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PTO-2303

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## Letter of Protest

TEAS - Version 7.6

### GENERAL FORM INFORMATION:

- **TIMEOUT WARNING:** You're required to log back in after 30 minutes of [inactivity](#). This ensures the USPTO complies with [mandatory federal information security standards](#) and protects user information. After 25 minutes of inactivity, you will be prompted to continue your session. If you do not continue within 5 minutes, the session will end, you will be logged out of your USPTO.gov account, and you will lose any unsaved data in the form. Please have all of your information ready before you start.
- **DO NOT USE YOUR BROWSER BACK/FORWARD BUTTONS:** Use only the navigation buttons at the bottom of each page.
- **TIPS ON USING THIS FORM MOST EFFECTIVELY:** [Click here](#) or on any underlined word for additional information.
- **REQUIRED FIELDS:** All have an **ASTERISK (\*)**, and the form will not validate if these fields are not filled-out.

**IMPORTANT:** After this petition is submitted, the USPTO will send a filing receipt to the email address of the petitioner.

### CONTACT:

For **general trademark information or help navigating the forms**, email [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov), or telephone 1-800-786-9199 (press 1).

If you need help resolving **technical glitches**, email [TEAS@uspto.gov](mailto:TEAS@uspto.gov). Please include in your email your phone number, serial or registration number, and a screenshot of any error message you may have received.

**STATUS CHECKS:** The status of the filing is available in the [Trademark Status & Document Retrieval System \(TSDR\)](#) 72 hours after filing.

### FOLLOW THE STEPS BELOW TO ACCESS THE LETTER OF PROTEST FORM:

#### STEP 1: [CHECK STATUS.](#)

The USPTO will accept a letter of protest filed before publication in all cases where it is determined that the evidence is relevant and supports any reasonable ground for refusal appropriate in ex parte examination. When a letter of protest is filed on the date of publication or within 30 days after the date of publication, the letter of protest will be accepted only where publication of the mark constituted clear error. Letters of protest filed more than 30 days after publication are generally denied as untimely. [Confirm the status of the application](#) before proceeding. If the application is not in the correct status, you will receive an error message when you click the "Continue" button.

#### STEP 2: **ENTER THE U.S. APPLICATION SERIAL NUMBER BEING PROTESTED BELOW OR ACCESS PREVIOUSLY FILLED-OUT/SAVED FORM.**

\* [Serial Number:](#)

**Mark**

**The 1st Owner/Holder Information**

**Email Address:**

**The 2nd Owner/Holder Information**

**Email Address:**

**Attorney Information**

**Email Address:**

**Publication Date**

**1. Do you need to file a letter of protest? Identify the [legal basis](#) below.**

**NOTE:** Prior use of the mark, a dispute over ownership of mark, or issues of fraud are NOT an appropriate legal basis for filing a letter of protest and will result in the denial of the letter of protest.

**Check the appropriate box(es) to answer YES to this question. More than one option can be selected:**

- Mark is likely to cause confusion with an existing U.S. Trademark Registration or prior pending application or application with an earlier effective filing date or priority claim. Enter U.S. Registration Number(s)/Serial Number(s) in the text box. The protestor should not identify more than the five most relevant registrations or applications that could form a basis for refusal. If the protestor identifies more than five registrations or applications, only the first five identified registrations or applications will be considered.

Registration/Serial Number(s) must be separated by commas and without additional punctuation (e.g. "324xxxx, 572xxxx, 90xxxxxx, 79xxxxxx, 88xxxxxx").

- Mark is generic.
- Mark is merely descriptive or misdescriptive, or should have an element disclaimed on that basis.
- Mark is primarily geographically descriptive or misdescriptive, or should have an element disclaimed on that basis.
- Mark is involved in pending litigation that involves a federally registered mark or prior pending application. Remedy requested in court proceeding includes cancellation, abandonment or amendment of the protested application. Copy of the relevant pleading is attached in the evidence section.
- Previously registered mark is being used inappropriately in the identification of goods/services. Enter U.S. Registration Number in text box. Identify the registered mark and exactly where in the identification of goods/service it is being used in the description of the evidence section on the next screen.
- Other Legal Basis. Explanation of legal basis.
-

## 2. Do you need to request a copy of a previously filed Letter of Protest?

**Tip:** If answering YES to this question, leave the checkboxes, above, unchecked.

Yes  No

### EVIDENCE

You must attach evidence to support the legal grounds for refusal of registration. To maintain the integrity of the ex parte examination process, evidence should never identify the protestor or its representatives or contain any arguments or persuasive language. The evidence must be objective, independent, and factual and not consist of links to websites but include copies of the actual webpages.

