

## Petition To Revive Abandoned Application - Failure To Respond Timely To Office Action

TEAS - Version 4.0 : 09/08/2007

The United States Patent And Trademark Office (USPTO) "abandons" a trademark application whenever the USPTO does not receive a timely-filed response to an examining attorney's office action. "Abandoned" means that the application is no longer pending, and, therefore, cannot mature into a registration. You may file a petition to revive an abandoned application and request that the USPTO return the application to active ("pending") status only if the applicant's delay in responding to the office action was unintentional. 37 C.F.R. §2.66. **NOTE: Do not use this form if your application has been abandoned due to the submission of an *incomplete response*. You must file a petition to the Director to reverse the holding, under 37 C.F.R. §2.146 (no electronic form exists for this purpose).**

You must file the petition to revive no later than two (2) months from the mailing date of the notice of abandonment. Otherwise, the petition will be untimely, and the application will remain abandoned. You may file a new application through TEAS. If you never received the notice of abandonment, the petition must be filed within two (2) months of actual knowledge of the abandonment, and you must have been diligent in checking the status of the application every six (6) months. 37 C.F.R. 2.66(a)(2).

If you never received the notice of abandonment and you can establish that you were diligent in checking the status of the application every six (6) months, contact the Office of the Commissioner for Trademarks for further information on filing the petition by mail. For information on establishing diligence, see Exam Guide 1-03, Section IV.

**Advisory Note:** You must maintain an accurate correspondence address with the USPTO. All changes must be made in writing, or through the electronic Change of Correspondence Address form.

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

\* Serial Number:  *(required only if completing a new petition form; otherwise, access saved form, below)*

OR

To access previously-saved data, use the "Browse/Choose File" button below to access the file from your local drive. **NOTE:** For detailed instructions on the process for retrieving saved data, please click here. **FAILURE TO FOLLOW THESE NEW INSTRUCTIONS WILL RESULT IN THE DISPLAY OF YOUR DATA IN AN XML FORMAT THAT CANNOT BE EDITED.**

**1. Did you receive the Original Office Action?**

To submit a response to the Office Action with your Petition to Revive, please answer the additional questions below, to create a response form showing sections relevant to you. Then, click on the NEXT button.

**NOTE:** If the answer to Question #1 is “Yes,” a response that addresses each issue raised in the Office Action **must** accompany this petition. Once the petition is granted, the application will be revived and the assigned examining attorney will consider the response to determine if it meets all outstanding requirements.

**NOTE:** If the answer to Question #1 is “No” and you are filing the petition but **not** submitting the response at this time, skip directly to the NEXT button at the bottom of this page. The Office action will be re-mailed to you, and you will have a new six (6) month period in which to respond.

**NOTE:** If the Office Action was a Final Refusal, the only proper response is an appeal or a response that fully complies with all outstanding requirements (or a petition, if permitted under 37 C.F.R. §.63(b)(2)). Therefore, you should also file separately a Notice of Appeal with the Trademark Trial and Appeal Board. If filing a Notice of Appeal, you should respond to the Office Action by stating that an appeal is being filed. This should be stated in the area of the response form designated for presenting arguments related to a substantive refusal. If you do not file the appeal on the same day as the petition, you may not file an appeal later. For further information, see TMEP §715 et seq.

Yes  No  
If no, are you nonetheless now filing a response with your Petition to Revive?

Yes  No

**NOTE:** If you did NOT receive the original office action, please check whether all of your correspondence information is correct in the USPTO database. If it is incorrect, you must submit a change in writing, or through the electronic Change of Correspondence Address form.

**2. Do you want to pay an additional fee?**

Yes  No

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

Yes  No

If the answer is Yes, do you wish to attach evidence?

Yes  No

**4. Do you need to ADD a new class of goods and/or services? (Note: If simply **CHANGING** an existing classification number, use **Question #5**, below.)**

Yes  No

If the answer is Yes, enter the number of classes:

5. Do you need to change/delete an existing classification number; modify listing of goods and/or services; add/modify dates of use; add/substitute a specimen and/or submit a foreign registration certificate ?

