

05-03-2007



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APR 30 PM 2:41

To the Director of the U. S. Patent and Trademark Office. Please record the attached documents, or the new address(es) below.

4-30-07

1. Name of conveying party(ies):

Carolina Supply Chain Services, LLC

- Individual(s)
- General Partnership
- Corporation- State: _____
- Other Limited liability corp.

Citizenship (see guidelines) North Carolina, USA

Additional names of conveying parties attached? Yes No

2. Name and address of receiving party(ies)

Additional names, addresses, or citizenship attached? Yes No

Name: Carolina Logistics Services, Inc

Internal Address: _____

Address: _____

Street Address: 2601 Pilgrim Court

City: Winston-Salem

State: North Carolina

Country: USA Zip: 27106

- Association
- General Partnership
- Limited Partnership
- Corporation
- Other

Citizenship _____
If assignee is not domiciled in the United States, a domestic representative designation is attached: Yes No
(Designations must be a separate document from assignment)

3. Nature of conveyance / Execution Date(s) :

Execution Date(s) April 20, 2007

- Assignment
- Security Agreement
- Other
- Merger
- Change of Name

4. Application number(s) or registration number(s) and identification or description of the Trademark.

A. Trademark Application No.(s)

B. Trademark Registration No.(s) 2,110, 127; 2,110, 728; 2,112, 233; 2,112, 234

Additional sheet(s) attached? Yes No

C. Identification or Description of Trademark(s) (and Filing Date if Application or Registration Number is unknown):

TRACE; RETRIEVE; CHOICE; FAIR

5. Name & address of party to whom correspondence concerning document should be mailed:

Name: Carolina Logistics Services

Internal Address: attn: Emma Lloyd

Street Address: 2650 Pilgrim Court

City: Winston-Salem

State: NC Zip: 27106

Phone Number: 336-631-2646

Fax Number: 336-631-7778

Email Address: emma.lloyd@inmar.com

6. Total number of applications and registrations involved:

4

7. Total fee (37 CFR 2.6(b)(6) & 3.41)

\$ 115.00

- Authorized to be charged by credit card
- Authorized to be charged to deposit account
- Enclosed

8. Payment Information:

a. Credit Card Last 4 Numbers _____
Expiration Date _____

b. Deposit Account Number _____

Authorized User Name _____

9. Signature: S. M. [Signature]

Signature

4-25-07

Date

05/02/2007 D BYRNE 00000092 2110727

01 FC:8521
02 FC:8522

40.00
75.00
Name of Person Signing

Total number of pages including cover sheet, attachments, and document: _____

Documents to be recorded (including cover sheet) should be faxed to (571) 273-0140, or mailed to: Mail Stop Assignment Recordation Services, Director of the USPTO, P.O. Box 1450, Alexandria, VA 22313-1450

UNITED STATES PATENT AND TRADEMARK OFFICE

REGISTRATION NO: 2,110,728

REGISTRANT: CAROLINA SUPPLY CHAIN SERVICES, LLC

CORRESPONDENT ADDRESS:
CAROLINA LOGISTICS SERVICES, INC.
2601 PILGRIM COURT
WINSTON-SALEM, NC 27106

March 27, 2007



RETURN ADDRESS:
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

MARK: RETRIEVE

CORRESPONDENT'S REFERENCE/DOCKET NO: N/A

CORRESPONDENT EMAIL ADDRESS:

Please provide in all correspondence:

1. Registration date, registration number, mark and registrant's name.
2. Date of this Office Action.
3. Examiner's name and Post Registration Division.
4. Your telephone number and e-mail address.

POST REGISTRATION OFFICE ACTION

RE: Registration Number 2,110,728

The Combined Section 8 Affidavit & Section 9 Renewal Application was received on February 9, 2007. The Section 9 portion of the combined filing is accepted. However, the Section 8 portion is not accepted for the reason set forth below.

The party who filed the Section 8 Affidavit must establish its ownership of the subject registration. Trademark Act Section 8 requires the current owner of the registration to file the Section 8 Affidavit. 15 U.S.C. §1058; 37 C.F.R. §§2.161(a) and 3.73(b); TMEP §1604.07(a). Office records do not show clear chain of title in the party who filed the Section 8 Affidavit.