An index is required for all letters of protest unless the ground is likelihood of confusion and the goods/services are identical. The index should be on a separate page and not appear on letterhead, identify the protestor, or include legal arguments or persuasive language. The submitted evidence must not include more than 10 items per ground and may not exceed 75 total pages or the letter of protest will not be considered.

If the protest is based on a likelihood of confusion with a U.S. Registration(s) or prior pending application(s), provide an electronic copy of the registration/application file from the USPTO TESS or TSDR databases showing the current status and owner; providing the registration or serial number is not sufficient. Do not identify more than five of the most relevant U.S. Registrations or serial numbers. If more than five registrations or serial numbers are provided, only the first five registrations or applications will be considered. If the goods/services are not identical, evidence of the relatedness of the goods/services must be attached or the letter of protest will not be considered.

If the legal basis for your letter of protest is that a previously registered mark is being used inappropriately in the protested application's identification of goods/services (ID), please identify the U.S. Registration number of the previously registered mark in the Legal Basis section of this form and, in the text entry box below, indicate the mark that appears in the protested application's ID and exactly where in the ID it is being used. You may also suggest an appropriate generic term that should be used instead of the registered mark.

#### Evidence File

Click on the 'Browse' button to select a [JPG/PDF file](#) that contains the information from your local drive.

**WARNING: The file size cannot exceed 5 megabytes per attachment for JPG or 30 megabytes per attachment for PDF. You must include information about your letter of protest.**

Evidence

#### Describe what the evidence submitted consists of:

**Protestor and Correspondence Information**

**\* [Name of Protestor](#)**

**\* [Correspondent Name for Letter of Protest](#)**

**[Correspondent Law Firm](#)**   
(if applicable)

**\* [Street Address](#)**  **NOTE:** You must limit your entry here, and for all remaining fields within this overall section (except City, see below), 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.

**[Suite/Apartment No](#)**

**\* [City](#)**  **NOTE:** You must limit your entry here to no more than 22 characters.

**\* [State](#)**  **NOTE:** You must include as part of the "City" entry any information related to geographical regions (e.g., provinces) not found in the dropdown lists for "States" or "Countries." Enter the city and then the geographical region, separated by a comma (e.g., Toronto, Ontario). In most instances, you will then also have to select the country within which the region is found, below.

**\* [Country/Region/Jurisdiction/U.S. Territory](#)**

**\* [Zip/Postal Code](#)**   
(Required for U.S. and certain international addresses)

**[Phone Number](#)**

**[Fax Number](#)**

**\* [Email Address](#)**   
The USPTO will issue a decision on your letter of protest by email.

**Fee Information**

**Payment options:** You will have three payment options ([credit card](#), [automated deposit account](#), and [Electronic Funds Transfer](#)). These options will appear after completing and validating this form.

<b>LETTER OF PROTEST FEE</b>	<b>\$50</b>
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**Signature Information**

Click to choose ONE [signature method](#):

[Sign directly](#)  [Email Text Form to second party for signature](#)  [Handwritten pen-and-ink signature](#)

### Text Form for Handwritten Signature Scanning

This option uses a [Text Form](#) (available after clicking on the Validate button) that will be signed by the proper signatory(ies) in the traditional "pen-and-ink" manner. Or, if you already have a signed statement for this letter of protest, you can attach it directly here, rather than relying on the USPTO's text form version. **NOTE:** If you are using the Text Form approach, you must after validation save the letter of protest data, and then pull up the saved form to attach the scanned file for final submission.

Click on the **Browse/Choose File** button to select file that contains the scanned signature from your local drive. The scanned file should *only* include the appropriate signature information (signature, signatory's name, signatory's position, and signature date).

