

PTO Form 1957
OMB No.**Response to Office Action Form Wizard****e-TEAS**

Version 2.00 : 03/31/2001

For more information regarding any of the following questions or topics, either go to **HELP** or click on the **underlined word**. You may use the following Response Form to

- Respond to an **Office Action** based on an application or Statement of Use
- Pay an additional fee after a phone call from the Office, i.e., to enable an **Examiner's Amendment**

However, you *cannot* use this form to respond to any actions from either the Intent-to-Use (ITU) or Post-Registration areas. Forms for that purpose will be available in the future.



Please answer all of the questions below to create a response form showing only sections relevant to you. To have many of the fields of your form automatically completed using the Trademark Operation's database (based on your original filing), please first enter the serial number and mark of your application. Finally, click on the NEXT button; or, to start over, click on the CLEAR button.

NOTE: A declaration will automatically appear at the end of the actual form in each instance. A signed declaration is required if a red asterisk precedes a specific item listed on the form, *OR* if the original application was submitted "unsigned." The declaration must be signed by someone who is a "proper party to sign on behalf of applicant" under **Trademark Rule 2.33**. If not required, the declaration may simply be left unsigned.

* **SERIAL NUMBER**

1. Do you want to pay an additional fee?

Yes No

2. Do you want to present arguments related to a substantive refusal(s)?

Yes No

If YES, do you wish to **attach evidence**?

Yes No

If YES, **how many individual gif or jpg image files** do you want to attach?

3. Do you need to add a new classification(s) and listing of goods and/or services?

Yes No

If YES, how many? (Note: Fee payment required)

4. Do you need to change the international classification and/or listing of goods and/or services?

Yes No

5. Do you want to correct any other procedural matter(s) / informalities / applicant information?

Yes No

6. Do you want to attach a different and/or additional specimen(s) image?

Yes No

If YES, how many specimen gif or jpg image files do you want to attach?

7. Do you want to correct your mark?

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.

Yes No

If YES, do you need to attach a new drawing image?

Yes No

8. Do you want to make any additional statement(s) of record to address a requirement, e.g., a disclaimer or claim of a prior registration?

Yes No

9. Does more than one applicant own the mark?

Yes No

If YES, enter the number of owners

10. Is an attorney filing this application?

Yes No

11. Do you need to change correspondence address?

Yes No

12. Will someone else be signing this application (via text form)?

NOTE: If you are completing the application yourself and will be signing the application, you do NOT need to use this option - answer NO to the question, and simply complete the application and enter your signature directly within the posted form.

Yes No

If YES, please pick a method:

- E-Signature
- Handwritten ("pen-and-ink") signature

NEXT	CLEAR
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Privacy Policy Statement

The information collected on this form allows the USPTO to determine whether a mark may be registered on the Principal or Supplemental register, and provides notice of an applicant's claim of ownership of the mark. Responses to the request for information are required to obtain the benefit of a registration on the Principal or Supplemental register. 15 U.S.C. §1051 et seq. and 37 C.F.R. Part 2. All information collected will be made public. Gathering and providing the information will require an estimated 10 minutes (depending if the application is based on an intent to use the mark in commerce, use of the mark in commerce, or a foreign application or registration). Please direct comments on the time needed to complete this form, and/or suggestions for reducing this burden to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington D.C. 20231. Please note that the USPTO may not conduct or sponsor a collection of information using a form that does not display a valid OMB control number.

PTO Form 1957
 OMB No.

Trademark/Service Mark Application, Response to Office Action

e-TEAS
 Version 2.00 : 03/31/2004

For more information regarding any of the following questions or topics, either go to HELP or click on the underlined word.

Note:

check here if you do not want the scrolling help to be automatically shown at the bottom of the screen.

Important: ONCE A RESPONSE IS SUBMITTED ELECTRONICALLY, THE OFFICE WILL IMMEDIATELY PROVIDE THE SENDER WITH AN ELECTRONIC ACKNOWLEDGMENT OF RECEIPT OF THE RESPONSE. Please contact the Office within 24 hours of transmission (or by the next business day) if you do not receive this acknowledgment.

Contact Points:

For general trademark information, please telephone the Trademark Assistance Center, at 703-308-9000. For automated status information on an application that has an assigned serial number, please telephone 703-305-8747, or use <http://tarr.uspto.gov>.

If you need help in resolving technical glitches, you can e-mail us at PrinTEAS@uspto.gov. Please include your telephone number in your Email, so we can talk to you directly, if necessary.

Serial Number:	78053643
Mark:	EMARTCART
Law Office Assigned:	TMO Law Office 112

* Response to Office Action

Note: A declaration will automatically appear at the end of the actual form in each instance. A signed declaration is required if a red asterisk precedes a specific item listed on the form, OR if the original application were submitted "unsigned." The declaration must be signed by someone who is a "proper party to sign on behalf of applicant" under Trademark Rule 2.33. If not required, the declaration may simply be left unsigned.

FEE INFORMATION	
	Note: The total fee is computed based on the Number of Classes for which payment is being made.
Amount	<input type="text" value="0"/> <input type="text"/> Number of Classes Paid x \$325 (per class) for Application fee = \$ <input type="text" value="0"/> <input type="text"/>
	<input type="text" value="0"/> <input type="text"/> Number of Classes Paid x \$100 (per class) for AAU fee = \$ <input type="text" value="0"/> <input type="text"/>
	<input type="text" value="0"/> <input type="text"/> Number of Classes Paid x \$100 (per class) for SOU fee = \$ <input type="text" value="0"/> <input type="text"/>
	TOTAL AMOUNT = \$ <input type="text" value="0"/> <input type="text"/>

REFUSAL(S)
Enter free form text:
<div style="border: 1px solid black; height: 60px;"></div>

EVIDENCE	
Evidence #1	Evidence Image File Click on the 'Browse' button to select GIF or JPG image file that contains the evidence from your local drive.
	Describe what the evidence submitted consists of: <div style="border: 1px solid black; height: 30px;"></div>
Evidence #2	Evidence Image File Click on the 'Browse' button to select GIF or JPG image file that contains the evidence from your local drive.
	Describe what the evidence submitted consists of: <div style="border: 1px solid black; height: 30px;"></div>

CLASSIFICATION AND LISTING OF GOODS/SERVICES
Use the following block to modify the Original Class #1

- Check here to delete the following class of goods/services from your application. If checked, it is not necessary to modify the current class below.
- Check here to modify the current class of goods/services. If not checked, the changes will be ignored.

International Class number: **035**

* Enter Listing of Goods/Services [Note: Enter **complete** listing of Goods/Services, regardless of changes made.]

For more information about acceptable language for the goods and/or services, see the USPTO's on-line [Goods and/or Services Manual](#).

Providing an interactive website featuring e-commerce order fulfillment and processing services, namely, supporting online merchandising by creating web-page catalogs of products for sale, and by implementing the "shopping cart" functions of accumulating order details, calculating total charges, and transferring customers to online payment services

Filing Basis 1(a): Applicant is using or is using through a related company the mark in commerce on or in connection with the identified goods and/or services. 15 U.S.C. § 1051(a), as amended.

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

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

Original Class #1

Filing Basis 1(b): Intent to Use: Applicant has a bona fide intention to use or use through a related company the mark in commerce on or in connection with the goods and/or services identified below (15 U.S.C. ?1051(b)).

Filing Basis 44(d): Priority based on foreign filing: Applicant has a bona fide intention to use the mark in commerce on or in connection with the goods and/or services identified below, and asserts a claim of priority based upon a foreign application in accordance with 15 U.S.C. ?1126(d).

Foreign Application Number:

Date of Foreign Filing: (MM/DD/YYYY)

Country of Foreign Application:

Filing Basis 44(e): Based on Foreign Registration: Applicant has a bona fide intention to use the mark in commerce on or in connection with the above identified goods and/or services, and will submit a certification or certified copy of the foreign registration before the application may proceed to registration, in accordance with 15 U. S.C. 1126(e), as amended.

Foreign Registration Number:

Foreign Registration Date: (MM/DD/YYYY)

Renewal Date for Foreign Registration: (MM/DD/YYYY)

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

Country of Foreign Registration:

Enter information for the New Class #1

International Class:

* Listing of Goods/Services
 For more information about acceptable language for the goods and/or services, see the USPTO's on-line [Goods and/or Services Manual](#).

Providing an interactive website featuring e-commerce order fulfillment and processing services, namely, supporting online merchandising by creating web-page catalogs of products for sale, and by implementing the "shopping cart" functions of accumulating order details, calculating total charges, and transferring customers to online payment services

Filing Basis 1(a): Applicant is using or is using through a related company the mark in commerce on or in connection with the identified goods and/or services. 15 U.S.C. § 1051(a), as amended.

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

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

New Class #1

Filing Basis 1(b): Intent to Use: Applicant has a bona fide intention to use or use through a related company the mark in commerce on or in connection with the goods and/or services identified below (15 U.S.C. ?1051(b)).

Filing Basis 44(d): Priority based on foreign filing: Applicant has a bona fide intention to use the mark in commerce on or in connection with the goods and/or services identified below, and asserts a claim of priority based upon a foreign application in accordance with 15 U.S.C. ?1126(d).

Foreign Application Number: []

Date of Foreign Filing: [] (MM/DD/YYYY)

Country of Foreign Application []

Filing Basis 44(e): Based on Foreign Registration: Applicant has a bona fide intention to use the mark in commerce on or in connection with the above identified goods and/or services, and will submit a certification or certified copy of the foreign registration before the application may proceed to registration, in accordance with 15 U. S.C. 1126(e), as amended.

Foreign Registration Number: []

Foreign Registration Date: [] (MM/DD/YYYY)

Renewal Date for Foreign Registration: [] (MM/DD/YYYY)

Expiration Date for Foreign Registration: [] (MM/DD/YYYY)

Country of Foreign Registration: []

Enter information for the New Class #2

International Class: []

*** Listing of Goods/Services**

For more information about acceptable language for the goods and/or services, see the USPTO's on-line [Goods and/or Services Manual](#).

[]

Filing Basis 1(a): Applicant is using or is using through a related company the mark in commerce on or in connection with the identified goods and/or services. 15 U.S.C. § 1051(a), as amended.

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

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

New Class #2

Filing Basis 1(b): Intent to Use: Applicant has a bona fide intention to use or use through a related company the mark in commerce on or in connection with the goods and/or services identified below (15 U.S.C. ?1051(b)).

Filing Basis 44(d): Priority based on foreign filing: Applicant has a bona fide intention to use the mark in commerce on or in connection with the goods and/or services identified below, and asserts a claim of priority based upon a foreign application in accordance with 15 U.S.C. ?1126(d).

Foreign Application Number: []

Date of Foreign Filing: [] (MM/DD/YYYY)

Country of Foreign Application []

Filing Basis 44(e): Based on Foreign Registration: Applicant has a bona fide intention to use the mark in commerce on or in connection with the above identified goods and/or services, and will submit a certification or certified copy of the foreign registration before the application may proceed to registration, in accordance with 15 U. S.C. 1126(e), as amended.

Foreign Registration Number: []

Foreign Registration Date: [] (MM/DD/YYYY)

Renewal Date for Foreign Registration: [] (MM/DD/YYYY)

Expiration Date for Foreign Registration: [] (MM/DD/YYYY)

Country of Foreign Registration: []

SPECIMEN(S)

* **International Class** (Enter class number 001 - 045)

Specimen Image File

Click on the 'Browse' button to select GIF or JPG image file that contains the specimen from your local drive.

Describe what the specimen submitted consists of:

Specimen #1

If additional or new specimen(s) is being submitted, check the appropriate statement:

- For an application based on §1(a), Use in Commerce, "The substitute specimen(s) was in use in commerce as of the filing date of the application."
- For an application based on §1(b), Intent-to-Use, "The substitute specimen(s) was in use in commerce prior to the filing of the Amendment to Allege Use (AAU)."
- For an application based on §1(b), Intent-to-Use, "The substitute specimen(s) was in use in commerce prior to expiration of the filing deadline for filing a Statement of Use (SOU)."

* **International Class** (Enter class number 001 - 045)

Specimen Image File

Click on the 'Browse' button to select GIF or JPG image file that contains the specimen from your local drive.

Describe what the specimen submitted consists of:

Specimen #2

If additional or new specimen(s) is being submitted, check the appropriate statement:

- For an application based on §1(a), Use in Commerce, "The substitute specimen(s) was in use in commerce as of the filing date of the application."
- For an application based on §1(b), Intent-to-Use, "The substitute specimen(s) was in use in commerce prior to the filing of the Amendment to Allege Use (AAU)."
- For an application based on §1(b), Intent-to-Use, "The substitute specimen(s) was in use in commerce prior to expiration of the filing deadline for filing a Statement of Use (SOU)."

* **International Class** (Enter class number 001 - 045)

Specimen Image File

Click on the 'Browse' button to select GIF or JPG image file that contains the specimen from your local drive.

Describe what the specimen submitted consists of:

Specimen #3

If additional or new specimen(s) is being submitted, check the appropriate statement:

- For an application based on §1(a), Use in Commerce, "The substitute specimen(s) was in use in commerce as of the filing date of the application."
- For an application based on §1(b), Intent-to-Use, "The substitute specimen(s) was in use in commerce prior to the filing of the Amendment to Allege Use (AAU)."
- For an application based on §1(b), Intent-to-Use, "The substitute specimen(s) was in use in commerce prior to expiration of the filing deadline for filing a Statement of Use (SOU)."

MARK

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, please check the box before you enter the proposed new mark.

Stylized or Design Format

Use this section if you wish to submit a Stylized or Design Format that is a stylized word(s), letter(s), number(s), and/or a design. The design may also include words.

Add/Modify/Delete the LITERAL element only of the mark here for a stylized word(s) or letter(s), or a design that also includes a word(s) :

EMARTCART

Click on the 'Browse' button to select a new GIF or JPG image file from your local drive that shows the complete overall mark (*i.e.*, the stylized representation of the words, *e.g.*, or if a design that also includes words, the image of the "composite" mark, NOT just the design element) :

PROCEDURAL MATTER(S) / INFORMALITIES / APPLICANT INFORMATION

Check here to modify the current applicant information. If not checked, the changes will be ignored.

* Name

interAUCTION Services LLC

Note: If the name of the applicant has actually changed, you may not do a "correction." You must file an actual change of name document/assignment and recordation form cover sheet with the Assignment Branch.

Note: If this change relates to a change in the correspondence address or e-mail, please use the change in correspondence form.

Original Applicant #1	Internal Address	
	Street	5520 Galena Dr.
	City	Colorado Springs
	State/Province	CO
	Zip Code	80918
	Country	US
	E-mail	<input type="checkbox"/> Check here to authorize the USPTO to communicate with the applicant or its representative via e-mail. NOTE: While the application may list an e-mail address for the applicant, applicant's attorney, and/or applicant's domestic representative, only one e-mail address may be used for correspondence, in accordance with Office policy. The applicant must keep this address current in the Office's records.
	Phone Number	
	Fax Number	
	Entity Type	Click on the one appropriate circle to indicate the applicant's entity type and enter the corresponding information.
	<input type="radio"/> Individual	Country of Citizenship
	<input checked="" type="radio"/> Corporation	State or Country of Incorporation CO Note: You may correct the error in the original listing. However, if the <u>State/Country of Incorporation</u> has actually changed, you should file an <u>assignment document</u> .
<input type="radio"/> Partnership	State or Country where organized Note: You may correct the error in the original listing. However, if the <u>State/Country of Incorporation</u> has actually changed, you should file an <u>assignment document</u> . General Partner Name	
<input type="radio"/> Others	Entity Type <input type="text" value="v"/> Note: If the <u>entity type</u> has actually changed, you should file an <u>assignment document</u> . State or Country where organized	
<input type="checkbox"/> Check here to modify the current applicant information. If not checked, the changes will be ignored.		
* Name	interAUCTION Services LLC Note: If the name of the applicant has actually changed, you may not do a "correction." You must file an <u>actual change of name document/assignment and recordation form</u> cover sheet with the Assignment Branch. Note: If this change relates to a change in the correspondence address or e-mail, please use the <u>change in correspondence form</u> .	
Internal Address		
Street	5520 Galena Dr.	
City	Colorado Springs	
State/Province	CO	
Zip Code	80918	
Country	US	
E-mail	<input type="checkbox"/> Check here to authorize the USPTO to communicate with the applicant or its representative via e-mail. NOTE: While the application may list an e-mail address for the applicant, applicant's attorney, and/or applicant's domestic representative, only one e-mail address may be used for correspondence, in accordance with Office policy. The	

Original Applicant #2	applicant must keep this address current in the Office's records.	
	Phone Number	<input type="text"/>
	Fax Number	<input type="text"/>
	Entity Type	Click on the one appropriate circle to indicate the applicant's entity type and enter the corresponding information.
	<input type="radio"/> Individual	Country of Citizenship <input type="text"/>
	<input checked="" type="radio"/> Corporation	State or Country of Incorporation CO Note: You may correct the error in the original listing. However, if the <u>State/Country of Incorporation</u> has actually changed, you should file an <u>assignment document</u> .
	<input type="radio"/> Partnership	State or Country where organized <input type="text"/> Note: You may correct the error in the original listing. However, if the <u>State/Country of Incorporation</u> has actually changed, you should file an <u>assignment document</u> . General Partner Name <input type="text"/> Note: If the name has actually changed, you may not do a "correction". You should file an actual <u>change of name document</u> . Note: If this change relates to a change in the correspondence address or e-mail, please use the <u>change in correspondence form</u> .
	<input type="radio"/> Others	Entity Type <input type="text" value="▼"/> Note: If the <u>entity type has actually changed</u> , you should file an <u>assignment document</u> . State or Country where organized <input type="text"/> Note: You may correct the error in the original listing. However, if the <u>State/Country of Incorporation</u> has actually changed, you should file an <u>assignment document</u> .