Office records show clear chain of title to the registration in CAROLINA SUPPLY CHAIN SERVICES, LLC. However, the party who filed the Section 8 Affidavit is identified as CAROLINA LOGISTICS SERVICES, INC..

The party who filed the Section 8 Affidavit must establish its current ownership of the subject registration as of February 9, 2007, the date the Section 8 Affidavit was signed. 15 U.S.C. §1058; 37 C.F.R. §2.161(a); TMEP §1604.07(a). Ownership can be established by satisfying one of the following: (1) recording the appropriate documents with the Assignment Division of the Office; or (2) submitting actual evidence showing the transfer of title to the party who filed the Section 8

Affidavit. 37 C.F.R. §3.73(b); TMEP §§502.01 and 1604.07(b). More information about these two methods for establishing ownership of the subject registration appears directly below.

- (1) If the present owner chooses to **record the appropriate documents with the Assignment Division, the documents must be recorded before expiration of the time for filing a response**. In addition, you must notify the undersigned when the documents have been recorded. For information regarding recording assignments, name changes and mergers, please visit the webpage <http://www.uspto.gov/web/trademarks/workflow/assign.htm> and see TMEP §§503 *et seq.* For specific questions, please contact the Assignment Division at 571-272-3350. To expedite recordation, the owner is encouraged to file requests for recordation through the Electronic Trademark Assignment System (ETAS) at <http://etas.uspto.gov>. There is a fee for recording ownership documents.
- (2) If the present owner prefers to **submit actual evidence of ownership** directly to the undersigned paralegal, copies of the actual documents transferring title or a statement explaining the valid transfer of legal title must be submitted. If submitting a statement of facts explaining the transfer of title, this statement must be verified with an affidavit or a signed declaration under 37 C.F.R. §2.20. See 37 C.F.R. §3.73 and TMEP §502.

Please note that if the party who filed the Section 8 Affidavit submits sufficient evidence to establish ownership but the ownership documents are not recorded with the Assignment Division before expiration of the time to file a response, then the acceptance notice will issue in the name of the owner of record. 37 C.F.R. §3.85; TMEP §502.02.

However, if the **wrong party** filed the Section 8 Affidavit and there **is time remaining** in the statutory filing period, the current owner must file a new Section 8 Affidavit with a new fee or the registration will be cancelled. If the new Section 8 Affidavit is filed during the six-month grace period, the owner must pay the filing fee for the Section 8 Affidavit *and* the grace period fee. 15 U.S.C. §1058; 37 C.F.R. §§2.160 and 2.161; TMEP §1604.07(a)

If the **wrong party** filed the Section 8 Affidavit and there is **no time remaining** in the statutory filing period, the current owner cannot file a new Section 8 Affidavit. The registration will be cancelled. 15 U.S.C. §1058; 37 C.F.R. §2.164(b); TMEP §1604.07(a). This is not a deficiency that can be cured after the expiration of the grace period. *See In re Precious Diamonds, Inc.*, 635 F.2d 845, 208 USPQ 410 (C.C.P.A. 1980); *In re Media Central IP Corp.*, 65 USPQ2d 1637 (Dir USPTO 2002).

RESPONSE TIME DEADLINE: A complete response must be received within 6 months from the mailing date of this Office action or prior to expiration of the 10th year anniversary date on November 4, 2007, whichever is later. The owner must respond to all inquiries set forth in this Office action to avoid cancellation of the registration. 37 C.F.R. §2.163(b); TMEP §1604.16.



Everett J. Henson
Paralegal Specialist
Post Registration Branch
phone (571)-272-9529
fax (571)-273-9529

How to respond to this Office Action:

To respond formally via regular mail, your response should be sent to the mailing Return Address listed above and include the registration number, the words 'Post Registration' and the examiner's name on the upper right corner of each page of your response.

To check the status of your application at any time, visit the Office's Trademark Applications and Registrations Retrieval (TARR) system at <http://tarr.uspto.gov/>

FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINER.

