

## ~REQUEST FOR EXTENSION OF TIME TO FILE A STATEMENT OF USE (15 U.S.C. § 1058(d))~

**WHEN TO FILE:** You must file a Statement of Use within six (6) months after the mailing of the Notice of Allowance, UNLESS, within that same period, you submit a request for a six-month extension of time to file the Statement of Use. The request for an extension must:

- be filed in the USPTO within six (6) months after the issue date of the Notice of Allowance, or previously-granted extension period;
- include a verified statement of the applicant's continued bona fide intention to use the mark in commerce;
- specify the goods/services to which the request pertains as they are identified in the Notice of Allowance; and
- include a fee of \$150.00 for each class of goods/services.

You may request five (5) extensions of time. No extensions may extend beyond thirty-six (36) months from the issue date of the Notice of Allowance. The USPTO must receive the second (2<sup>nd</sup>), third (3<sup>rd</sup>), fourth (4<sup>th</sup>), and fifth (5<sup>th</sup>) extensions within the previously-granted extension period. Do NOT wait until the request for extension has been granted before filing the next request. In addition to the requirements described above, the second (2<sup>nd</sup>) and subsequent requests must specify applicant's ongoing efforts to use the mark in commerce.

You may submit one (1) extension request during the six-month period in which you file the Statement of Use, unless the granting of this request would extend the period beyond thirty-six (36) months from the issue date of the Notice of Allowance. Instead of specifying ongoing efforts, for this request you should state the belief that the applicant has made valid use of the mark in commerce, as evidenced by the Statement of Use, but that if the USPTO finds the Statement defective, the applicant will require additional time to file a new Statement of Use.

If the original application were based on both Section 1(a) (Use in Commerce) and 1(b) (Intent to Use), this extension request is necessary only for those goods that were based on Section 1(b). You should NOT file an Extension Request (or Statement of Use) for those goods that were filed based on use in commerce.

### BASIC INSTRUCTIONS

The following form is written in a "scannable" format that will enable the U.S. Patent and Trademark Office (USPTO) to scan paper filings and capture application data automatically using optical character recognition (OCR) technology. Information is to be entered next to identifying data tags, such as <MARK>. OCR software can be programmed to identify these tags, capture the corresponding data, and transmit this data to the appropriate data fields in the Trademark databases, largely bypassing manual data entry processes.

Please enter the requested information in the blank space that appears to the right of each tagged (< >) element. However, do not enter any information immediately after the section headers (the bolded wording appearing in all capital letters). Some of the information requested *must* be provided. Other information is either required only in certain circumstances, or provided only at your discretion. **Please consult the "Help" section following the form for detailed explanations as to what information should be entered in each blank space.**

To increase effectiveness of the USPTO scanners, it is recommended that you use a typewriter to complete the form.

For additional information, please see the *Basic Facts About Trademarks* booklet, available at <http://www.uspto.gov/web/offices/tac/doc/basic/>, or by calling the Trademark Assistance Center, at 1-800-786-9199.

### MAILING INFORMATION

Send the completed form and appropriate fee (the filing fee for the Extension Request is \$150.00 *per class* of goods and/or services, made payable to the "Commissioner of Patents and Trademarks") to:

**Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451**

You may also wish to include a self-addressed stamped postcard with your submission, on which you identify the mark and serial number, and list each item being submitted (e.g., extension request, fee, etc.). We will return this postcard to confirm receipt of your submission.

~REQUEST FOR EXTENSION OF TIME TO FILE A STATEMENT OF USE (15 U.S.C. § 1051(d))~

~To the Commissioner for Trademarks~

<TRADEMARK/SERVICEMARK INFORMATION>

<Mark>

<Serial Number>

<APPLICANT INFORMATION>

<Name>

<Street>

<City>

<State>

<Country>

<Zip/Postal Code>

<NOTICE OF ALLOWANCE INFORMATION>

<Notice of Allowance Mailing Date>

~Enter date in the format MM/DD/YYYY.~

<GOODS AND/OR SERVICES INFORMATION>

<All Goods and/or Services in Notice of Allowance>~The applicant has a continued bona fide intention to use or use through a related company the mark in commerce on or in connection with all the goods and/or services listed in the Notice of Allowance. If not, list in the next section the goods and/or services to be deleted.~

