

**REQUEST FOR EXTENSION OF TIME
TO FILE A STATEMENT
OF USE, WITH DECLARATION**

MARK (Identify the mark)

SERIAL NO.

TO THE ASSISTANT SECRETARY AND COMMISSIONER OF PATENTS AND TRADEMARKS:

APPLICANT NAME:

NOTICE OF ALLOWANCE MAILING DATE:

Applicant requests a six-month extension of time to file the Statement of Use under 37 CFR 2.89 in this application.

Applicant has a continued bona fide intention to use the mark in commerce on or in connection with the following goods/services: (Check One below)

- Those goods/services identified in the Notice of Allowance.
- Those goods/services identified in the Notice of Allowance except: (Identify goods/services to be **deleted** from application)

This is the _____ request for an Extension of Time following mailing of the Notice of Allowance.
(Specify: First - Fifth)

If this is not the first request for an Extension of Time, check one box below. If the first box is checked explain the circumstance(s) of the non-use in the space provided:

- Applicant has not used the mark in commerce yet on all goods/services specified in the Notice of Allowance; however, applicant has made the following ongoing efforts to use the mark in commerce on or in connection with each of the goods/services specified above:

If additional space is needed, please attach a separate sheet to this form

- Applicant believes that it has made valid use of the mark in commerce, as evidenced by the Statement of Use submitted with this request; however, if the Statement of Use does not meet minimum requirements under 37 CFR 2.88(e), applicant will need additional time in which to file a new statement.

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 Request for an Extension of Time to File a Statement of Use on behalf of the applicant; and that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Date

Signature

Telephone Number

Type or Print Name and Position

Check here if Request to Divide is being submitted with this statement (if Applicant wishes to proceed to publication or registration with certain goods/services on or in connection with which it has used the mark in commerce and retain an active application for any remaining goods/services, a divisional application and fee are required. 37 C.F.R. §2.87)

INSTRUCTIONS AND INFORMATION FOR APPLICANT

Applicant must file a Statement of Use within six months after the mailing of the Notice of Allowance based upon a bona fide intention to use a mark in commerce, UNLESS, within that same period, applicant submits a request for a six-month extension of time to file the Statement of Use. The written request **must**:

- (1) be received in the PTO within six months after the issue date of the Notice of Allowance,
- (2) include applicant's verified statement of continued bona fide intention to use the mark in commerce,
- (3) specify the goods/services to which the request pertains as they are identified in the Notice of Allowance, and
- (4) include a fee of \$100 for each class of goods/services (**please note that fees are subject to change, usually on October 1 of each year**).

Applicant may request four further six-month extensions of time. No extensions may extend beyond 36 months from the issue date of the Notice of Allowance. Each further request must be received in the PTO within the previously granted six-month extension period and must include, in addition to the above requirements, a showing of **GOOD CAUSE**. This good cause showing must include:

- (1) applicant's statement that the mark has not been used in commerce yet on all the goods or services specified in the Notice of Allowance with which applicant has a continued bona fide intention to use the mark in commerce, **and**
- (2) applicant's statement of ongoing efforts to make such use, which may include the following: (a) product or service research or development, (b) market research, (c) promotional activities, (d) steps to acquire distributors, (e) steps to obtain required governmental approval, or (f) similar specified activity.

Applicant may submit one additional six-month extension request during the existing period in which applicant files the Statement of Use, unless the granting of this request would extend the period beyond 36 months from the issue date of the Notice of Allowance. As a showing of good cause for such a request, applicant should state its belief that applicant has made valid use of the mark in commerce, as evidenced by the submitted Statement of Use, but that if the Statement is found by the PTO to be defective, applicant will need additional time in which to file a new statement of use.

Only the following person may sign the declaration of the Request for Extension of Time: (a) the individual applicant; (b) an officer of corporate applicant; (c) one general partner of partnership applicant; (d) all joint applicants.

MAILING INSTRUCTIONS

MAIL COMPLETED FORM TO: ASSISTANT COMMISSIONER FOR TRADEMARKS BOX ITU 2900 CRYSTAL DRIVE ARLINGTON, VIRGINIA 22202-3513

Please note that the filing date of a document in the Patent and Trademarks Office is the date of receipt in the Office, not the date of deposit of the mail. 37 C.F. R. §1.6. To avoid lateness due to mail delay, use of the certificate of mailing set forth below is encouraged.

CERTIFICATE OF MAILING

I do hereby certify that this correspondence is being **deposited** with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513, on _____ (date).

Signature

Date of Deposit

Print or Type Name of Person Signing Certificate

This form is estimated to take 15 minutes to complete including time required for reading and understanding instructions, gathering necessary information, record keeping and actually providing the information. Any comments on the amount of time you require to complete this form should be sent to the Office of Management and Organization, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, D.C. 20231. Do not send forms to this address.