be acceptable. Please refer to the Office action to which you are responding and select the statement specifically referenced therein.

"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]. 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 or her own knowledge are true and all statements made on information and belief are believed to be true.

Filing Basis Section 1(b), Intent to Use: *For a trademark or service mark application:* The applicant believes the applicant is entitled to use the mark in commerce on or in connection with the goods or 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. *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.

WARNING: If your goods/services/collective membership organization for this class is/are already based on Section 1(a), use in commerce, do not also check this basis for the identical goods/services/collective membership organization.

WARNING: If you select this option, additional filing(s) and fee(s) will be required after you begin the required use of the mark in commerce prior to registration. For more information, [click here](#) (see first and second forms on linked page).

Filing Basis Section 44(d), Priority based on foreign filing: *For a trademark or service mark application:* The applicant believes 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; and the applicant asserts a claim of priority based upon a foreign application. *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; the applicant 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; and the applicant asserts a claim of priority based upon a foreign application. *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.

Foreign Application Number

Note: The USPTO database can only store 12 characters for this field. You should adjust your entry if possible, eliminating any unnecessary leadings 0's or country abbreviations, for example.

Date of Foreign Filing (MM/DD/YYYY)

Country of Foreign Application Country

At this time, the applicant does NOT intend to rely on Section 44(e) as a basis for registration, but is asserting only a valid claim of priority.

WARNING: Do NOT check this box if the Section 44(d) basis is the **ONLY** basis either for the overall application or a specific good/service/collective membership organization.

Filing Basis Section 44(e), Based on Foreign Registration: *For all applications:* The applicant attaches a copy of the foreign registration certificate or proof of renewal of such registration, and an English translation if such documents are in a foreign language. *For a trademark or service mark application:* The applicant believes 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 the applicant 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. *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.

Foreign Registration Number

Note: The USPTO database can only store 12 characters for this field. You should adjust your entry if possible, eliminating any unnecessary leadings 0's or country abbreviations, for example.

Foreign Registration Date (MM/DD/YYYY)

Date Foreign Registration Renewed (MM/DD/YYYY)
(if applicable)

Expiration Date of Foreign Registration (MM/DD/YYYY)

Country of Foreign Registration Country

[Attach Foreign Registration/Proof of Renewal of Foreign Registration](#)

Click on the 'Browse' button to select the file in JPG/PDF format (not exceeding 5 megabytes per attachment for JPG or 30 megabytes per attachment for PDF).

WARNING: Do not submit your entire filing as a PDF file. Each portion of this form serves a specific purpose for data processing reasons.

FAILURE TO FOLLOW THIS INSTRUCTION WILL CAUSE SIGNIFICANT DELAYS IN THE PROCESSING AND REVIEW OF YOUR FILING. For complete requirements concerning PDF files, click [here](#).

0 file(s) attached

Check here if the foreign registration that is the basis of the U.S. application under Section 44(e) includes a claim of standard characters or the country of origin's standard character equivalent.

WARNING: If this box is NOT checked, then the designation of the mark as "Standard Character Mark" will automatically be changed from "YES" to "NO."

[Burden/Privacy Statement](#) | [TEAS Form Burden Statement](#)

[Help Desk](#) | [Bug Report](#) | [Feedback](#) | [TEAS Home](#) | [Trademark Home](#) | [USPTO](#)



United States Patent and Trademark Office

Trademark Electronic Application System - TEAS Application



Navigation History: [Wizard](#) > [Mark Info](#) > [Refusal](#) > [Update GS](#) > [Addtl Stmtns](#) > [Mark Update](#) > [Applicant/Entity](#) > [New GS](#) > [Fee](#) > Correspondence > Signature

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 PTO Form 1960 (Rev 10/2011)
 OMB No. 0651-0050 (Exp. 07/31/2017)

Request for Reconsideration after Final Action

TEAS - Version 5.4 : 07/11/2015

FEE INFORMATION

Amount	0 number of Classes Paid x \$225 (per class) for Application fee for TEAS Plus form = \$ 0 number of Payments Refused or charged back x \$50 for Additional processing fee for each payment refused or charged back = \$ TOTAL AMOUNT = \$
	<p>I hereby elect to by-pass any fee edit for an added class(es), because I believe the original fee payment was sufficient. I understand that the examining attorney could still, upon later review, require a fee payment.</p> <p>NOTE: If the outstanding Office action is a final action, you are encouraged to provide all required fees so that no issues remain outstanding that would prevent the mark from registering.</p>

