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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 No Form Number (Rev 01/2012)
OMB No. 0651-0061 (Exp. 07/31/2018)

Letter of Protest

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.
- **TIPS ON USING THIS FORM MOST EFFECTIVELY:** [Click here](#) or on any underlined word for additional information.
- **REQUIRED FIELDS:** All have an **ASTERISK (*)**, and the form will not validate if these fields are not filled-out.

FOLLOW THE STEPS BELOW TO ACCESS THE LETTER OF PROTEST FORM:

STEP 1: [CHECK STATUS.](#)

The USPTO will accept a letter of protest filed before publication in all cases where it is determined that the evidence is relevant and supports any reasonable ground for refusal appropriate in ex parte examination. When a letter of protest is filed on the date of publication or within 30 days after the date of publication, the letter of protest will be accepted only where publication of the mark constituted clear error. Letters of protest filed more than 30 days after publication are generally denied as untimely. [Click here](#) to confirm the status of the application before proceeding. If the application is not in the correct status, you will receive an error message when you click the "Continue" button.

STEP 2: **ENTER THE U.S. APPLICATION SERIAL NUMBER BEING PROTESTED 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

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Serial Number	NNNNNNNN
Mark	
Applicant Name	
Publication Date	00/00/0000

Legal Basis*

***What is the [legal basis](#) for your letter of protest? (More than one option can be selected.) Please note that prior use of the mark, a dispute over ownership of mark, or issues of fraud are NOT an appropriate legal basis for filing a letter of protest and will result in the denial of the letter of protest.**

Mark is likely to cause confusion with an existing U.S. Trademark Registration or prior pending application or application with an earlier effective filing date or priority claim. Enter at least one U.S. Registration Number/Serial Number in text box. If identifying more than one U.S. Registration Number/Serial Number, please also attach a chart in the evidence section on the next screen.

Mark is generic.

Mark is merely descriptive or misdescriptive, or should have an element disclaimed on that basis.

Mark is primarily geographically descriptive or misdescriptive, or should have an element disclaimed on that basis.

Mark is involved in pending litigation that involves a federally registered mark or prior pending application. Remedy requested in court proceeding includes cancellation, abandonment or amendment of the protested application. Copy of the relevant pleading is attached in the evidence section.

Previously registered mark is being used inappropriately in the identification of goods/services. Enter U.S. Registration Number in text box. Identify the registered mark and exactly where in the identification of goods/service it is being used in the description of the evidence section on the next screen.

Other Legal Basis. Explanation of legal basis.



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EVIDENCE

You **must** attach evidence to support the legal grounds for refusal of registration. To maintain the integrity of the ex parte examination process, evidence should never identify the protestor or its representatives or contain any arguments or persuasive language. The evidence must be objective, independent, and factual and not consist of links to websites but include copies of the actual webpages.

An index in all letters of protests that contain multiple forms of evidence is encouraged. Any index or chart provided should not appear on letterhead, identify the protestor or include other extraneous information. A separate itemized index must be attached to any submission of evidence exceeding 75 pages or the letter of protest may be denied.

If the protest is based on a likelihood of confusion with a U.S. Registration or prior pending application, do not attach the registration certificate or printout from the USPTO database as evidence. Instead this requirement is met by providing the U.S. registration or serial number under the Legal Basis section of this form. If more than one U.S. registration or serial number is being provided, in addition to listing the numbers on the first page, you must provide a chart that includes all of the relevant numbers, marks, and identification of goods/services that are identical or related to the protested application. If the goods/services are not identical, evidence of the relatedness of the goods/services must be attached or the letter of protest may be denied.

If the legal basis for your letter of protest is that a previously registered mark is being used inappropriately in the protested application's identification of goods/services (ID), please identify the U.S. Registration number of the previously registered mark in the Legal Basis section of this form and, in the text entry box below, indicate the mark that appears in the protested application's ID and exactly where in the ID it is being used. You may also suggest an appropriate generic term that should be used instead of the registered mark.

Evidence File

Click on the 'Browse' button to select a JPG/PDF file that contains the evidence from your local drive.

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. You must include evidence with your letter of protest.

0 file(s) attached

Evidence

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

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Letter of Protest

NOTE: You must "**Browse/Choose File**" AND "**Attach**" each file, as described in Steps 1 and 2 below. If you do NOT click on the "**Attach**" button after selecting the correct file via the "**Browse/Choose File**" button, the file will not be attached to the form.