UNITED STATES PATENT AND TRADEMARK OFFICE

REGISTRATION NO: 2,112,233

REGISTRANT: CAROLINA SUPPLY CHAIN SERVICES, LLC

CORRESPONDENT ADDRESS:
Carolina Logistics Services, Inc.
2601 PILGRIM COURT
WINSTON-SALEM, NC 27106

March 31, 2007



RETURN ADDRESS:
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

MARK: CHOICE

CORRESPONDENT'S REFERENCE/DOCKET NO: N/A

CORRESPONDENT EMAIL ADDRESS:

Please provide in all correspondence:

1. Registration date, registration number, mark and registrant's name.
2. Date of this Office Action.
3. Examiner's name and Post Registration Division.
4. Your telephone number and e-mail address.

POST REGISTRATION OFFICE ACTION

RE: Registration Number 2,112,233

The Combined Section 8 Affidavit & Section 9 Renewal Application was received on February 9, 2007. The Section 9 portion of the combined filing is accepted. However, the Section 8 portion is not accepted for the reason set forth below.

The party who filed the Section 8 Affidavit must establish its ownership of the subject registration. Trademark Act Section 8 requires the current owner of the registration to file the Section 8 Affidavit. 15 U.S.C. §1058; 37 C.F.R. §§2.161(a) and 3.73(b); TMEP §1604.07(a). Office records do not show clear chain of title in the party who filed the Section 8 Affidavit.

Office records show clear chain of title to the registration in CAROLINA SUPPLY CHAIN SERVICES, LLC. However, the party who filed the Section 8 Affidavit is identified as CAROLINA LOGISTICS SERVICES, INC.

The party who filed the Section 8 Affidavit must establish its current ownership of the subject registration as of February 9, 2007, the date the Section 8 Affidavit was signed. 15 U.S.C. §1058; 37 C.F.R. §2.161(a); TMEP §1604.07(a). Ownership can be established by satisfying one of the following: (1) recording the appropriate documents with the Assignment Division of the Office; or (2) submitting actual evidence showing the transfer of title to the party who filed the Section 8

Affidavit. 37 C.F.R. §3.73(b); TMEP §§502.01 and 1604.07(b). More information about these two methods for establishing ownership of the subject registration appears directly below.

- (1) If the present owner chooses to **record the appropriate documents with the Assignment Division, the documents must be recorded before expiration of the time for filing a response.** In addition, you must notify the undersigned when the documents have been recorded. For information regarding recording assignments, name changes and mergers, please visit the webpage <http://www.uspto.gov/web/trademarks/workflow/assign.htm> and see TMEP §§503 *et seq.* For specific questions, please contact the Assignment Division at 571-272-3350. To expedite recordation, the owner is encouraged to file requests for recordation through the Electronic Trademark Assignment System (ETAS) at <http://etas.uspto.gov>. There is a fee for recording ownership documents.
- (2) If the present owner prefers to **submit actual evidence of ownership** directly to the undersigned paralegal, copies of the actual documents transferring title or a statement explaining the valid transfer of legal title must be submitted. If submitting a statement of facts explaining the transfer of title, this statement must be verified with an affidavit or a signed declaration under 37 C.F.R. §2.20. See 37 C.F.R. §3.73 and TMEP §502.

Please note that if the party who filed the Section 8 Affidavit submits sufficient evidence to establish ownership but the ownership documents are not recorded with the Assignment Division before expiration of the time to file a response, then the acceptance notice will issue in the name of the owner of record. 37 C.F.R. §3.85; TMEP §502.02.

However, if the **wrong party** filed the Section 8 Affidavit and there **is time remaining** in the statutory filing period, the current owner must file a new Section 8 Affidavit with a new fee or the registration will be cancelled. If the new Section 8 Affidavit is filed during the six-month grace period, the owner must pay the filing fee for the Section 8 Affidavit *and* the grace period fee. 15 U.S.C. §1058; 37 C.F.R. §§2.160 and 2.161; TMEP §1604.07(a)

If the **wrong party** filed the Section 8 Affidavit and there is **no time remaining** in the statutory filing period, the current owner cannot file a new Section 8 Affidavit. The registration will be cancelled. 15 U.S.C. §1058; 37 C.F.R. §2.164(b); TMEP §1604.07(a). This is not a deficiency that can be cured after the expiration of the grace period. See *In re Precious Diamonds, Inc.*, 635 F.2d 845, 208 USPQ 410 (C.C.P.A. 1980); *In re Media Central IP Corp.*, 65 USPQ2d 1637 (Dir USPTO 2002).