ADDITIONAL STATEMENT(S)

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."

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

COLOR LINING: "The color lining is a feature of the mark."

PRIOR REGISTRATION(S): "Applicant claims ownership of U.S. Registration Number(s) ."

DESCRIPTION OF THE MARK: "The mark consists of ."

TRANSLATION: "The foreign wording in the mark translates into English as ."

TRANSLITERATION: "The non-Latin character(s) in the mark transliterates into , and this means in English."

§2(f), based on Use: "The mark has become distinctive of the goods/services through the applicant's substantially exclusive and continuous use in commerce for at least the five years immediately before the date of this statement."

§2(f), based on Prior Registration(s): "The mark has become distinctive of the goods/services as evidenced by the ownership on the Principal Register for the same mark for related goods or services of U.S. Registration No(s). ."

§2(f), IN PART, based on Use: " has become distinctive of the goods/services through the applicant's substantially exclusive and continuous use in commerce for at least the five years immediately before the date of this statement."

§2(f), IN PART, based on Prior Registration(s): " has become distinctive of the goods/services as evidenced by the ownership on the Principal Register for the same mark for related goods or services of U.S. Registration No(s). ."

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 submitted."

Click on the 'Browse' button to select the GIF or JPG image file containing the signed consent statement from your local drive."

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

CONCURRENT USE: Enter the appropriate concurrent use information, e.g., specify the goods and the geographic area for which registration

CONCURRENT USE. Enter the appropriate concurrent use information, e.g., specify the goods and the geographic area for which registration is sought.

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MISCELLANEOUS STATEMENT: Enter information here ONLY if required in the Response to Office Action and there is no other section of the form that is appropriate.

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NEW CORRESPONDENCE INFORMATION	
Current Correspondence Information	INTERAUTION SERVICES LLC 5520 GALENA DR COLORADO SPRINGS CO 80918-2263
* Name	<input type="text"/>
Firm Name (must reenter to retain original information)	<input type="text"/>
* Address	* Street <input type="text"/>
	Internal Address <input type="text"/>
	* City <input type="text"/>
	State <input type="text" value="Select A State"/> ▼ If not listed above, please select 'OTHER' and enter state here: <input type="text"/>
	* Country <input type="text" value="USA"/> ▼ If not listed above, please select 'OTHER' and enter country here: <input type="text"/>
	Zip/Postal Code <input type="text"/>
Phone Number	<input type="text"/>
Fax Number	<input type="text"/>
Internet E-Mail Address	<input type="checkbox"/> Check here to authorize the USPTO to communicate with the applicant or its representative via e-mail. NOTE: While the application may list an e-mail address for the applicant, applicant's attorney, and/or applicant's domestic representative, only one e-mail address may be used for correspondence accordance with Office policy. The applicant must keep this address current in the Office's records.

SIGNATURE(S)

i The declaration (if required) will not be "signed" in the sense of a traditional paper document. To verify the contents of the application, the signatory must enter any combination of alpha/numeric characters that has been specifically adopted to serve the function of the signature, preceded and followed by the forward slash (/) symbol. Acceptable "signatures" could include: /john doe/; /jd/; and /123-4567/. The application may still be verified to check for missing information or errors even if the signature and date signed fields are left blank. For additional information, click on "Signature" below.

DECLARATION

Note: A signed declaration is required if a red asterisk precedes a specific item listed on the form, OR if the original application were submitted "unsigned." The declaration must be signed by someone who is a "proper party to sign on behalf of applicant" under Trademark Rule 2.33. If not required, the declaration may simply be left unsigned.

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 application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. ?1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

<u>Signature</u>	<input style="width: 95%;" type="text"/>	<u>Date Signed</u>	<input style="width: 95%;" type="text"/>
			MM/DD/YYYY
<u>Signatory's Name</u>	<input style="width: 100%;" type="text"/>		
<u>Signatory's Position</u>	<input style="width: 100%;" type="text"/>		

<u>Signature</u>	<input style="width: 95%;" type="text"/>	<u>Date Signed</u>	<input style="width: 95%;" type="text"/>
			MM/DD/YYYY
<u>Signatory's Name</u>	<input style="width: 100%;" type="text"/>		
<u>Signatory's Position</u>	<input style="width: 100%;" type="text"/>		

RESPONSE

<u>Signature</u>	<input type="text"/>	<u>Date Signed</u>	<input type="text"/>
			MM/DD/YYYY
<u>Signatory's Name</u>	<input type="text"/>		
<u>Signatory's Position</u>	<input type="text"/>		

Click on the desired action:

Validate Form	Reset Form
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[Privacy Policy Statement](#)