[Burden/Privacy Statement](#) | [TEAS Form Burden Statement](#)

[Help Desk](#) | [Bug Report](#) | [Feedback](#) | [TEAS Home](#) | [Trademark Home](#) | [USPTO](#)



Navigation History: [Wizard](#) > [Mark Info](#) > [Refusal](#) > [Update GS](#) > [Addtl Stmtns](#) > [Mark Update](#) > [Applicant/Entity](#) > [New GS](#) > [Fee](#) > Correspondence > Signature

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

Request for Reconsideration after Final Action

TEAS - Version 5.4 : 07/11/2015

NEW CORRESPONDENCE INFORMATION

* Name	
Firm Name	
Docket/Reference Number	
Internal Address	
* Street Address	<p>NOTE: You must limit your entry here, and for all remaining fields within this overall section (except City, see <i>below</i>), to no more than 40 characters (the storage limit for the USPTO database). You may need to abbreviate some words, e.g., St. instead of Street. Failure to do so may result in an undeliverable address, due to truncation at the 40 character limit.</p>
* City	<p>NOTE: You must limit your entry here to no more than 22 characters.</p>
* State (Required for U.S. addresses)	<p>Kansas</p> <p>NOTE: You must include as part of the "City" entry any information related to geographical regions (e.g., provinces) not found in the dropdown lists for "States" or "Countries." Enter the city and then the geographical region, separated by a comma (e.g., Toronto, Ontario). In most instances, you will then also have to select the country within which the region is found, below.</p>
* Country or U.S. Territory	<p>United States</p>
* Zip/Postal Code (Required for U.S. addresses)	
Phone Number	
Fax Number	
Internet E-mail Address	<p>Primary Email Address Secondary Email Address(es)</p> <p>Enter up to 4 addresses, separated by either a semicolon or a comma. While the application may list an e-mail address for the applicant, the applicant's attorney, and/or the applicant's domestic representative, only one e-mail address may be used for correspondence, in accordance with USPTO policy. The applicant must keep this address current in the USPTO's records.</p> <p><input type="checkbox"/> Check here to authorize USPTO to send official communications applicant or its representative via e-mail. (Informal communication is permissible without authorization.)</p> <p>NOTE: By checking this box, the applicant acknowledges that it is solely responsible for receipt of USPTO documents sent via e-mail. The applicant should periodically check the status of its application through the Trademark Status & Document Retrieval (TSDR) system, to see if the assigned examining attorney has e-mailed an Office action. If an action has been sent to the provided e-mail address, the USPTO is not responsible for any e-mail not received due to the applicant's, the applicant's attorney's, or the applicant's domestic representative's security or anti-spam software, or any problems within the applicant's, the applicant's attorney's, or the applicant's domestic representative's e-mail system. All sent actions can be viewed on-line, via the TSDR system.</p>



Navigation History: [Wizard](#) > [Mark Info](#) > [Refusal](#) > [Update GS](#) > [Addtl Stmtns](#) > [Mark Update](#) > [Applicant/Entity](#) > [New GS](#) > [Fee](#) > [Correspondence](#) > [Signature](#)

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 PTO Form 1960 (Rev 10/2011)
 OMB No. 0651-0050 (Exp. 07/31/2017)

Request for Reconsideration after Final Action

TEAS - Version 5.4 : 07/11/2015

DECLARATION SIGNATURE

If a declaration is required, the declaration must be signed by someone who is a "proper party to sign on behalf of the applicant" under [Trademark Rule 2.33](#). The information for the Request for Reconsideration Signature section must always be entered.

Click to choose ONE [signature method](#):

Sign electronically [directly](#) on this response form E-mail [Text Form](#) to second party for electronic signature [Handwritten pen-and-ink signature](#)

NOTE: To electronically sign this document, enter any alpha/numeric characters (letters/numbers) of **your choosing**, preceded and followed by the forward slash (/) symbol. Most signatories enter their name between the two forward slashes; examples of acceptable "signatures" include: /john doe/; /jd/; or /123-4567/.

I hereby elect to bypass the submission of a signed declaration, because I believe a declaration is not required by the rules of practice. I understand that the examining attorney could still, upon later review, require a signed declaration.