WARNING: The file **MUST** be in the JPG/PDF format, and the size cannot exceed 5 megabytes per attachment for JPG or 30 megabytes per attachment for PDF.

Click on the "Browse/Choose File" button to select a file you wish to upload:

no file selected

Status:

File Uploaded:

To attach a file, please complete the following steps:

1. Click on "**Browse/Choose File**" button to select the scanned file (JPG/PDF format only) from your local drive.
2. Click on "**Attach**" button to attach the selected file.
3. To attach additional file(s), return to step 1.
4. To remove unwanted file(s), simply clicking "**Remove**" button right below the file(s).
5. Click on "**Return to Form**" and return back to the form, but **ONLY** once you see the file(s) loaded above.

WARNING: A submission must be complete within the "4 corners" of the actual transmitted document. Information only accessible through a link, but not part of the submission itself, will **NOT** be considered to be made of record. E.g., if you wish a catalogue to be considered as evidence, you must present the actual pages of the catalogue, and not merely reference that the catalogue is available for viewing at a particular url. The url will **NOT** be independently accessed as part of the examination process, and any materials presented only "by reference" will not constitute part of the actual file.



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Protestor and Correspondence Information

* Name of Protestor	
* Correspondent Name for Letter of Protest	
Internal Address/Law Firm Name	
* Street Address	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.
* City	NOTE: You must limit your entry here to no more than 22 characters.
* State (Required for U.S. protestors)	State 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.
* Country or U.S. Territory	Country or U.S. Territory
* Zip/Postal Code (Required for U.S. protestors)	
Phone Number	
Fax Number	
E-mail Address	Check here to authorize the USPTO to issue a decision on your letter of protest via e-mail.

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Signature Information

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

[Sign directly](#)

[E-mail Text Form to second party for signature](#)

[Handwritten pen-and-ink signature](#)

Electronic Signature

To electronically sign this letter of protest, 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/.

* Signature		* Date Signed	(MM/DD/YYYY)
* Signatory's Name			
* Signatory's Position	NOTE: Enter the appropriate title.		
Signatory's Phone Number			

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On _____ You completed all mandatory fields.

■ **STEP 1:** Review the form data in various formats, by clicking on the phrases under Form Data. Use the print function within your browser to print these pages for your own records.

Application Data			
■ Input	■ Evidence	■ XML File	■ Text Form

■ **STEP 2:** If any of the information is incorrect, click on the Go Back to Modify button (bottom of this page) to make changes; then re-validate the form by clicking on the Validate Form button (bottom of the form).

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.

■ **STEP 3:** If there are no errors and you are ready to file this form electronically, confirm the e-mail address for acknowledgment. Once you submit the form 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 form, 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:** Click on the **Submit** button below to complete the filing process. Shortly after clicking that button, you should see a screen that says **SUCCESS!** Within 24 hours, the email acknowledgement will also be sent.

Letter of Protest

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	
APPLICANT NAME	
MARK SECTION	
MARK	
LEGAL BASIS FOR LETTER OF PROTEST	Other Legal Basis. Explanation of legal basis.
EVIDENCE SECTION	
EVIDENCE FILE NAME(S)	
DESCRIPTION OF EVIDENCE FILE	
PROTESTOR INFORMATION	
NAME OF PROTESTOR	
CORRESPONDENT NAME FOR LETTER OF PROTEST	
STREET	
CITY	
STATE	
ZIP/POSTAL CODE	
COUNTRY	
SIGNATURE SECTION	
SIGNATURE	//
SIGNATORY NAME	
SIGNATORY DATE	00/00/0000
SIGNATORY POSITION	

Letter of Protest

To the Commissioner for Trademarks:

APPLICATION SERIAL NUMBER:NNNNNNNN

APPLICANT NAME:

MARK:

CORRESPONDENCE INFORMATION:

PROTESTOR: The protestor, a, having the above correspondence information, protests the registration of the trademark/service mark identified above for the following reason(s):

- Other Legal Basis. Explanation of legal basis.

EVIDENCE Evidence has been attached.

[Evidence-1](#) [evi_] **The evidence consists of :** " _____ "

SIGNATURE(S)

Signature: // Date: 00/00/0000

Signatory's Name:

Signatory's Position: