

<b>STATEMENT OF USE UNDER 37 CFR 2.88, WITH DECLARATION</b>	MARK (Identify the mark) <hr/> SERIAL NO.
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**TO THE ASSISTANT SECRETARY AND COMMISSIONER OF PATENTS AND TRADEMARKS:**

APPLICANT NAME: \_\_\_\_\_

NOTICE OF ALLOWANCE ISSUE DATE: \_\_\_\_\_

Applicant requests registration of the above-identified trademarks/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 are submitted with this statement.

☐ Check here if a Request to Divide under 37 C.F.R. 2.87 is being submitted with this statement.

Applicant is using the mark in commerce on or in connection with the following goods/services: (Check One)

☐ Those goods/services identified in the Notice of Allowance in this application.

☐ Those goods/services identified in the Notice of Allowance in this application except: (Identify goods/services to be deleted from application) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

Specify type of commerce: (e.g., interstate, between the U.S. and a specified foreign country) \_\_\_\_\_

\_\_\_\_\_

Date of first use anywhere: \_\_\_\_\_  
(the same as or before use-in-commerce date)

Specify manner or mode of use of mark on or in connection with the goods/services: (e.g., 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 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

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

\_\_\_\_\_  
Signature

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

## INSTRUCTIONS AND INFORMATION FOR APPLICANT

In an application based upon a bona fide intention to use a mark in commerce, applicant must use its mark in commerce before a registration will be issued. After use begins, the applicant must submit, along with evidence of use (specimens) and the prescribed fee(s), **either**:

- (1) an Amendment to Allege Use under 37 CFR 2.76, or
- (2) a Statement of Use under 37 CFR 2.88.

The difference between these two filings is the timing of the filing. Applicant may file an Amendment to Allege Use before approval of the mark for publication for opposition in the **Official Gazette**, or, if a final refusal has been issued, prior to the expiration of the six-month response period. Otherwise, applicant must file a Statement of Use after the Office issues a Notice of Allowance. The Notice of Allowance will issue after the opposition period is completed if no successful opposition is filed. Neither Amendment to Allege Use or Statement of Use papers will be accepted by the Office during the period of time between approval of the mark for publication for opposition in the **Official Gazette** and the issuance of the Notice of Allowance. Applicant may call (703) 305-8747 to determine whether the mark has been approved for publication for opposition in the **Official Gazette**.

Before filing an Amendment to Allege Use or a Statement of Use, applicant must use the mark in commerce on or in connection with **all** of the goods/services for which applicant will seek registration, **unless** applicant submits with the papers, a request to divide out from the application the goods or services to which the Amendment to Allege Use or Statement of Use pertains. (See: 37 CFR 2.87, Dividing an application)

Applicant **must** submit with an Amendment to Allege Use or a Statement of Use:

- (1) the appropriate fee of \$100.00\* per class of goods/services listed in the Amendment to Allege Use or the Statement of Use, and
- (2) three (3) specimens or facsimiles of the mark as used in commerce for each class of goods/services asserted (e.g., photograph of mark as it appears on goods, label containing mark which is placed on goods, or brochure or advertisement showing mark as used in connection with services).

### Cautions/Notes concerning completion of this Statement of Use form:

- (1) The Statement of Use must be received in the PTO within six months of the mailing of the Notice of Allowance or within a granted extension period.
- (2) The goods/services identified in the Statement of Use must be identical to the goods/services identified in the Notice of Allowance. Applicant may delete goods/services. Deleted goods/services may not be reinstated in the application at a later time.
- (3) Applicant may list dates of use for only one item in each class of goods/services identified in the Statement of Use. However, applicant must have used the mark in commerce on all the goods/services in the class. Applicant must identify the particular item to which the dates apply.
- (4) Only the following person may sign the verification of the Statement of Use, depending on the applicant's legal entity: (a) the individual applicant; (b) an officer of corporate applicant; (c) one general partner of partnership applicant; (d) all joint applicants.

MAIL COMPLETED FORM TO:

**ASSISTANT COMMISSIONER FOR TRADEMARKS  
BOX ITU  
2900 CRYSTAL DRIVE  
ARLINGTON, VIRGINIA 22202-3513**

\*Fees are effective through 9/30/94 and subject to change, usually on October 1.

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.