WARNING: If the examining attorney has required a signed declaration in a final office action, bypassing this requirement may result in your application being abandoned for failure to submit a complete request.

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. §1141ff(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.**

NOTE: Only one signature is required, regardless of the number of owners/holders. The person signing for each section may be different, depending on who has the required knowledge to sign. To add a signature option, if appropriate, use the "Add Signatory" button, *below*.

* Signature		* Date Signed	(MM/DD/YYYY)
* Signatory's Name			
* Signatory's Position NOTE: Enter the appropriate title or the nature of the relationship to the owner/holder - if an individual, enter "Owner" or "Holder" as appropriate; if an attorney, enter "Attorney of record, [specify at least one state] bar member", e.g., "Attorney of record, New York bar member"; if an authorized signatory of a business entity enter, e.g., "President," "Vice President," "General Partner" (if a partnership), or "Principal" (if a limited liability company). Broad designations such as "Authorized Signatory" and "Trademark Administrator" are not acceptable.			
Signatory's Phone Number			

REQUEST FOR RECONSIDERATION SIGNATURE

Click to choose ONE signature method:

Sign electronically directly on this response form E-mail Text Form to second party for electronic signature

NOTE: Although a possible combination as selected on the form, the following signing method must NOT be used: declaration signed directly and request signed through the e-mail text form approach.

NOTE: To electronically sign this document, enter any alpha/numeric characters (letters/numbers) of **your choosing**, preceded and followed by the forward slash (/) symbol. Most signatories enter their name between the two forward slashes; examples of acceptable "signatures" include: /john doe/; /jd/; or /123-4567/.

*You **must** click **one** of the three buttons, *below*, to confirm that you are authorized pursuant to the rules governing representation of others before the USPTO to sign this form.

Unrepresented Owner/Holder: I hereby confirm that

- **No** authorized attorney or Canadian attorney/agent represents me in this matter, and that I am either: (1) the owner/holder; or (2) a person(s) with legal authority to bind the owner/holder; and
- If an authorized U.S. attorney or Canadian attorney/agent previously represented me in this matter, either I have filed a signed revocation of power of attorney with the USPTO or the USPTO has granted the request of my prior representative to withdraw.

ADVISORY: You may click this first button *only* if you are the owner/holder or legally authorized to bind the owner/holder, e.g., an officer of the owner/holder corporation or association, or a general partner of the owner/holder partnership.

Authorized U.S. Attorney: I hereby confirm that

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

Authorized Canadian Attorney/Agent: I hereby confirm that

- I am a Canadian attorney/agent, or an associate thereof, who represents an owner/holder located in Canada;
- I am either registered with the USPTO and in good standing as a patent agent under 37 C.F.R. §11.6(c) or I have been granted reciprocal recognition under 37 C.F.R. §11.14(c) by the USPTO's Office of Enrollment and Discipline; and
- To the best of my knowledge, if prior to my appointment another Canadian attorney/agent or a U.S. attorney **not currently associated with my company/firm** previously represented the owner/holder in this matter: **(1)** the owner/holder has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; **(2)** the USPTO has granted the request of the prior representative to withdraw; **(3)** the owner/holder has filed a power of attorney appointing me in this matter; or **(4)** the owner's/holder's appointed Canadian attorney/agent or U.S. attorney has filed a power of attorney appointing me as an associate attorney in this matter.

ADVISORY: Foreign attorneys (other than authorized Canadian attorneys/agents) may not sign this form and are prohibited from representing an owner/holder before the USPTO in trademark matters.

Check here if you are filing a Notice of Appeal in conjunction with this Request for Reconsideration. **NOTE:** A Notice of Appeal is a different form that you must file separately to preserve your right to appeal the final refusal, if appropriate. See <http://estta.uspto.gov/>). If you file a Notice of Appeal concurrently with a Request for Reconsideration, your application will be referred to the Trademark Trial and Appeal Board for processing of the appeal. The Board will: (1) acknowledge the appeal; (2) suspend further proceedings with respect to the appeal (including the applicant's time to file an appeal brief; and (3) remand the application to the examining attorney for review of the Request for Reconsideration.

NOTE: If more than one owner/holder, **ALL** must sign the overall submission.