Yes  No

6. Do you want to correct any applicant or entity information ?

Yes  No

7. Do you want to modify your mark? (i.e., either change the mark itself or submit a better quality image)

**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 the answer is Yes, do you need to attach a new mark 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. Is there one applicant but more than one signatory or joint or multiple applicants?

Yes  No

If the answer is Yes, enter the number of owners:

10. Is an attorney filing this petition?

**NOTE:** Answering this question creates the appropriate signature section at the end of the petition, but does not allow you to appoint an attorney or change a previously appointed attorney. An "Attorney Section" will NOT appear in the form if you check "Yes".

Yes  No

11. Do you need to submit a Signed Declaration? (i.e., either to verify an application originally submitted **UNSIGNED**, or to support a specific item in the response, designated on the form with a “#” symbol, e.g., new specimen.)

- Yes
- No

If yes, what signature approach do you want to use? Choose one from below.

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

12. What signature approach do you want to use for the petition/response itself? Choose **ONE** from below.

**NOTE: A petition/response MUST be signed.**

**NOTE:** Although a possible combination as selected on the form wizard, the following can NOT be used: declaration signed directly and response signed through the e-mail text form approach.

- Sign electronically directly on this Petition form
- E-mail Text Form to second party for electronic signature

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[Privacy Policy Statement](#)

The information collected on this form allows an applicant to request Revival of an Application Abandoned for Failure to Respond Timely to an Office Action. 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. §1123 and 37 C.F.R. Part 2, 2.66. All information collected will be made public. Gathering and providing the information will require an estimated 5 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. 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.

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## Petition To Revive Abandoned Application - Failure To Respond Timely To Office Action

TEAS - Version 4.0 : 09/08/2007

To satisfy legal requirements, the declaration at the end of the petition or petition with response form must be signed if a "#" symbol 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. However, the information for the petition or petition with response Signature section must always be entered.

**Important:** ONCE A PETITION OR PETITION WITH RESPONSE IS SUBMITTED ELECTRONICALLY, THE OFFICE WILL IMMEDIATELY PROVIDE THE SENDER WITH AN ELECTRONIC ACKNOWLEDGMENT OF RECEIPT OF THE petition or petition with response. Please contact [teas@uspto.gov](mailto:teas@uspto.gov) 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 e-mail [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov), or telephone 1-800-786-9199. If you need help in resolving technical glitches, please e-mail [teas@uspto.gov](mailto:teas@uspto.gov). Please include your telephone number in your e-mail, so we can talk to you directly, if necessary. For status information on an application that has an assigned serial number, use <http://larr.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 the petition or petition with response form electronically, please complete the following steps:

1. Fill out all relevant fields.
2. Validate the form, using the "button" at the end of the form.
3. If the desired signatory is not available to sign the application, to forward the form to the signatory, use either the Text Form option or the Download Portable Data option. Both options are available from the Validation Page. However, to use the Text Form option, you must first answer YES to Form Wizard Question #12. When you receive the application back, return to step 2.
4. At the point of final validation, it is critical to confirm that **all** information is displayed properly immediately before filing, *regardless* of the appearance of the data at any point earlier in the process.
5. Click on the Pay/Submit button at the bottom of the Validation Screen. If a fee payment is required, 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. This screen will say **SUCCESS!** and will provide your assigned serial number.
6. You will receive an e-mail acknowledgement of your submission.

Serial Number

Mark

Law Office Assigned

Mailing date of

Notice of Abandonment

In submitting this petition, the signatory below confirms that he/she

- has firsthand knowledge that the failure to respond to the Office Action by the specified deadline was unintentional; and
- requests the USPTO to revive the abandoned application.