RESPONSE TIME DEADLINE: A complete response must be received within 6 months from the mailing date of this Office action or prior to expiration of the 10th year anniversary date on November 11, 2007, whichever is later. The owner must respond to all inquiries set forth in this Office action to avoid cancellation of the registration. 37 C.F.R. §2.163(b); TMEP §1604.16.



Everett J. Henson
Trademark Specialist
Post Registration Branch
Phone (571)-272-9529
Fax (571)-273-9529
Everett.Henson@uspto.gov

USPTO

How to respond to this Office Action:

To respond formally via regular mail, your response should be sent to the mailing Return Address listed above and include the registration number, the words 'Post Registration' and the examiner's name on the upper right corner of each page of your response.

To check the status of your application at any time, visit the Office's Trademark Applications and Registrations Retrieval (TARR) system at <http://tarr.uspto.gov/>

FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINER.

UNITED STATES PATENT AND TRADEMARK OFFICE

REGISTRATION NO: 2,112,234

REGISTRANT: CAROLINA SUPPLY CHAIN SERVICES, LLC

CORRESPONDENT ADDRESS:
CAROLINA LOGISTICS SERVICES, INC.
2601 PILGRIM COURT
WINSTON-SALEM, NC 27106

March 27, 2007



RETURN ADDRESS:
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

MARK: FAIR

CORRESPONDENT'S REFERENCE/DOCKET NO: N/A

CORRESPONDENT EMAIL ADDRESS:

Please provide in all correspondence:

1. Registration date, registration number, mark and registrant's name.
2. Date of this Office Action.
3. Examiner's name and Post Registration Division.
4. Your telephone number and e-mail address.

POST REGISTRATION OFFICE ACTION

RE: Registration Number 2,112,234

The Combined Section 8 Affidavit & Section 9 Renewal Application was received on February 9, 2007. The Section 9 portion of the combined filing is accepted. However, the Section 8 portion is not accepted for the reason set forth below.

The party who filed the Section 8 Affidavit must establish its ownership of the subject registration. Trademark Act Section 8 requires the current owner of the registration to file the Section 8 Affidavit. 15 U.S.C. §1058; 37 C.F.R. §§2.161(a) and 3.73(b); TMEP §1604.07(a). Office records do not show clear chain of title in the party who filed the Section 8 Affidavit.

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The party who filed the Section 8 Affidavit must establish its current ownership of the subject registration as of February 9, 2007, the date the Section 8 Affidavit was signed. 15 U.S.C. §1058; 37 C.F.R. §2.161(a); TMEP §1604.07(a). Ownership can be established by satisfying one of the following: (1) recording the appropriate documents with the Assignment Division of the Office; or (2) submitting actual evidence showing the transfer of title to the party who filed the Section 8

Affidavit. 37 C.F.R. §3.73(b); TMEP §§502.01 and 1604.07(b). More information about these two methods for establishing ownership of the subject registration appears directly below.

- (1) If the present owner chooses to **record the appropriate documents with the Assignment Division, the documents must be recorded before expiration of the time for filing a response**. In addition, you must notify the undersigned when the documents have been recorded. For information regarding recording assignments, name changes and mergers, please visit the webpage <http://www.uspto.gov/web/trademarks/workflow/assign.htm> and see TMEP §§503 *et seq.* For specific questions, please contact the Assignment Division at 571-272-3350. To expedite recordation, the owner is encouraged to file requests for recordation through the Electronic Trademark Assignment System (ETAS) at <http://etas.uspto.gov>. There is a fee for recording ownership documents.
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Please note that if the party who filed the Section 8 Affidavit submits sufficient evidence to establish ownership but the ownership documents are not recorded with the Assignment Division before expiration of the time to file a response, then the acceptance notice will issue in the name of the owner of record. 37 C.F.R. §3.85; TMEP §502.02.

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Everett J. Henson
Paralegal Specialist
Post Registration Branch
phone (571)-272-9529
fax (571)-273-9529

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FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINER.

