



Intellectual Property Law Alert

A Corporate Department Publication

February 2012

This Intellectual Property Law Alert is intended to provide general information for clients or interested individuals and should not be relied upon as legal advice. Please consult an attorney for specific advice regarding your particular situation.

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Please see our other publications at <http://www.porterwright.com/pubs>.

The US Patent and Trademark Office (USPTO) has posted a warning on its website (www.uspto.gov) regarding solicitations that appear to be official notices. **(see next page for a sample)**. The notices come from private companies that are not associated with the USPTO.

The notice is typically made to resemble an official notice from the USPTO by including the trademark serial or registration number, classes, filing dates and other information that is publicly available on the USPTO's database. Most of the notices appear to be an invoice stating an amount "due." If you read the fine print (if it is even included), the fee is not for a legitimate government fee, but for legal services, trademark monitoring services, Customs recordation services, or inclusion in a private registry.

Trademark owners who receive such a solicitation may file a complaint with the Federal Trade Commission at www.FTC.gov. The Trademark Office also provides an e-mail for reporting misleading communications at TMFeedback@uspto.gov.

The Trademark Office notes that all of its correspondence is from the "United States Patent and Trademark Office" in Alexandria, VA (if by e-mail, from the domain @uspto.gov). If you are represented by an attorney, most likely all government fee notices will come from your attorney.

We often get a call or email when a client receives such solicitations — hopefully if you receive one, you will check with us prior to submitting payment.

UNITED STATES TRADEMARK REGISTRATION OFFICE

Trademark Registration and Monitoring Division
 633 West Fifth Street
 28TH Floor
 Los Angeles CA 90071-2005



TRADEMARK

IMPORTANT NOTIFICATION REGARDING YOUR FEDERAL TRADEMARK

Serial Number: 721
 Filing Date: 196;
 Primary Code: 21
 Intl Code: 9

Company
 Address



PROCESSING FEE → **\$375.00**

DESCRIPTION

Owner

Trademark

Serial Number

72

Registration Number

75

Filing Date: 196

PRIMARY CODE: 21

INTERNATIONAL CODE: 9

Reference:

Fee: \$375

Reply By: NOW DUE

U.S. Customs & Border Protection (CBP), a bureau of the Department of Homeland Security, maintains a trademark recordation system for marks registered at the **United States Patent and Trademark Office**. Parties who register their marks on the Principal Register may record these marks with CBP, to assist CBP in its efforts to prevent the importation of goods that infringe registered marks. The recordation database includes information regarding all recorded marks, including images of these marks. CBP officers monitor imports to prevent the importation of goods bearing infringing marks and can access the recordation database at each of the 317 ports of entry.

Upon receipt of this form and your payment **United States Trademark Registration Office** will:
 A) Record your **U.S. Trademark Registration** with the **U.S. Customs & Border Protection (CBP)** and send you notice(s) when the blocking of such goods occurs. B) Monitor your trademark using **USTRO's** proprietary search engine and notify you regarding possible third party trademark infringement(s) (enforcing your intellectual property rights and protecting a trademark from confusingly similar names is essential and the sole responsibility of the owner and not the **USPTO (United States Patent and Trademark Office)**. C) Send you reminder notices of the following filing requirements. 1) **First Filing Deadline: 15 U.S.C. §§1058, 1141k:** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. 2) **SECOND FILING DEADLINE: 15 U.S.C. §1059:** YOU MUST FILE A DECLARATION OF USE (OR EXCUSABLE NONUSE) AND AN APPLICATION FOR RENEWAL BETWEEN THE 9TH AND 10TH YEARS AFTER THE REGISTRATION DATE. **WARNING: YOUR REGISTRATION WILL BE CANCELED IF YOU DO NOT FILE THE DOCUMENTS ABOVE DURING THE SPECIFIED TIME PERIODS.**

39 USC 3001(d)(2)(A): "THIS IS NOT A BILL. THIS IS A SOLICITATION. YOU ARE UNDER NO OBLIGATION TO PAY THE AMOUNT STATED ABOVE UNLESS YOU ACCEPT THIS OFFER." THIS PRODUCT OR SERVICE HAS NOT BEEN APPROVED OR ENDORSED BY ANY GOVERNMENTAL AGENCY, AND THIS OFFER IS NOT BEING MADE BY AN AGENCY OF THE GOVERNMENT.

United States Trademark Registration Office is trademark enforcement, registration and monitoring service to help you protect your intellectual property rights and your Trademark from possible third party trademark infringement(s). We will monitor and notify you of confusingly similar marks, but the responsibility is ultimately in the trademark owner's hands. Reversal of a trademark registration may require legal action from the trademark owner. Information submitted by the terms and conditions set forth on the reverse side of this form.

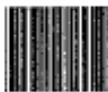
2011-2REQ-5FGJ-USTRO

DETACH AND MAIL THIS STUB WITH YOUR PAYMENT

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21

Company
 Address



2REQ-5

SERIAL NUMBER

721

INDICATE AMOUNT PAID

PROCESSING FEE → **\$375.00**

\$

Contact Name* _____

Phone* (____) _____

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MAKE CHECKS PAYABLE TO:
 Please write the SERIAL NO on the lower left corner of your check or money order.

US TRADEMARK REGISTRATION OFFICE
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 Los Angeles CA 90071-2005