<Goods and/or Services to be Deleted>~In the following space, list only those goods/services (or entire class(es)) appearing in the Notice of Allowance for which the applicant does **not** have a continued bona fide intention to use the mark in commerce. **LEAVE THIS SPACE BLANK IF THE APPLICANT DOES HAVE A CONTINUED BONA FIDE INTENTION TO USE THE MARK IN COMMERCE ON OR IN CONNECTION WITH ALL GOODS/SERVICES LISTED IN THE NOTICE OF ALLOWANCE.**~

<EXTENSION REQUEST INFORMATION>

<Number of Extension Request>

~Enter which request (1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup> or 5<sup>th</sup>) this is following the mailing of the Notice of Allowance.~

<ONGOING EFFORTS TO USE MARK IN COMMERCE>~Applies to 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup> & 5<sup>th</sup> extension requests only.~

~The applicant has made the following ongoing efforts to use the mark in commerce on or in connection with those goods and/or services for which use of the mark in commerce has not yet been made.~

<Explanation>

**<STATEMENT OF USE SUBMITTED>**~if applicable~

<Additional Time Requested> ~Enter YES if you believe the applicant has made valid use of the mark in commerce, as evidenced by the Statement of Use submitted with this request. If the Statement of Use does not meet the requirements of 37 C.F.R. 2.88, you request additional time to correct the Statement of Use. If not, enter NO.~

**<FEE INFORMATION>**

\$150.00 x <Number of Classes> = <Total Filing Fee Paid>

**<SIGNATURE INFORMATION>**

~Applicant is entitled to use the mark sought to be registered and has a continued bona fide intention to use the mark in commerce on or in connection with all the goods and/or services listed in the Notice of Allowance. Applicant requests a six-month extension of time to file the Statement of Use under 37 CFR 2.89.

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 Applicant; 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>

<Name>

<Title>

**<CONTACT INFORMATION>**

<Name>

<Company/Firm Name>

<Street>

<City>

<State>

<Country>

<Zip/Postal Code>

<Telephone Number>

<Fax Number>

<e-Mail Address>

**<CERTIFICATE OF MAILING>**~Recommended to avoid lateness due to mail delay.~

~I certify that the foregoing is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451, on~

<Date of Deposit>

~Signature~ \_\_\_\_\_

<Name>

## LINE-BY-LINE HELP INSTRUCTIONS

### TRADEMARK/SERVICE MARK INFORMATION

**Mark:** Enter the word mark in typed form; or, in the case of a design or stylized mark, a brief description of the mark (e.g., "Design of a fanciful cat").

**Serial Number:** Enter the eight-digit USPTO serial number (e.g., 75/453687).

### APPLICANT INFORMATION

**Name:** Enter the full name of the applicant, i.e., the name of the individual, corporation, partnership, or other entity that is seeking registration. If a joint venture organized under a particular business name, enter that name. If joint or multiple applicants, enter the name of each. If a trust, enter the name of the trustee or trustees. If an estate, enter the name of the executor or executors.

**Note:** If title of the application has changed, you should establish current title, either by (1) recording the appropriate document(s) with the USPTO Assignment Branch; or (2) submitting evidence with this declaration, such as a copy of a document transferring title from one party to another. To have the USPTO databases reflect the current applicant, you must choose option (1).

**Street:** Enter the street address or rural delivery route where the applicant is located.

**City:** Enter the city and/or foreign area designation where the applicant's address is located.

**State:** Enter the U.S. state or foreign province in which the applicant's address is located.

**Country:** Enter the country of the applicant's address.

**Zip/Postal Code:** Enter the applicant's U.S. zip code or foreign country postal identification code.

### NOTICE OF ALLOWANCE INFORMATION

**Notice of Allowance Mailing Date:** Enter the date when the USPTO mailed the Notice of Allowance. Please enter the date in the format of MM/DD/YYYY; e.g., 12/03/1999.