**FEE INFORMATION**

Petition to Revive Fee (required ) = \$100

Response Fee (required only if classes are being added )

If classes are being added as part of the Response to Office Action, the response fee is computed based on the number of Classes for which payment is being made.

number of Classes Paid x \$325 (per class) for Application fee for TEAS form = \$

number of Classes Paid x \$50 (per class) for Fee for failure to satisfy TEAS Plus requirements = \$

Amount NOTE: This is NOT the proper choice if you must ADD a class--- you must pay the "Application Fee," above.

TOTAL AMOUNT = \$

I hereby elect to by-pass any fee edit for an added class(es), because I believe the original fee payment was sufficient. I understand that the examining attorney could still, upon later review, require a fee payment.

NOTE: You may wish not to by-pass this requirement if the examining attorney's office action is a final action.

**ARGUMENT(S)**

NOTE: Should you wish to present your argument as a PDF attachment, rather than as direct text entry, you may do so within the "Evidence Section," below. For more information on this approach, click here.

**EVIDENCE**

**Evidence File**

Click on the 'Browse' button to select JPG/PDF file that contains the evidence from your local drive.

**WARNING:** Submission of an overall response as a PDF file is **NOT** permissible; i.e., do not use this section, or any other section, of the form to attach a multi-page document consisting of arguments, evidence, revised identifications of goods/services, additional statements, etc. Any portion of the this form that exists for a specific purpose must be used for that purpose, rather than trying to "shoehorn" a complete petition within one PDF file. For complete requirements concerning PDF files, click [here](#).  
**WARNING:** The file size cannot exceed 3 megabytes per attachment.  
0 file(s) attached

**Evidence**  
**Describe what the evidence submitted consists of:**

**CLASSIFICATION AND LISTING OF GOODS/SERVICES**

**Enter information for the 1st Original Class**

- 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 classification number; listing of goods/services; dates of use; and/or filing basis; or to submit a substitute specimen or foreign registration certificate. If not checked, the changes will be ignored.

Original International Class :

\*International Class:   (Enter class number 001- 045, A, B, A & B and 200)

\*Listing of Goods/Services [NOTE: Do not enter a Class or any other code in the field below. You must enter only the common commercial name for the specific goods and/or services associated with the mark. Also, do not include any html or other programming code or language that may create links in the listing of goods and/or recitation of 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 Section 1(a)**, Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. **NOTE:** If the original application was filed under Section 1(b), Intent to Use, this form is not the correct method for now making use dates of record. You must file an [Allegation of Use form](#).

#Date of First Use of Mark Anywhere by the applicant, or the applicant's

[MM/DD/YYYY]

related company, licensee, or predecessor in interest at least as early as

#Date of First Use of Mark Commerce by the applicant, or the applicant's

[MM/DD/YYYY]

related company, licensee, or predecessor in interest at least as early as

**Specimen File**

Click on the 'Browse' button to select JPG/PDF file that contains the specimen from your local drive.

**WARNING:** Submission of an overall response as a PDF file is **NOT** permissible: i.e., do not use this section, or any other section, of the form to attach a multi-page document consisting of arguments, evidence, revised identifications of goods/services, additional statements, etc. Any portion of the this form that exists for a specific purpose must be used for that purpose, rather than trying to "shoehorn" a complete petition within one PDF file. For complete requirements concerning PDF files, click [here](#).

**WARNING:** The file size cannot exceed 3 megabytes per attachment.

0 file(s) attached

Describe what the specimen submitted consists of:

[Empty text box for specimen description]

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

- For an application based on Section 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 Section 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 Section 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)."

**Filing Basis Section 1(b), Intent to Use:** The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051 (b)).

**WARNING:** If your goods or services for this class are already based on Section 1(a), use in commerce, do not also check this basis for the identical goods or services.

**Filing Basis Section 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 identified goods and/or services as of the filing date of the application, and asserts a claim of priority based upon a foreign application. 15 U.S.C. Section 1126(d), as amended.



Foreign Application Number

Note: The USPTO database can only store 12 characters for this field. You should adjust your entry if possible, eliminating any unnecessary leadings 0's or country abbreviations, for example.