* Signature		* Date Signed	(MM/DD/YYYY)
* Signatory's Name			
* Signatory's Position	<p>NOTE: Enter the appropriate title or the nature of the relationship to the owner/holder - if an individual, enter "Owner" or "Holder" as appropriate; if an attorney, enter "Attorney of record, [specify at least one state] bar member", e.g., "Attorney of record, New York bar member"; if an authorized signatory of a business entity enter, e.g., "President," "Vice President," "General Partner" (if a partnership), or "Principal" (if a limited liability company). Broad designations such as "Authorized Signatory" and "Trademark Administrator" are not acceptable.</p> <p>NOTE: If the attorney signing is from the same U.S. firm as the attorney of record, but was not listed in the original filing and is not otherwise of record, include firm name to establish acceptability of signature, e.g., Associate Attorney, Smith, Jones & Davis, Virginia Bar Member.</p>		
Signatory's Phone Number			



Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number.
 PTO Form 1960 (Rev 10/2011)
 OMB No. 0651-0050 (Exp. 07/31/2017)



Request for Reconsideration after Final Action

Validation Page

On _____ you completed all mandatory fields and successfully validated the form. It has NOT been filed to the USPTO at this point. Please complete all steps below to submit the form.

■ **STEP 1:** Review the Request for Reconsideration after Final Action data, available below in various formats, by clicking on any of the phrases listed under Request for Reconsideration after Final Action Data. Use the print function within your browser to print these pages for your own records.

NOTE: At the point of final validation, it is critical to confirm that **all** information is displayed properly immediately before filing, *regardless* of the appearance of the data at any point earlier in the process.

Note: If you are using the e-signature approach or the handwritten pen-and-ink signature approach, you must click on the final link to access the specific "text form" for that purpose.

Request for Reconsideration after Final Action Data

<input type="button" value="■ Input"/>	<input type="button" value="■ Specimen(s)"/>	<input type="button" value="■ Mark"/>	<input type="button" value="■ XML File"/>	<input type="button" value="■ Textform"/>
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■ **STEP 2 :** If any of the information is incorrect, click on the Go Back to Modify button at the bottom of this page to return to the Request for Reconsideration after Final Action form and make changes.

■ **STEP 3:** If there are no errors and you are ready to file this Request for Reconsideration after Final Action electronically, confirm the e-mail address for acknowledgment. Once you submit an Request for Reconsideration after Final Action electronically, we will send an electronic acknowledgment of receipt to the e-mail address entered below. If no e-mail address appears, you must enter one. If we should send the acknowledgment to a different e-mail address, or to an additional address(es), please enter the proper address or additional address(es). For **multiple addresses/receipts**, please separate e-mail addresses by either a **semicolon** or a **comma**.

NOTE: This e-mail address is only for the purpose of receiving the acknowledgment that the transmission reached the USPTO, and is not related to the e-mail that will be used for correspondence purposes (although it could be the same address). The official e-mail address that the USPTO will use for any communication is whatever appears in the record for that purpose. If necessary, use the Change of Correspondence address form to update an e-mail address, as it will NOT be changed based on the specific entry below.

* E-mail for acknowledgment	
To ensure we can deliver your e-mail confirmation successfully, please re-enter your e-mail address(es) here:	
* E-mail for acknowledgment	

■ **STEP 4:** To download and save the Request for Reconsideration after Final Action, click on the Download [Portable Data](#) button at the bottom of this page. The information will be saved to your local drive. To begin the submission process with saved data, you must open a new form, and click on the "Browse/Choose File" button displayed on the initial form wizard page, at "[OPTIONAL] To access previously-saved data, use the "Browse/Choose File" button below to access the file from your local drive." **REMINDER:** Do NOT try to open the saved .obj/.xml form directly. You must return to the very first page of the form, as if starting a brand new form, and then use the specific "Browse/Choose File" button on that page to import the saved file. Clicking on the "Continue" button at the bottom of that first page will then properly open the saved version of your form.

