

**ALLEGATION OF USE FOR INTENT-TO-USE  
APPLICATION, WITH DECLARATION  
(Amendment To Allege Use/Statement Use)**

MARK (Identify the mark)

SERIAL NO.

**TO THE ASSISTANT COMMISSIONER FOR TRADEMARKS:**

APPLICANT NAME:

Applicant requests registration of the above-identified trademark/service mark in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. §1051 *et seq.*, as amended). Three specimens per class showing the mark as used in commerce and the prescribed fees are submitted with this statement.

**Applicant is using the mark in commerce on or in connection with the following goods/services (CHECK ONLY ONE):**

☐ (a) those in the application or Notice of Allowance; **OR**

☐ (b) those in the application or Notice of Allowance **except** (if goods/services are to be deleted, list the goods/services to be **deleted**): \_\_\_\_\_

Date of first use in commerce which the U.S. Congress may regulate: \_\_\_\_\_

Specify type of commerce: \_\_\_\_\_  
(for example, interstate and/or commerce between the U.S. and a foreign country)

Date of first use anywhere: \_\_\_\_\_

Specify manner or mode of use of mark on or in connection with the goods/services: (for example, trademark is applied to labels, service mark is used in advertisements): \_\_\_\_\_

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this Amendment to Allege Use or Statement of Use on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered; the trademark /service mark is now in use in commerce; and all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Type or Print Name and Position

**Check here if Request to Divide is being submitted with this statement** (if Applicant wishes to proceed to publication or registration with certain goods/services on or in connection with which it has used the mark in commerce and retain an active application for any remaining goods/services, a divisional application and fee are required. 37 C.F.R. §2.87)

**PLEASE SEE REVERSE FOR MORE INFORMATION**

## INSTRUCTIONS AND INFORMATION FOR APPLICANT

In an application based upon a bona fide intention to use a mark in commerce, **the Applicant must use its mark in commerce before a registration will be issued.** After use begins, the applicant must file the Allegation of Use. If the Allegation of Use is filed before the mark is approved for publication in the *Official Gazette* it is treated under the statute as **an Amendment to Allege Use (AAU)**. If it is filed after the Notice of Allowance is issued, it is treated under the statute as **a Statement of Use (SOU)**. The Allegation of Use cannot be filed during the time period between approval of the mark for publication in the *Official Gazette* and the issuance of the Notice of Allowance. The difference between the AAU and SOU is the time at which each is filed during the process.

Additional requirements for filing this Allegation of Use:

- 1) the fee of \$100.00 per class of goods/services (**please note that fees are subject to change, usually on October 1 of each year**); and
  - 2) three (3) specimens of the mark as used in commerce for each class of goods/services (for example, photographs of the mark as it appears on the goods, labels for affixation on goods, advertisements showing the mark as used in connection with services).
- The Applicant may list dates of use for one item in each class of goods/services identified in the Allegation of Use. The Applicant must have used the mark in commerce on all the goods/services in the class, however, it is only necessary to list the dates of use for one item in each class.
  - Only the following persons may sign the verification on this form: (a) the individual applicant; (b) an officer of a corporate applicant; (c) one general partner of a partnership applicant; (d) all joint applicants.
  - The goods/services in the Allegation of Use must be the same as those specified in the application or Notice of Allowance. The Applicant may limit or clarify the goods/services, but cannot add to or otherwise expand the identification specified in the application or Notice of Allowance. If goods/services are deleted, they may **not** be reinserted at a later time.
  - Amendments to Allege Use are governed by Trademark Act §1(c), 15 U.S.C. §1051(c) and Trademark Rule 2.76, 37 C.F.R. §2.76. Statements of Use are governed by Trademark Act §1(d), 15 U.S.C. §1051(d) and Trademark Rule 2.88, 37 C.F.R. §2.88.

MAIL COMPLETED FORM TO:  
ASSISTANT COMMISSIONER FOR TRADEMARKS  
BOX AAU/SOU  
2900 CRYSTAL DRIVE  
ARLINGTON, VIRGINIA 22202-3513

Please note that the filing date of a document in the Patent and Trademarks Office is the date of receipt in the Office, not the date of deposit of the mail. 37 C.F.R. §1.6. To avoid lateness due to mail delay, use of the certificate of mailing set forth below, is encouraged.

### COMBINED CERTIFICATE OF MAILING/CHECKLIST

Before filing this form, please make sure to complete the following:

- ☐ three specimens, per class have been enclosed;
- ☐ the filing fee of \$100 (subject to change as noted above), per class has been enclosed; and
- ☐ the declaration has been signed by the appropriate party

### CERTIFICATE OF MAILING

I do hereby certify that the foregoing are being **deposited** with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513, on \_\_\_\_\_ (date).

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date of Deposit

\_\_\_\_\_  
Print or Type Name of Person Signing Certificate

This form is estimated to take 15 minutes to complete including time required for reading and understanding instructions, gathering necessary information, record keeping and actually providing the information. Any comments on the amount of time you require to complete this form should be sent to the Office of Management and Organization, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, D.C. 20231. Do not send forms to this address.