Date of Foreign Filing

Country of Foreign Application

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

Foreign Registration Number

Note: The USPTO database can only store 12 characters for this field. You should adjust your entry if possible, eliminating any unnecessary leadings 0's or country abbreviations, for example.

Foreign Registration Date

Renewal Date for Foreign Registration

Expiration Date of Foreign Registration

Country of Foreign Registration

Attach Foreign Registration

WARNING: Submission of an overall response as a PDF file is NOT permissible; i.e., do not use this section, or any other section, of the form to attach a multi-page document consisting of arguments, evidence, revised identifications of goods/services, additional statements, etc. Any portion of the petition with response form that exists for a specific purpose must be used for that purpose, rather than trying to "shoehorn" a complete petition with response within one PDF file. For complete requirements concerning PDF files, click [here](#).  
WARNING: The file size cannot exceed 3 megabytes per attachment.

0 file(s) attached

Check here if the foreign registration that is the basis of the U. S. application under §44(e) of the Trademark Act (15 U.S.C. §1126(e)) includes a claim of standard characters or the country of origin's standard character equivalent.

The

**CLASSIFICATION AND LISTING OF GOODS/SERVICES**

**Enter information for the 1st New Class**

\*International Class:  (Enter class number 001-045, A, B, A & B and 200)

\* Listing of Goods/Services [NOTE: Do not enter a Class or any other code in the field below. You must enter only the common commercial name for the specific goods and/or services associated with the mark. Also, do not include any html or other programming code or language that may create links in the listing of goods and/or recitation of 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 Section 1(a)**, Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. NOTE: If the original application was filed under Section 1(b), Intent to Use, this form is not the correct method for now making use dates of record. You must file an Allegation of Use form.

#Date of First Use of Mark Anywhere by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as  (MM/DD/YYYY)

#Date of First Use of Mark Commerce by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as  (MM/DD/YYYY)

**Specimen File**

Click on the 'Browse' button to select JPG/PDF file that contains the evidence from your local drive.  
WARNING: Submission of an overall response as a PDF file is **NOT** permissible; i.e., do not use this section, or any other section, of the form to attach a multi-page document consisting of arguments, evidence, revised identifications of goods/services, additional statements, etc. Any portion of the this form that exists for a specific purpose must be used for that purpose, rather than trying to "shoehorn" a complete petition with response within one PDF file.  
For complete requirements concerning PDF files, click here.  
WARNING: The file size cannot exceed 3 megabytes per attachment.

0 file(s) attached

Describe what the specimen submitted consists of:

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

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

**Filing Basis Section 1(b)**, Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).  
**WARNING:** If your goods or services for this class are already based on Section 1(a), use in commerce, do not also check this basis for the identical goods or services.

**The 1st New Class**  
 **Filing Basis Section 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 identified goods and/or services as of the filing date of the application, and asserts a claim of priority based upon a foreign application. 15 U.S.C. Section 1126(d), as amended.

Foreign Application Number

Note: The USPTO database can only store 12 characters for this field. You should adjust your entry if possible, eliminating any unnecessary leadings 07s or country abbreviations, for example.

Date of Foreign Filing

(MM/DD/YYYY)

Country of Foreign Application

Select Country

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

Foreign Registration Number

Note: The USPTO database can only store 12 characters for this field. You should adjust your entry if possible, eliminating any unnecessary leadings 07s or country abbreviations, for example.

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

Attach Foreign Registration

**WARNING:** Submission of an overall response as a PDF file is **NOT** permissible; i.e., do not use this section, or any other section, of the form to attach a multi-page document consisting of arguments, evidence, revised identifications of goods/services, additional statements, etc. Any portion of the petition with responseform that exists for a specific purpose must be used for that purpose, rather than trying to "shoehorn" a complete petition with response within one PDF file. For complete requirements concerning PDF files, click [here](#).  
**WARNING:** The file size cannot exceed 3 megabytes per attachment.

