

TRADEMARK INFORMATION REQUIRED FOR THE FILING OF A STATEMENT OF USE

**INFORMATION
ABOUT
WHAT WE NEED IN ORDER TO
FILE YOUR STATEMENT OF USE**

What Information Do I Need to Provide?

- To file a statement of use we will need:
 1. The date the mark was first used in commerce;
 2. The date the mark was first used in inter-state commerce; and
 3. A specimen showing use of the mark.

How do I Determine the Date of First use?

- The date of first use is the date the goods were first sold or transported, or the services provided, even if the sale was local or within one state.

How do I Determine the Date of First use in Inter-state Commerce?

- The date of first use in inter-state commerce is the date the goods were first sold or transported, or the services provided, between more than one state, US territory, or between the US and a foreign country.
- The use in inter-state commerce can be met if a product is sold within the same state but shipped via the United States Postal Service.

What is a Specimen?

- A specimen is a sample of how you use your trademark in the marketplace in connection with the goods and/or services identified in your trademark application.
- Specimens for goods are often digital photographs of the mark on the goods associated with your trademark application.
- Specimens for services are often screenshots of your website or brochures showing use of the trademark in connection with the services associated with your trademark application.

Why Does the USPTO Need a Specimen?

- The USPTO requires a specimen as evidence that you are using the mark in connection with the goods and/or services that you applied for in your trademark application.
- A specimen must match the mark exactly. If the specimen does not match the drawing the USPTO may reject your specimen.

Do I Need To Have Fancy Packaging For The Specimen?

- No, not at all. If you are just starting out and you are selling your product in a plastic bag with a sticker with your trademark on it the USPTO will generally accept a digital photograph of such packaging.

What Is An Example Of An Acceptable Specimen For Goods?



This specimen was accepted by the USPTO to show the use of the trademark “Palm Grips” in connection with protective covers for handles of athletic equipment and machinery.

What Is An Example Of An Acceptable Specimen for Services?

West & Associates is a full service law firm specializing in the practice of Intellectual Property law. Our attorneys and patent agents are registered with the US Patent & Trademark Office, and are licensed to practice Patent Law in all fifty States.

This specimen was accepted by the USPTO to show the use of the trademark “West & Associates” in connection with legal services. Note how there is a description of the legal services West & Associates provides.

WEST & ASSOCIATES
We know the Creative Mind

HOME HELP

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f t in e

Stuart James West
Avvo Rating
10.0/10.0
Superb
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inventor resources

Principal attorney Stuart J. West has been appointed as an associate professor of Intellectual Property & Patent law at CSU East Bay; and has been elected the President of the Intellectual Property Section of the Contra Costa County Bar Association.

US Government Warnings about Invention Promotion Companies
The United States Patent and Trademark Office urges consumers to ask 10 questions before paying any money to an invention promoter.
details >>

Tips On Selecting An Attorney
State Bar advice on selecting an attorney that is right for you.
details >>

welcome to
West & Associates,
a Professional Corporation

about us

West & Associates is a full service law firm specializing in the practice of Intellectual Property law. Our attorneys and patent agents are registered with the US Patent & Trademark Office, and are licensed to practice Patent Law in all fifty States.

Our principal attorneys have a combined experience of over two decades in the legal profession, and have worked with clients such as Lucent Technologies, Panasonic, Boeing, Sharper Image, Hewlett Packard (HP), Agilent, Seagate, Fujitsu, and Yahoo!

We are founded on the principle our clients will not need to pay exorbitant fees for top quality work. Talk to us. We can try to work with your budget to give you the best IP protection possible.

about you

For Startups: Your inventive idea is the key to the successful launch of your startup. Professionally drafted patents will become your company's most important asset. Talking to us is your first step towards building a valuable patent portfolio.

For Corporations: We act as outside IP counsel to a number of national and international corporations. If you don't have a full-time IP law department (and even if you do), we can help. If your corporation is cost-conscious about its legal expenses, give us a call to arrange an on-site meeting to review your IP portfolio and to discuss your IP strategy.

For Small Inventors: We know the small inventor. We know your concerns about telling another person about your brainchild. Trust us with your disclosure; it will be held in the strictest Attorney-Client confidence.

TM | I NEED A TRADEMARK

Information on our Trademark services, including: Trademark applications, Service mark applications, Trademark availability searches.
details >>

I NEED A PATENT

Information on our Patent services, including: Provisional Patent Applications, Utility Patent (Full) Applications, Design Patent Applications, Infringement and Right-to-use Opinions, Patentability Searches, and Non-Disclosure Agreements.

I NEED A COPYRIGHT

Information on our Copyright services, including: Registration and Licensing services.
details >>

What Happens If my Specimen is Rejected?

- We encourage the filing of Statements of Use well before the deadline given by the USPTO in case the specimen is rejected. If a specimen is rejected and the deadline to file a statement of use has passed, and a request for an extension of time to file the statement of use has not been filed, the USPTO may deem the application abandoned. If the deadline to file a statement of use has not passed, the USPTO may request a new specimen.

Contact Us

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