**NOTE:** If necessary, the actual signatory may complete the following fields directly on the Text Form, if you do not know who will be signing the form. If left blank, you will initially receive a WARNING message, which you can by-pass by clicking the "Continue" button. After receipt of the signed statement, you must then use the information provided therein to complete the fields for "Signatory's Name" and "Signatory's Position." At the time of final submission, these are mandatory fields, which will produce an ERROR if left blank.

\* [Signatory's Name](#)

\* [Signatory's Position](#)

**NOTE:** Enter the appropriate title.

[Signatory's Phone Number](#)

- **STEP 1:** Review the form data in various formats, by clicking on the phrases under Form Data. Use the print function within your browser to print these pages for your own records.
- **STEP 2:** If any of the information is incorrect, click on the Go Back to Modify button (bottom of this page) to make changes; then re-validate the form by clicking on the Validate Form button (bottom of the form). **Note:** If you are using the e-signature approach or the handwritten pen-and-ink signature approach, you must click on the final link to access the specific "text form" for that purpose.
- **STEP 3:** If there are no errors and you are ready to file this form electronically, confirm the email address for acknowledgment. Once you Pay/Submit the form 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**.

**NOTE:** This email address is only for the purpose of receiving the acknowledgment that the transmission reached the USPTO, and is not related to the email that will be used for correspondence purposes (although it could be the same address). The official email address that the USPTO will use for any communication is whatever appears in the record for that purpose. If necessary, use the Change Address or Representation Form to update an email address, as it will NOT be changed based on the specific entry below.

\* **Email for acknowledgment**

To ensure we can deliver your email confirmation successfully, please re-enter your **email address(es)** here:

\* **Email for acknowledgment**

- **STEP 4:** To download and save the form, click on the [Save Form](#) button at the bottom of this page. The information will be saved to your local drive. To begin the submission process with saved data, you must open a new form, and click on the "Browse/Choose File" button displayed on the initial form wizard page, at "**[OPTIONAL] To access previously-saved data, use the "Browse/Choose File" button below to access the file from your local drive.**" **REMINDER:** Do **NOT** try to open the saved .obj/.xml form directly. You must return to the very first page of the form, as if starting a brand new form, and then use the specific "Browse/Choose File" button on that page to import the saved file. Clicking on the "Continue" button at the bottom of that first page will then properly open the saved version of your form.
- **STEP 5:** Click on the **Pay/Submit** button below to complete the filing process. Shortly after clicking that button, you should see a screen that says **SUCCESS!** Within 24 hours, the email acknowledgement will also

be sent.

#### Paperwork Reduction Act Statement

The information collected for the **Letter of Protest** allows a third party to object to the registration of a mark currently pending in the USPTO. This collection is authorized by 15 U.S.C. §§ 1051 and 1123 and 37 CFR 2.146. All information collected will be made public. Gathering, preparing, and submitting this information will require an estimated 75 minutes to complete. Please direct comments on the time needed to complete this form, and/or suggestions for reducing this burden, to the Chief Administrative 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.

#### Privacy Act Statement

The USPTO collects this information under authority of 35 U.S.C. 2(b)(2). The information you provide will be used to process your applications and submissions related to trademark registration. The information in this system of records is used to manage name, citizenship, domicile, email address, postal address, and telephone number of the trademark applicant, registrant, and applicant's or registrant's legal or other authorized representative(s), an attorney's law firm or company affiliation and professional licensing information, and other information pertaining to an applicant's or registrant's activities in connection with the applied-for or registered mark. The information is protected from disclosure to third parties in accordance with the Privacy Act. However, routine uses of this information may include disclosure to the following: the public; certain foreign entities, professional organizations or associations, audit or oversight controls; law enforcement; non-federal personnel working for the agency; record and informational inquiries; coordinators of data breach response; litigation actions; Department of Justice; Office of Personnel Management; Congressional inquiries; the National Archives and Records Administration; and Office of Management and Budget. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application for trademark registration. The applicable Privacy Act System of Records Notice for this information request is COMMERCE/USPTO-26, Trademarks Application and Registration Records: Federal Register vol. 85 February 18, 2020, p 8847, available at [https:// www.govinfo.gov/content/pkg/FR-2020-02-18/pdf/2020-03068.pdf](https://www.govinfo.gov/content/pkg/FR-2020-02-18/pdf/2020-03068.pdf).