0 file(s) attached

Check here if the foreign registration that is the basis of the U.S. application under §44(e) of the Trademark Act (15 U.S.C. §1126(e)) includes a claim of standard characters or the country of origin's standard character equivalent.

### APPLICANT AND ENTITY INFORMATION

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

Note: If this change relates to a change in the correspondence address or e-mail, please use the [Change of Correspondence Address Form](#).

[If an individual, use the following format: Last Name, First

**\* Name** Name Middle Initial or Name, if applicable]

Note: If the owner has actually changed, it is not sufficient simply to "modify" the information. First, you must file an actual change of name document/assignment and recordation form PTO-1594. Second, once the new owner information has been recorded, you should delete the pre-populated information and enter all of the new owner information. The owner name should be followed by the assignment information (e.g., XYZ Corporation (by assignment, reel \_\_\_ frame \_\_\_)).

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

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

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

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.

**Internet E-mail**

Check here to authorize the USPTO to communicate with the applicant or its representative via e-mail.  
**NOTE:** By checking this box, the applicant acknowledges that it is solely responsible for receipt of USPTO documents sent via e-mail. The applicant should periodically check the status of its application through the Trademark Applications and Registrations Retrieval (TARR) database, to see if the assigned examining attorney 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 the applicant's security or anti-spam software, or any problems within the applicant's e-mail system.

**Phone Number**

**Fax Number**

**Entity Type**

Click on the one appropriate circle to indicate the applicant's entity type and enter the corresponding information.

**Individual**

**Country of Citizenship**

Note: You may correct an error or omission in the original listing. However, if the State/Country of Incorporation has actually changed, you should file an assignment document form PTO-1594.

**State or Country of Incorporation**

If U.S. Corporation

OR

**Corporation**

If non-U.S. Corporation

Note: You may correct an error or omission in the original listing. However, if the State/Country of Incorporation has actually changed, you should file an assignment document form PTO-1594.

**State or Country Where Legally Organized**

If U.S. Company

OR

**Limited Liability Company**

If non-U.S. Company

Note: You may correct an error or omission in the original listing. However, if the State/Country of Incorporation has actually changed, you should file an assignment document form PTO-1594.

**State or Country Where Legally Organized**

If U.S. Entity

- Partnership
- Limited Partnership
- Joint Venture
- Sole Proprietorship
- Trust
- Estate

Select State

OR

If non-U.S. Entity

Select Country

Note: You may correct an error or omission in the original listing. However, if the State/Country of Incorporation has actually changed, you should file an assignment document form PTO-1594.

**Name and Citizenship of All General Partners, Active Members, Individual, Trustees, or Executors (if applicable)**

Note: If the name has actually changed, you may not do a "correction". You should file an actual change of name document. Note: If this change relates to a change in the correspondence address or e-mail, please use the Change of Correspondence Address Form.

**Specify Entity Type**

If Domestic Entity

Select Entity Type

OR

If Foreign Entity

Select Entity Type

If not listed above, please select "Other" from the list and specify here:

**State or Country Where Legally Organized**

If U.S. Entity

Select State

OR

If non-U.S. Entity OR if U.S. Federal Entity

Select Country

Note: You may correct an error or omission in the original listing. However, if the State/Country of Incorporation has actually changed, you should file an assignment document form PTO-1594.

**Name and Citizenship of All General Partners, Active Members, Individual, Trustees, or Executors (if applicable)**

The  
1st  
Original  
Applicant

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

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

Click on the 'Browse' button to select a properly-sized JPG image file (the **only** accepted format) from your local drive that shows the complete overall mark (*i.e.*, the stylized representation of the words; or, for a mark consisting of a design and words, the image of the complete "composite" mark, **not** just the design element alone). If claiming color, you must submit a color image; otherwise, the image must be clear black-and-white. After the file name appears in the window, click on the "Attach" button to upload the file into the application. A "thumbnail" version of the image will then display directly within the form.  
**WARNING:** The image size cannot exceed 3 megabytes per attachment.

