



United States Patent and Trademark Office
 Trademark Electronic Application System



PTO Form 4.16 (Rev 5/2006)
 OMB No. 0651-0055 (Exp 10/31/2008)

Declaration of Incontestability of a Mark under Section 15 (15 U.S.C. § 1065)

TEAS - Version 3.8 : 07/14/2007

To claim that a mark registered on the Principal Register is now incontestable, you must file a Section 15 declaration once the mark has been in continuous use in commerce for a period of five (5) years after the date of registration, or date of publication under § 12(c), *and* the mark is still in use in commerce. (Section 15 does NOT apply to marks on the Supplemental Register). You may file this declaration within one (1) year after the expiration of either any five-year period of continuous use following registration, or any five-year period of continuous use after publication under § 12(c).

NOTE: You must complete any field preceded by the symbol "*".

NOTE: This form has a session time limit of 60 minutes. If there is no activity within 60 minutes, the form will expire and you must begin again. A session begins once you click the Continue button, below. "Activity" means performing an actual function within the form (e.g., entering data or clicking on a data field), not merely moving "back" or "forward" from within your browser.

Each time a function is performed, a new 60-minute period begins. Therefore, this session time limit should only be a problem if you start the form and then totally stop work for more than 60 minutes, but will not be an issue if you happen to take longer than 60 minutes of steady work to complete the form.

* Enter a Registration Number:

(required only if completing the form for the first time)

OR

Access previously-saved data using the "Browse/Choose File" button below to access the file from your local drive. **NOTE: For specific instructions, please click [here](#). FAILURE TO FOLLOW THESE INSTRUCTIONS WILL RESULT IN THE DISPLAY OF YOUR DATA IN AN XML FORMAT THAT CANNOT BE EDITED.**

WARNING: You are filing a [Section 15 affidavit of incontestability](#). If a [Section 8 affidavit of use](#) or a combined [Section 8 affidavit of use/Section 9 renewal application](#) is also due, it is not included here. If necessary, please see the [Declaration of Use of a Mark under Section 8](#) or [Combined declaration of use in commerce/application for renewal of registration of mark under Sections 8 & 9](#). **If a Section 8 or combined Section 8 & 9 is due and is not timely filed, your registration will be cancelled.** Please make sure you file **all** the required forms, and that the owner name identified on the form(s) is correct.

1. Is there one registrant but more than one signatory, or joint or multiple registrants?

Yes No

If the answer is Yes, enter the number of signatories

2. Is an attorney filing this form?

NOTE [UPDATED 03/03/2007]: The USPTO considers powers of attorney to end upon either (1) the date of registration; or (2) the final acceptance or denial of a required post-registration filing. Therefore, if you answer YES to this question and file this form, the USPTO will presume that you are now the registrant's attorney. This filing will now automatically update the "Attorney of Record" and the "Correspondence Address" data fields in the USPTO's [TARR database](#). After submission of this form, it is no longer necessary to file a separate Appointment of Attorney form or Change of Correspondence Address form.

Once the USPTO recognizes an attorney with respect to the submission of a required post-registration filing, such as an affidavit under Section 8, an application for renewal under Section 9, *etc.*, the USPTO will recognize **only** that attorney for all submissions related to that filing, such as responses to Office actions, petitions, *etc.*, *unless* and *until* the registrant revokes and appoints a new power of attorney.

Yes No

3. What signature approach do you want to use? Choose one from below.

- Sign electronically directly on this application
 E-mail Text Form to *second* party for electronic signature
 Handwritten pen-and-ink signature

Clear

[Privacy Policy Statement](#)

The information collected on this form allows the applicant to demonstrate that it has commenced use of the mark in commerce. With respect to applications filed on the basis of an intent to use 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. § 1065 and 37 CFR Part 2, 2.167 and 2.168. All information collected will be made public. Gathering and providing the information will require an estimated 6 minutes. 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, P.O. Box 1450, Alexandria, VA 22313-1450. 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.