■ **STEP 5:** Read and check the following:

Important Notice:

- * Please confirm that:
 - (1) You are aware that this response, to be considered "complete," should address each issue requiring response in the Office action or any previous Office action incorporated by reference, and further confirm that this response does not consist only of a signature (unless the missing signature was the sole issue raised in the Office action).
 - (2) You are aware that, if a fee was required, once you submit this form, the USPTO will not refund the fee, because it is a processing fee for the USPTO's substantive review
 - (3) You are aware that all information you submit to the USPTO at any point in the application and/or registration process will become public record, including your name, phone number, e-mail address, and street address. By filing this document, you acknowledge that **YOU HAVE NO RIGHT TO CONFIDENTIALITY** in the information disclosed. The public will be able to view this information in the USPTO's on-line databases and through internet search engines and other on-line databases. This information will remain public even if the application is abandoned or any

registration is surrendered, cancelled, or expired. To maintain confidentiality of banking or credit card information, only enter payment information in the secure portion of the site after validating your form. For any information that may be subject to copyright protection, by submitting it to the USPTO, the filer is representing that he or she has the authority to grant, and is granting, the USPTO permission to make the information available in its on-line database and in copies of the application or registration record.

(4) You are aware that private companies **not** associated with the USPTO often use trademark application and registration information from the USPTO's databases to [mail or e-mail trademark-related solicitations](#) (samples of non-USPTO solicitations included).

■ STEP 6: If you are ready to file electronically:

Click on the Pay/Submit button at the bottom of this page. NOTE: If a fee payment is required, screens for entering payment information will come up after you have clicked on the Pay/Submit button. After successful entry of payment information, you can complete the submission to the USPTO. A complete transaction will result in a screen that says **SUCCESS!** Within 24 hours, the email acknowledgment will also be sent.

WARNING: Click on the Pay/Submit button ONLY if you are now entirely prepared to complete the Pay/Submit process. After clicking the button, you can **NOT** return to the form, since you will have left the TEAS site entirely. Once in the separate payment site, you **must** complete the Pay/Submit process within **30 minutes**. If you are not prepared to complete the process now, you should select the "Download Portable Data" option to save your form, and then complete the Pay/Submit process later. Or, if you have discovered any error, use the "Go Back to Modify" button to make a correction. If you are not prepared to complete the process now, you should select the "Download Portable Data" option to save your form, and then complete the Pay/Submit process later. Or, if you have discovered any error, use the "Go Back to Modify" button to make a correction.

WARNING: Fee payments by credit card may not be made from 2 a.m. to 6 a.m. Sunday, Eastern Standard Time. If you are attempting to file during that specific period, you must use either (1) the deposit account or electronic funds transfer payment method ; or (2) the "Download Portable Data" option to save your form, and then complete the Pay/Submit process later for a credit card payment .

[Burden/Privacy Statement](#) | [TEAS Form Burden Statement](#)

[Help Desk](#) | [Bug Report](#) | [Feedback](#) | [TEAS Home](#) | [Trademark Home](#) | [USPTO](#)

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	XXXXXXX
LAW OFFICE ASSIGNED	LAW OFFICE _____
MARK SECTION (current)	
MARK	
LITERAL ELEMENT	
STANDARD CHARACTERS	
USPTO-GENERATED IMAGE	
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
MARK SECTION (proposed)	
MARK FILE NAME	
LITERAL ELEMENT	
STANDARD CHARACTERS	
USPTO-GENERATED IMAGE	
COLOR MARK	
COLOR(S) CLAIMED (If applicable)	The color(s) _____ is/are claimed as a feature of the mark.
DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of .
PIXEL COUNT ACCEPTABLE	_____
PIXEL COUNT	_____ x _____
OWNER SECTION (current)	
NAME	
STREET	
CITY	
STATE	
ZIP/POSTAL CODE	
COUNTRY	

OWNER SECTION (proposed)

NAME	
STREET	
CITY	
STATE	
ZIP/POSTAL CODE	
COUNTRY	

GOODS AND/OR SERVICES SECTION (012)(current)

INTERNATIONAL CLASS	000
DESCRIPTION	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as
FIRST USE IN COMMERCE DATE	At least as early as

GOODS AND/OR SERVICES SECTION (012)(proposed)

INTERNATIONAL CLASS	000
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TRACKED TEXT DESCRIPTION

FINAL DESCRIPTION	
FILING BASIS	Section
FIRST USE ANYWHERE DATE	At least as early as
FIRST USE IN COMMERCE DATE	At least as early as

GOODS AND/OR SERVICES SECTION (001)(class added)

INTERNATIONAL CLASS	000
DESCRIPTION	_____
FILING BASIS	Section _____
FIRST USE ANYWHERE DATE	At least as early as _____
FIRST USE IN COMMERCE DATE	At least as early as _____