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) :

**Note: Do not enter any word(s), letter(s), or number(s) that do not appear in the attached image; the image file must reflect the overall mark, consisting of the design and the word(s), letter(s), and or number(s).**

or

Design Format

Check here if the mark consists of standard characters, without claim to any particular font, style, size or color.  
**Note:** You cannot claim standard characters if you are using either non-Latin characters or non-Roman or Arabic numerals, or uncommon punctuation and/or diacritical marks, or special font, size, or color.

The color(s)  is /are claimed as a feature of the mark.  
**NOTE:** Enter only the colors, *e.g.*, red and blue. If black and/or white are actual colors within the mark, include in list.

*If other than a mark in standard characters*, check this box if you are **NOT** claiming color as a feature of the mark. **NOTE:** Check *only* if you believe your image is black-and-white, yet you received after clicking the "CONTINUE" button a **WARNING** about color within the mark (perhaps because the image consists of too much grayscale); otherwise, do **not** check this box, because the attached image was automatically accepted as black-and-white.

If other than a mark in standard characters, describe the mark, and if appropriate, list the portions of the mark that are in color and the corresponding color for each:

The mark consists of [redacted] (If a color mark, also include the nature and location of the color.)

NOTE: Do NOT include as part of the description either the words "The marks consists of" or a final period, because that introductory wording and the punctuation will automatically be added after validation; otherwise, the overall description will have improper repetitions. Also, begin the entry with a lower-case, NOT an upper-case, letter.

ADDITIONAL STATEMENT(S)

Note: Although a declaration will automatically appear at the end of this form, it must be signed only if the Additional Statement selected is either Section 2(f) based on use, or Section 2(f), in part, based on use (or if required by another section of this form).

DISCLAIMER: "No claim is made to the exclusive right to use [redacted] 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."

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

[ ] Check here to indicate there are additional prior U.S. Registration Number(s).

NOTE: Entry must not include any commas, and must be 7 numerals long (if necessary, add leading 0's to number, e.g., 0086417).

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

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

SIGNIFICANCE OF WORDING, LETTER(S), OR NUMERAL(S):

"[redacted] appearing in the mark means or signifies [redacted] in the relevant trade or industry or as applied to the goods/services listed in the application."

"[redacted] appearing in the mark has no significance in the relevant trade or industry or as applied to the goods/services listed in the application, no geographical significance, nor any meaning in a foreign language."

[ ] # Section 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."

Section 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) [redacted]."

[ ] §2(f), based on Evidence: "The mark has become distinctive of the goods/services, as demonstrated by the attached evidence." 0 file(s) attached

#Section 2(f), IN PART, based on Use: "[redacted] 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."

Section 2(f), IN PART, based on Prior Registration(s): "[redacted] 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) [redacted]."



**§2(f). IN PART, based on Evidence:** " [ ] has become distinctive of the goods/services, as demonstrated by the attached evidence. "

0 file(s) attached  
**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. "

0 file(s) attached

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

**SUPPLEMENTAL REGISTER:** "The applicant seeks registration of the mark on the Supplemental Register (i.e., a change of the words 'Principal Register' to 'Supplemental Register')." **CONCURRENT USE:** Enter the appropriate concurrent use information, e.g., specify the goods and the geographic area for which registration is sought.

**MISCELLANEOUS STATEMENT:** Enter information here ONLY if required in the Response to Office Action and no other section of the form is appropriate. If you wish to **DELETE** a statement previously submitted, you may indicate that here through an instruction. E.g., "Please delete the disclaimer currently of record. "

0 file(s) attached

**SIGNATURE(S)**

The declaration (if required ) and petition with response will not be "signed" in the sense of a traditional paper document. 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 SIGNATURE**

Note: A signed declaration is required if a "#" symbol 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. However, the information for the Petition/Response Signature section must always be entered.