United States Patent and Trademark Office
Trademark Electronic Application System



PTO Form 4.16 (Rev 5/2006)
OMB No. 0651-0055 (Exp 10/31/2008)

Declaration of Incontestability of a Mark under Section 15 (15 U.S.C. § 1065)

TEAS - Version 3.8 : 07/14/2007

Each field name links to the relevant section of the "HELP" instructions that will appear at the bottom of the screen. Fields containing the symbol "*" **must** be completed; all other relevant fields should be completed if the information is known. If there are multiple signatories, click on the [Form Wizard](#).

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

i
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, use <http://tarr.uspto.gov>.

NOTE: Do NOT attempt to check status until at least 72 hours after submission of a filing, to allow sufficient time for our databases to be updated.

Instructions

To file this form, 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. Validate the form, using the "button" at the end of the form. If there are errors, go back to step 1.
3. Use the Pay/Submit button at the bottom of the Validation Screen. This will allow you to choose from 3 different payment methods: credit card, automated deposit account, or electronic funds transfer. After accessing the proper screen for payment, and making the appropriate entries, you will receive a confirmation screen if your transmission is successful. Or, use the "Download Portable Data" Button to save your work for submission at a later time.
4. You will receive an e-mail acknowledgement of your submission.

Registration Number: 2634326

Mark:

Registration Date

Owner Information

Check this box to modify the owner name that appears below if the name does not identify the current owner of the registration.
Note: If this change relates to a change in the correspondence address or e-mail, please use the [Change of Correspondence Address Form](#).

***Name** **WARNING:** The entity or person whose name appears immediately above may **not**, in fact, be the current owner of the registration, even though the name has been automatically displayed. You **must** ensure the current owner data is correct **on this specific form** prior to transmission. It is **NOT** sufficient that you may have previously notified the USPTO of an ownership change by submitting an assignment recordal request, even if the current owner data is now correct in the USPTO's separate assignment database. **If the correct name does not appear in the box above, before filing you must:**
(1) check the box above (top) that appears to the left of the words "Check this box to modify the owner name;"
(2) delete the name that appears immediately above; and
(3) type in the name of the **current** owner of the registration.

***Street Address** **NOTE:** You must limit your entry here, and for all remaining fields within this overall section, 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.

Internal Address

***City**

*** State**
(Required for U.S. applicants only)

If not listed above, please select "OTHER" and specify here:

***Country or U.S. Territory**

*** Zip/Postal Code**
(Required for U.S. applicants only)

Phone Number

Fax Number

While you may list an e-mail address for the registrant, registrant's attorney, and/or registrant's domestic representative, **only** one e-mail address may be used for correspondence, in accordance with [Office policy](#). You must keep this address current in the

Office's records.

**Internet
E-mail** Check here to authorize the USPTO to communicate with the registrant or its representative via e-mail.

NOTE: By checking this box, you acknowledge sole responsibility for receipt of USPTO documents sent via e-mail. You should periodically check the status of your filing through the Trademark Applications and Registrations Retrieval (TARR) database, to see if the Post Registration Division 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 e-mail security or anti-spam software, or any other problems with your e-mail system.

Attorney Information

Note: You may enter current attorney information, *below*. This will now automatically update the "Attorney of Record" and "Correspondence Address" fields in the USPTO's TARR database ; it is no longer necessary to file separate forms for that purpose.

* Correspondent Attorney
Name

Firm Name (must re-enter to retain original information)

Individual Attorney
Docket/Reference Number

Other Appointed Attorney(s)

* Street Address **NOTE:** You must limit your entry here, and for all remaining fields within this overall section, 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.