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)	
SPECIMEN DESCRIPTION	
ADDITIONAL STATEMENTS SECTION	
DISCLAIMER	No claim is made to the exclusive right to use _____ apart from the mark as shown.
CORRESPONDENCE SECTION	
ORIGINAL ADDRESS	
NEW CORRESPONDENCE SECTION	
NAME	
DOCKET/REFERENCE NUMBER	
STREET	
CITY	
STATE	
ZIP/POSTAL CODE	
COUNTRY	
PHONE	
FAX	
EMAIL	
AUTHORIZED EMAIL COMMUNICATION	
PAYMENT SECTION	
NUMBER OF CLASSES	1
FEE PER CLASS	225
TOTAL FEES DUE	225
SIGNATURE SECTION	
DECLARATION SIGNATURE	//
SIGNATORY'S NAME	
SIGNATORY'S POSITION	
DATE SIGNED	00/00/0000
RESPONSE SIGNATURE	//
SIGNATORY'S NAME	
SIGNATORY'S POSITION	

Request for Reconsideration after Final Action

DATE SIGNED	00/00/0000
AUTHORIZED SIGNATORY	
CONCURRENT APPEAL NOTICE FILED	

Request for Reconsideration after Final Action

To the Commissioner for Trademarks:

Application serial no. XXXXXXXX _____ (Standard Characters, see [mark](#)) has been amended as follows:

MARK

Applicant proposes to amend the mark as follows:

Current: _____ (Standard Characters, see [mark](#))

Proposed: _____ (Stylized and/or with Design, see [mark](#))

The color(s) _____ is/are claimed as a feature of the mark.

The mark consists of _____.

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 000

Original Filing Basis:

Filing Basis: Section 1(a), Use in Commerce: *For all applications:* The mark is in use in commerce and was in use in commerce as of the application filing date. The provided specimen shows the mark in use in commerce (see specimen statement below). *For a collective trademark, collective service mark, collective membership mark, 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 application filing date. *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. The mark was first used at least as early as 00/00/0000 and first used in commerce at least as early as 00/00/0000 , and is now in use in such commerce.

Proposed:

Tracked Text Description: _____

Class 000

Filing Basis: Section 1(a), Use in Commerce: *For all applications:* The mark is in use in commerce and was in use in commerce as of the application filing date. The provided specimen shows the mark in use in commerce (see specimen statement below). *For a collective trademark, collective service mark, collective membership mark, 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 application filing date. *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. The mark was first used at least as early as 00/00/0000 and first used in commerce at least as early as 0/00/0000 , and is now in use in such commerce.

Applicant hereby adds the following class of goods/services to the application:

New: Class 001 for test

Filing Basis: Section 1(a), Use in Commerce: *For all applications:* The mark is in use in commerce and was in use in commerce as of the application filing date. The provided specimen shows the mark in use in commerce (see specimen statement below). *For a collective trademark, collective service mark, collective membership mark, 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 application filing date. *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. The mark was first used at least as early as 00/00/0000 and first used in commerce at least as early as 00/00/0000 , and is now in use in such commerce.

Applicant hereby submits a specimen for Class 001 . The specimen(s) submitted consists of sample .

"**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-1](#) []

APPLICANT AND/OR ENTITY INFORMATION

Applicant proposes to amend the following:

Current: _____, a _____ legally organized under the laws of _____, having an address of _____

Proposed: _____, a _____ legally organized under the laws of _____, having an address of _____

CORRESPONDENCE ADDRESS CHANGE

Applicant proposes to amend the following:

Current:

Proposed:

_____, having an address of _____

ADDITIONAL STATEMENTS

Disclaimer

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

FEE(S)

Fee(s) in the amount of \$225 has been submitted.

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: // Date: 00/00/0000

Signatory's Name:

Signatory's Position:

Request for Reconsideration Signature

Signature: // Date: 00/00/0000

Signatory's Name:

Signatory's Position:

The signatory has confirmed that he/she is not represented by either an authorized attorney or Canadian attorney/agent, and that he/she is either: (1) the owner/holder ; or (2) a person(s) with legal authority to bind the owner/holder; and if an authorized U.S. attorney or Canadian attorney/agent previously represented him/her in this matter, either he/she has filed a signed revocation of power of attorney with the USPTO or the USPTO has granted the request of his/her prior representative to withdraw.

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