UNITED STATES PATENT AND TRADEMARK OFFICE

REGISTRATION NO: 2,110,727

REGISTRANT: CAROLINA SUPPLY CHAIN SERVICES, LLC

CORRESPONDENT ADDRESS:
CAROLINA LOGISTICS SERVICES, INC.
2601 PILGRIM COURT
WINSTON-SALEM, NC 27106

March 27, 2007



RETURN ADDRESS:
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

MARK: TRACE

CORRESPONDENT'S REFERENCE/DOCKET NO: N/A

CORRESPONDENT EMAIL ADDRESS:

Please provide in all correspondence:

1. Registration date, registration number, mark and registrant's name.
2. Date of this Office Action.
3. Examiner's name and Post Registration Division.
4. Your telephone number and e-mail address.

POST REGISTRATION OFFICE ACTION

RE: Registration Number 2,110,727

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Affidavit. 37 C.F.R. §3.73(b); TMEP §§502.01 and 1604.07(b). More information about these two methods for establishing ownership of the subject registration appears directly below.

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Please note that if the party who filed the Section 8 Affidavit submits sufficient evidence to establish ownership but the ownership documents are not recorded with the Assignment Division before expiration of the time to file a response, then the acceptance notice will issue in the name of the owner of record. 37 C.F.R. §3.85; TMEP §502.02.

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LEXSTAT 37 CFR 3.73

LEXISNEXIS' CODE OF FEDERAL REGULATIONS
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*** THIS SECTION IS CURRENT THROUGH THE APRIL 11, 2007 ISSUE OF ***
 *** THE FEDERAL REGISTER ***

TITLE 37 -- PATENTS, TRADEMARKS, AND COPYRIGHTS
 CHAPTER I -- UNITED STATES PATENT AND TRADEMARK OFFICE, DEPARTMENT OF COMMERCE
 SUBCHAPTER A -- GENERAL
 PART 3 -- ASSIGNMENT, RECORDING AND RIGHTS OF ASSIGNEE
 PATENTS
 PROSECUTION BY ASSIGNEE

Go to the CFR Archive Directory

37 CFR 3.73

§ 3.73 Establishing right of assignee to take action.

(a) The inventor is presumed to be the owner of a patent application, and any patent that may issue therefrom, unless there is an assignment. The original applicant is presumed to be the owner of a trademark application or registration, unless there is an assignment.

(b)(1) In order to request or take action in a patent or trademark matter, the assignee must establish its ownership of the patent or trademark property of paragraph (a) of this section to the satisfaction of the Director. The establishment of ownership by the assignee may be combined with the paper that requests or takes the action. Ownership is established by submitting to the Office a signed statement identifying the assignee, accompanied by either:

(i) Documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment). For trademark matters only, the documents submitted to establish ownership may be required to be recorded pursuant to § 3.11 in the assignment records of the Office as a condition to permitting the assignee to take action in a matter pending before the Office. For patent matters only, the submission of the documentary evidence must be accompanied by a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or

* (ii) A statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

(2) The submission establishing ownership must show that the person signing the submission is a person authorized to act on behalf of the assignee by:

(i) Including a statement that the person signing the submission is authorized to act on behalf of the assignee; or

(ii) Being signed by a person having apparent authority to sign on behalf of the assignee, e.g., an officer of the assignee.

(c) For patent matters only:

(1) Establishment of ownership by the assignee must be submitted prior to, or at the same time as, the paper requesting or taking action is submitted.

(2) If the submission under this section is by an assignee of less than the entire right, title and interest, such assignee must indicate the extent (by percentage) of its ownership interest, or the Office may refuse to accept the submission as an establishment of ownership.

HISTORY: [57 FR 29642, July 6, 1992; 62 FR 53132, 53203, Oct. 10, 1997; 65 FR 54604, 54682, Sept. 8, 2000; 70 FR 56119, 56128, Sept. 26, 2005]

AUTHORITY: AUTHORITY NOTE APPLICABLE TO ENTIRE PART:
15 U.S.C. 1123; 35 U.S.C. 2(b)(2).

NOTES: [EFFECTIVE DATE NOTE: 70 FR 56119, 56128, Sept. 26, 2005, revised paragraph (b)(1)(i), effective Nov. 25, 2005.]