Internal Address

* City

* State

(Required for U.S. applicants
only)

If not listed above, please select "OTHER" and specify here:

* Country or U.S. Territories

* Zip/Postal Code
(Required for U.S. applicants
only)

Phone Number

Fax Number

**Internet
E-mail Address**

Check here to authorize the USPTO to communicate with the registrant or its representative via e-mail.
NOTE: While you may list an e-mail address for the registrant, registrant's attorney, and/or registrant's domestic representative, **only** one e-mail address may be used for correspondence, in accordance with Office policy. You must keep this address current in the Office's records. **NOTE:** By checking this box, you acknowledge sole responsibility for receipt of USPTO documents sent via e-mail. You should periodically check the status of your filing through the Trademark Applications and Registrations Retrieval (TARR) database, to see if the Post Registration Division 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 e-mail security or anti-spam software, or any other problems with your e-mail system.

Goods and/or Services Information

Enter information for the Class

* International Class: 042
Current listing of goods/services:

- The owner, or its related company, has continuously used the mark in commerce for five (5) consecutive years after the date of registration, or the date of publication under Section 12(c), and is still using the mark in commerce on or in connection with **ALL** goods or services listed in the existing registration for this class. Also, there has been no final decision adverse to the owner's claim of ownership of such mark for those goods or services, or to the owner's right to register the same or to keep the same on the register; and, there is no proceeding involving said rights pending and not disposed of in either the U.S. Patent and Trademark Office or the courts.
- The filing does **not** cover this specific class.
- The owner, or its related company, has continuously used the mark in commerce for five (5) consecutive years after the date of registration, or the date of publication under Section 12(c), and is still using the mark in commerce on or in connection with **ALL** goods or services listed in the existing registration for this class. Also, there has been no final decision adverse to the owner's claim of ownership of such mark for those goods or services, or to the owner's right to register the same or to keep the same on the register; and, there is no proceeding involving said rights pending and not disposed of in either the U.S. Patent and Trademark Office or the courts.

THE ABOVE STATEMENT IS ENTIRELY TRUE, **EXCEPT** FOR THE GOODS OR SERVICES LISTED BELOW. THIS FILING SPECIFICALLY DOES NOT NOT COVER THE FOLLOWING GOODS OR SERVICES:

IN THE FOLLOWING SPACE, PROPOSE HOW THE **COMPLETE** "FINAL" LISTING SHOULD READ ONCE THE SPECIFIC GOOD(S) OR SERVICE(S) IDENTIFIED ABOVE IS DELETED. DO NOT ATTEMPT TO "MODIFY" ANY OTHER WORDING, SINCE ONLY ACTUAL *DELETION* IS PERMISSIBLE.

Fee Information

Section 15 Filing Fee: \$200

Number of Classes

Note: The filing fee is computed based on the Number of Classes in which the goods and/or services associated with the mark are classified.

Section 15 Filing Fee

(Number of Classes x \$200 (per class) =

\$

Total fee paid

Amount **Section 15 Filing fee =**

\$

NOTE: Three payment options (credit card, automated deposit account, and Electronic Funds Transfer) will appear after clicking on the PAY/SUBMIT button, which is available on the bottom of the Validation Page after completing and validating this form.

Electronic Signature

The form will not be "signed" in the sense of a traditional paper document. To verify the contents of the above, the signatory must enter any alpha/numeric character(s) or combination thereof of his or her choosing, preceded and followed by the forward slash (/) symbol. The USPTO does not determine or pre-approve what the entry should be, but simply presumes that this specific entry has been adopted to serve the function of the signature. Most signatories simply enter their names between the two forward slashes, although acceptable "signatures" could include /john doe/; /jd/; or /123-4567/.

DECLARATION

The owner, or its related company, has continuously used the mark in commerce on or in connection with the goods and/or services identified above, for five (5) consecutive years after the date of registration, or the date of publication under Section 12(c), and is still using the mark in commerce on or in connection with the identified goods and/or services. The owner is filing this declaration within one (1) year after the expiration of either any five-year period of continuous use in commerce following registration, or any five-year period of continuous use in commerce after publication under § 12(c). There has been no final decision adverse to the owner's claim of ownership of such mark for such goods and/or services, or to the owner's right to register the same or to keep the same on the register; and there is no proceeding involving said rights pending and not disposed of either in the U.S. Patent and Trademark Office or in the courts.