### GOODS AND/OR SERVICES INFORMATION

**All Goods and/or Services in Notice of Allowance:** If the applicant does NOT have a continued bona fide intention to use the mark in commerce on or in connection with *all* of the goods and/or services listed in the Notice of Allowance, complete the next section. Otherwise, we will presume such bona fide intention to use the mark in commerce on or in connection with all of the goods and/or services listed in the Notice of Allowance.

**Goods and/or Services to be Deleted:** List all goods and/or services (if any) identified in the Notice of Allowance with which the applicant does NOT have a continued bona fide intention to use the mark in commerce; or, specify an entire international class(es), as appropriate (e.g., Classes 9 & 42).

### EXTENSION REQUEST INFORMATION

**Number of Extension Request:** Indicate whether this is the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup> or 5<sup>th</sup> Request for an Extension of Time to File a Statement of Use that you are submitting.

### ONGOING EFFORTS TO USE MARK IN COMMERCE

**Explanation:** For 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> Extension Requests only, provide information regarding ongoing efforts the applicant is making to use the mark in commerce with the identified goods and/or services, such as (1) product or service research or development; (2) market research; (3) promotional activities; (4) steps to acquire distributors; and/or (5) steps to obtain required governmental approval, or similar specified activity.

### STATEMENT OF USE SUBMITTED

**Additional Time Requested:** Enter "YES" if you believe applicant has made valid use of the mark in commerce, as evidenced by the Statement of Use submitted with this request. If the Statement of Use does not meet the requirements of 37 C.F.R. 2.88, you request additional time to correct the Statement of Use. If not, enter NO.

## FEE INFORMATION

The filing fee for the Request for Extension of Time to file a Statement of Use is \$150.00 *per class*.

**Number of Classes:** Enter the number of classes (*not* the international class number(s)) to which the Extension Request applies. For example, if the Extension Request applies to Classes 1, 5 and 25, then the number of classes entered would be "3."

**Total Filing Fee Paid:** Enter fee amount enclosed (either in form of check or money order in U.S. currency, made payable to "Commissioner of Patents and Trademarks"), or to be charged to an already-existing USPTO deposit account.

## SIGNATURE INFORMATION

**Signature:** The appropriate person must sign the form. A person who is properly authorized to sign on behalf of the applicant is: (1) a person with legal authority to bind the applicant; or (2) a person with firsthand knowledge of the facts and actual or implied authority to act on behalf of the applicant; or (3) an attorney who has an actual or implied written or verbal power of attorney from the applicant.

**Date Signed:** Enter the date the form is signed.

**Name:** Enter the name of the person signing the form.

**Title:** Enter the signatory's title, if applicable, e.g., Vice President, General Partner, etc.

## CONTACT INFORMATION

Although this may be the same as provided elsewhere in the document, please enter the following required information for where the USPTO should mail correspondence.

**Name:** Enter the full name of the contact person.

**Company/Firm Name:** Enter the name of the contact person's company or firm.

**Street:** Enter the street address or rural delivery route where the contact person is located.

**City:** Enter the city and/or foreign area designation where the contact person's address is located.

**State:** Enter the U.S. state or Canadian province in which the contact person's address is located.

**Country:** Enter the country of the contact person's address.

**Zip Code:** Enter the U.S. zip code or Canadian postal code.

**Telephone Number:** Enter the appropriate telephone number.

**Fax Number:** Enter the appropriate fax number, if available.

**e-Mail Address:** Enter the appropriate e-mail address, if available.

## CERTIFICATE OF MAILING

Although optional, use of this section is recommended to avoid lateness due to mail delay. The USPTO considers papers timely filed if deposited with the U.S. States Postal Service with sufficient postage as first class mail on or before the due date, *and* accompanied by a signed Certificate of Mailing attesting to timely deposit. The USPTO will look to the date shown on the Certificate of Mailing, rather than date of actual receipt, to determine timeliness.

**Date of Deposit:** Enter the date of deposit with the United States Postal Service as first class mail.

**Signature:** The person signing the certificate should have a reasonable basis to expect that the correspondence will be mailed on or before the indicated date.

**Name:** Enter the name of the person signing the Certificate of Mailing.