If the applicant is seeking registration under Section 1(b) and/or Section 44 of the Trademark Act, the applicant had a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. 37 C.F.R. Secs. 2.34(a)(2)(i); 2.34 (a)(3)(i); and 2.34(a)(4)(ii). If the applicant is seeking registration under Section 1 (a) of the Trademark Act, the mark was in use in commerce on or in connection with the goods or services listed in the application as of the application filing date. 37 C.F.R. Secs. 2.34(a)(1)(i). 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; that if the original application was submitted unsigned, that all statements in the original application and this submission made of the declaration signer's knowledge are true; and all statements in the original application and this submission made on information and belief are believed to be true.

NOTE: The same person *may* sign the declaration on behalf of the other joint applicant(s), by merely making identical entries. The USPTO will presume that the one person who has signed was, in fact, authorized to sign on behalf of the other person(s).

\* Signature

\* Date Signed

 (MM/DD/YYYY)

\* Signatory's Name

\* Signatory's Position

NOTE: Enter the appropriate title. If an individual, enter "Owner." If an attorney, enter "Attorney of record."

PETITION/RESPONSE SIGNATURE

\*You **must** click *one* of the three buttons, *below*, to confirm that you are authorized pursuant to the rules governing representation of others before the USPTO to sign this form. 37 C.F.R. Part 10.

Unrepresented Applicant: I hereby confirm that

- No authorized attorney or Canadian attorney/agent represents me in this matter, and that I am either (1) the applicant or (2) a person(s) with legal authority to bind the applicant; and
- If an authorized U.S. attorney or Canadian attorney/agent previously represented me in this matter, either I have filed a signed revocation of power of attorney with the USPTO or the USPTO has granted the request of my prior representative to withdraw.

**ADVISORY:** You may click this first button *only* if you are the applicant or legally authorized to bind the applicant, *e.g.*, an officer of the applicant corporation or

association, or a general partner of the applicant partnership. See TMEP §§712.01 et seq.

- Authorized U.S. Attorney:** I hereby confirm that
  - I am an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and
  - I am currently the applicant's attorney or an associate thereof; and
  - To the best of my knowledge, if prior to my appointment another U.S. attorney or a Canadian attorney/agent **not currently associated with my company/firm** previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing me in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing me as an associate attorney in this matter.

**Authorized Canadian Attorney/Agent:** I hereby confirm that

- I am a Canadian attorney/agent who has been granted reciprocal recognition under 37 C.F.R. §10.14(c) by the USPTO's Office of Enrollment and Discipline to represent Canadian applicants before the USPTO; and
- I am currently the applicant's Canadian attorney/agent, or an associate thereof; and
- To the best of my knowledge, if prior to my appointment another Canadian attorney/agent or a U.S. attorney **not currently associated with my company/firm** previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing me in this matter; or (4) the applicant's appointed Canadian attorney/agent or U.S. attorney has filed a power of attorney appointing me as an associate attorney in this matter.

**ADVISORY:** Foreign attorneys (other than authorized Canadian attorneys/agents) cannot sign this form and are prohibited from representing an applicant before the USPTO in trademark matters.

**NOTE:** If more than one applicant, enter information for **each applicant** within the same blocks below ; e.g. /joe smith/ /jane jones/

\* Signature

\* Date Signed  (MM/DD/YYYY)

\* Signatory's Name

\* Signatory's Position

**NOTE:** Enter the appropriate title. 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 fields that are considered mandatory. 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 print the completed petition or petition with response, in whole or in part, download and save the validated petition or petition with response, or electronically submit the petition or petition with response to the USPTO, click on the Validate Form button.

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[Privacy Policy Statement](#)

The information collected on this form allows an applicant to request Revival of an Application Abandoned for Failure to Respond Timely to an Office Action. 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. §1123 and 37 C.F.R. Part 2, 2.66. All information collected will be made public. Gathering and providing the information will require an estimated 5 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. 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.

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