NOTES APPLICABLE TO ENTIRE CHAPTER:

EDITORIAL NOTE: Chapter I -- Patent and Trademark Office, Department of Commerce, Subchapter A -- General, contains patent and trademark regulations. Subchapter A has been restructured to allow parts pertaining to patent regulations and trademark regulations to be grouped separately.

NOTES APPLICABLE TO ENTIRE SUBCHAPTER:

[PUBLISHER'S NOTE: "The parts in chapter I, subchapter A are regrouped according to subject matter. All parts pertaining to patents--parts 1 and 5--appear sequentially. All parts pertaining to trademarks--parts 2 and 6--follow, also in sequence. Part 3 which pertains to both patents and trademarks follows part 1."]

NOTES APPLICABLE TO ENTIRE PART:

[PUBLISHER'S NOTE: Nomenclature changes affecting Part 3 appear at 68 FR 14332, 14337, Mar. 25, 2003.]

413 words

LEXSTAT TMEP 502

Trademark Manual of Examining Procedure (TMEP)
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Trademark Manual of Examining Procedure (TMEP)

Chapter 500 Change of Ownership

1-500 Trademark Manual of Examining Procedure (TMEP) § 502

§ 502 Establishing Ownership of Applications or Registrations

*Extract from 37 C.F.R. § 3.73(a). * * * The original applicant is presumed to be the owner of a trademark application or registration, unless there is an assignment.*

Extract from 37 C.F.R. § 3.73(b).

(1) In order to request or take action in a patent or trademark matter, the assignee must establish its ownership of the patent or trademark property of paragraph (a) of this section to the satisfaction of the [Director]. The establishment of ownership by the assignee may be combined with the paper that requests or takes the action. Ownership is established by submitting to the Office a signed statement identifying the assignee, accompanied by either:

(i) Documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment). The documents submitted to establish ownership may be required to be recorded pursuant to § 3.11 in the assignment records of the Office as a condition to permitting the assignee to take action in a matter pending before the Office;
or

(ii) A statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

(2) The submission establishing ownership must show that the person signing the submission is a person authorized to act on behalf of the assignee by:

(i) Including a statement that the person signing the submission is authorized to act on behalf of the assignee; or

(ii) Being signed by a person having apparent authority to sign on behalf of the assignee, e.g., an officer of the assignee.

Recordation of an assignment of an application or registration in the Assignment Services Division of the Office is not mandatory. However, it is advisable for an applicant or registrant to record the assignment to ensure that it is valid under § 10(a) of the Act against subsequent purchasers for valuable consideration without notice.

When a party other than the owner of record attempts to take an action with respect to an application or registration (e.g., filing a response to an Office action, allegation of use under 15 U.S.C. § 1051(c) or § 1051(d), request for an

extension of time to file a statement of use under *15 U.S.C. § 1051(d)(2)*, or affidavit of continued use or excusable nonuse under *15 U.S.C. § 1058*), the party must establish ownership of the application or registration. To establish ownership, the new owner must either: (1) record the assignment or other document of title with the Assignment Services Division, and notify the Trademark Operation that the document has been recorded, specifying the reel and frame number at which the document is recorded; or (2) submit other evidence of ownership, in the form of a document transferring ownership from one party to another or an explanation, in the form of an affidavit or declaration under *37 C.F.R. § 2.20*, that a valid transfer of legal title has occurred. *37 C.F.R. § 3.73(b)(1)*.

Recording a document with the Assignment Services Division does not automatically change the record of ownership in the TRAM (Trademark Reporting and Monitoring) System, the database maintained by the Trademark Operation. To change the record of ownership in TRAM, the new owner must notify the Trademark Operation that ownership has changed. *See 37 C.F.R. § 3.85* and TMEP §§ 502.01 and 502.02 regarding issuance of a certificate of registration in the name of an assignee or new owner.

If a party records a document with the Assignment Services Division, the recordation will serve as constructive notice to subsequent purchasers under *15 U.S.C. § 1060(a)* regardless of whether the party notifies the Trademark Operation of the recordation and regardless of whether the party requests issuance of a certificate of registration in the name of an assignee or new owner.

See TMEP § 1701 and the notice at 1234 TMOG 41 (May 9, 2000) regarding the change of the title of the "Commissioner of Patents and Trademarks" to "Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office."