The undersigned being hereby 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 this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

* **Signature**

* **Date Signed** (MM/DD/YYYY)

* **Signatory's Name**

* **Signatory's Position**

NOTE: Enter the appropriate title, or the relationship to the registrant(e.g., "Employee"). If an individual, enter "Owner." If an attorney, enter "Attorney of record."

Click on the desired action:

The "Validate Form" function allows you to run an automated check to ensure that all mandatory fields have been completed. You will receive an "error" message if you have not filled in one of the five (5) fields that are considered "minimum filing requirements" under the Trademark Law Treaty Implementation Act of 1998. For other fields that the USPTO believes are important, but not mandatory, you will receive a "warning" message if the field is left blank. This warning is a courtesy, if non-completion was merely an oversight. If you so choose, you may by-pass that "warning" message and validate the form (however, you cannot by-pass an "error" message).

Note: To either print the completed application, in whole or in part, download and save the validated application, or electronically submit the application to the USPTO, click on the Validate Form button.

[Privacy Policy Statement](#)

The information collected on this form allows the applicant to demonstrate that it has commenced use of the mark in commerce. With respect to applications filed on the basis of an intent to use 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. § 1065 and 37 CFR Part 2, 2.167 and 2.168. All information collected will be made public. Gathering and providing the information will require an estimated 6 minutes. 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, P.O. Box 1450, Alexandria, VA 22313-1450. 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.

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

Fri Dec 21 15:55:52 EST 2007



United States Patent and Trademark Office
 Trademark Electronic Application System



Declaration of Incontestability of a Mark under Section 15

(15 U.S.C. § 1065)

TEAS - Version 3.8 : 07/14/2007

On Fri Dec 21 15:56:43 EST 2007 **You completed all mandatory fields (but we have not yet determined whether the information is correct). Please continue below either to print Declaration of Incontestability of a Mark under Section 15, download and save it, or actually electronically pay the filing fee and submit the validated Declaration of Incontestability of a Mark under Section 15 to the USPTO for filing.**

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

Note: It is important that you review this information for accuracy and completeness now. Corrections after submission may not be permissible, thereby possibly affecting your legal rights.

Application Data

■ [Input](#)

■ [XML File](#)

■ [Text Form](#)

.**STEP 2:** If any of the information is incorrect, click on the Go Back to Modify button below to make changes; then re-validate using the Validate Form button at the bottom of the Declaration of Incontestability of a Mark under Section 15. If there are no errors and you are ready to file electronically, first use your print function within your browser to print each of these pages for your own records. Then, click on the Pay/Submit button below. This will bring up a screen for you to enter the appropriate payment information. After successful entry of the payment information, you will be able to complete the submission to the USPTO.

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

* 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:** Read and check the following:

Important Notice:

Once you submit a Declaration of Incontestability of a Mark under Section 15, either electronically or through the mail, we will not refund your fee, because it is a processing fee for our substantive review.

If you have read and understand the above notice, please check the box before you click on the **Pay/Submit** button.

■ **STEP 5:** To download and save the form data, 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 application process with a saved data, you must open a new form, and click on the "Browse/Choose File" button displayed at wizard page, question 2. "[*OPTIONAL*] To access previously-saved data, use the "Browse/Choose File" button below to access the file from your local drive."

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

Click on the Pay/Submit button, below, to access the site where you will select one of three possible payment methods. After successful entry of payment information, you can complete the submission to the USPTO. A valid transaction will result in a screen that says **SUCCESS!** Also, we will send an e-mail acknowledgment within 24 hours.

WARNING: Click on the Pay/Submit button below **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.