502.01 Pending Applications -- Issuance of Registration Certificate in Name of Assignee or in Applicant's New Name

37 C.F.R. § 3.85. Issue of registration to assignee. The certificate of registration may be issued to the assignee of the applicant, or in a new name of the applicant, provided that the party files a written request in the trademark application by the time the application is being prepared for issuance of the certificate of registration, and the appropriate document is recorded in the Office. If the assignment or name change document has not been recorded in the Office, then the written request must state that the document has been filed for recordation. The address of the assignee must be made of record in the application file.

While an assignee is not required to record the assignment in order to take an action with respect to an application or registration (*see* TMEP § 502), the assignee must record the assignment to obtain a certificate of registration in the name of the assignee.

The Assignment Services Division is not part of the Trademark Operation. Recording a document with the Assignment Services Division does not change the record of ownership in TRAM, the database maintained by the Trademark Operation. The new owner must notify the Trademark Operation that the document has been recorded, and request that the Office issue a certificate of registration in the name of the new owner. *37 C.F.R. § 3.85*.

The name of a new owner or the new name of an applicant may not be entered into the TRAM System unless there is a title report in the application file indicating the recordation of an assignment or change of name and showing a clear chain of title. Office employees may obtain a title report through the Assignment Historical Database (*i.e.*, the automated records of the Assignment Services Division of the Office), available on the Office's internal computer network.

The Office will issue a certificate of registration to the assignee of the applicant, or in a new name of the applicant, only if the new owner: (1) files a written request that the registration be issued in the new name; *and* (2) records the appropriate document (*e.g.*, assignment document, change of name certificate) in the Assignment Services Division. *37 C.F.R. § 3.85*. The new owner bears the burden of recording *and* notifying appropriate Office personnel of assignments

or changes of name to ensure that the registration issues in the name of a new owner. When a mark in a pending application has been assigned, the new owner should contact the examining attorney directly, preferably by e-mail or fax. See TMEP § 502.01(a) regarding an examining attorney's handling of an application after the mark has been assigned.

A request that a registration issue in a new name should state that the appropriate document has been recorded or filed for recordation, and that the applicant wants the registration to issue in the name of the assignee or the new name of the applicant. The request should specify the assignee's address, and provide the reel and frame number of the recorded document, if available.

If possible, the new owner should file the request that the registration issue in a new name before the mark is approved for publication for opposition or registration on the Supplemental Register in an application based on *15 U.S.C. § 1051(a)* or § 1126, or prior to acceptance of a statement of use in an application based on *15 U.S.C. § 1051(b)*. The Office cannot ensure that a request filed after the mark has been approved for publication or registration to issue the certificate in a new name will be processed in time for the registration to issue in the name of the new owner.

If an applicant files, before the mark is approved for publication or registration, a written request that the Office issue the certificate in the name of the new owner, but the Office does not issue the registration in the name of the new owner, the Office will issue a certificate of correction. See *15 U.S.C. § 1057(g)*, *37 C.F.R. § 2.174*, and TMEP § 1609.09 regarding correction of an Office mistake, and TMEP § 502.02 regarding issuance of a new certificate of registration to the new owner of a registered mark.

(a)--Examining Attorney's Action Regarding Assignment

If, prior to approval for publication for opposition or registration on the Supplemental Register, or prior to acceptance of a statement of use in an application under *15 U.S.C. § 1051(b)*, the applicant advises the examining attorney or the examining attorney learns through some other source that an assignment has been recorded, the examining attorney should make sure that a title report showing a clear chain of title has been placed in the application file and that the change of ownership has been entered into TRAM before approving the mark for publication or registration. Office employees may obtain a title report through the Assignment Historical Database, available on the Office's internal computer network.

In general, the examining attorney should only issue an Office action questioning whether an assignment has occurred if an entity attempts to take action with respect to the application, and Office records show ownership in another party. The assignee must establish entitlement to take the action, either by recordation of an assignment, or submission of proof of the assignment. See *37 C.F.R. § 3.73*; TMEP § 502.

During initial examination, the examining attorney should not suspend action or delay issuance of a final action to await recordation of a document. However, if the applicant submits a request indicating that the relevant document has been submitted for recordation and the application is in condition to be approved for publication for opposition or registration on the Supplemental Register, the examining attorney should withhold approval for publication or registration until the document has been recorded and the information regarding the assignment or the applicant's new name has been entered in the record and in TRAM. Likewise, during examination of the statement of use, the examining attorney should withhold final approval for registration until the relevant document has been recorded and the information regarding the assignment or the applicant's new name has been made of record and entered in TRAM. If the application is in condition to be approved for publication or registration, the examining attorney should suspend action pending the recordation of the document and the entry of the information into the application record and in TRAM.

See TMEP § 1604.07(b) regarding the filing of an affidavit of continued use or excusable nonuse under *15 U.S.C. § 1058* by an assignee.

502.02 Issuance of New Certificate to Assignee of Registrant

When ownership of a registered mark changes, recording a document with the Assignment Services Division does not change the owner of record in the TRAM database maintained by the Trademark Operation. The new owner must notify the Post Registration Section of the Office that the assignment document (or other document affecting title) has been recorded and provide the reel and frame number.

The name of a new owner or the new name of a registrant may not be entered into the TRAM System unless there is a title report in the registration file indicating the recordation of an assignment document or change of name and showing a clear chain of title. Office employees may obtain a title report through the Assignment Historical Database, available on the Office's internal computer network.

The Office will issue a new certificate of registration of the mark for the unexpired part of the registration period in the name of the new owner, if the new owner: (1) records the appropriate document (*e.g.*, assignment document, change of name certificate) in the Assignment Services Division; (2) files a written request that the registration be issued in the new name; *and* (3) pays the appropriate fee (37 C.F.R. §§ 2.6 and 3.41). The new owner must sign the request for a new certificate, and submit the original certificate of registration, if available. 15 U.S.C. § 1057(d); 37 C.F.R. §§ 2.171 and 3.85.

Upon request and payment of the appropriate fee (*see* TMEP § 111), the Certification Division of the Office will provide a certified copy that reflects ownership according to the records shown in the Assignment Historical Database. The certified copy will not show any transfer of ownership that has not been recorded in the Assignment Services Division.

See TMEP § 1604.07(c) regarding the issuance of a notification of acceptance of an affidavit or declaration under 15 U.S.C. § 1058 in the name of the new owner of a registration.

LEXSTAT 37 CFR 2.20

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*** THIS SECTION IS CURRENT THROUGH THE APRIL 11, 2007 ISSUE OF ***
*** THE FEDERAL REGISTER ***

TITLE 37 -- PATENTS, TRADEMARKS, AND COPYRIGHTS
CHAPTER I -- UNITED STATES PATENT AND TRADEMARK OFFICE, DEPARTMENT OF COMMERCE
SUBCHAPTER A -- GENERAL
PART 2 -- RULES OF PRACTICE IN TRADEMARK CASES
PATENTS
DECLARATIONS

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37 CFR 2.20

§ 2.20 Declarations in lieu of oaths.

Instead of an oath, affidavit, verification, or sworn statement, the language of *28 U.S.C. 1746*, or the following language, may be used:

The undersigned being 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 the application or document or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true; and all statements made on information and belief are believed to be true.

HISTORY: [*31 FR 5261*, Apr. 1, 1966; *64 FR 48900, 48918*, Sept. 8, 1999]

AUTHORITY: AUTHORITY NOTE APPLICABLE TO ENTIRE PART:
15 U.S.C. 1123; 35 U.S.C. 2.

NOTES: NOTES APPLICABLE TO ENTIRE CHAPTER:

EDITORIAL NOTE: Chapter I -- Patent and Trademark Office, Department of Commerce, Subchapter A -- General, contains patent and trademark regulations. Subchapter A has been restructured to allow parts pertaining to patent regulations and trademark regulations to be grouped separately.

NOTES APPLICABLE TO ENTIRE SUBCHAPTER:

[PUBLISHER'S NOTE: "The parts in chapter I, subchapter A are regrouped according to subject matter. All parts pertaining to patents--parts 1 and 5--appear sequentially. All parts pertaining to trademarks--parts 2 and 6--follow, also in sequence. Part 3 which pertains to both patents and trademarks follows part 1."]