

UNITED STATES PATENT AND TRADEMARK OFFICE
APPLICATION FOR REGISTRATION OF A TRADEMARK

MARK: BOSTON

CLASS: 25

APPLICANT: Birkenstock GmbH & Co. KG

ADDRESS: Burg Ockenfels
53545 Linz
Germany

ENTITY: A GmbH & Co. KG organized under the laws of Germany

OUR REF: BSCM 1913302

The above mark is in use in commerce on or in connection with the following goods and/or services and applicant requests that the mark be registered in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 under Section 1(a):

Class	Goods and/or Services
25	Footwear and shoes

The mark was first used anywhere for the goods and/or services at least as early as 1978 and was first used for the goods and/or services in commerce at least as early as 1978. One specimen showing the mark as used in commerce on or in connection with the goods and/or services is presented herewith.

The above goods do not originate from Boston, MA.

The mark is in standard characters and no claim is made to any particular font style, size or color.

ADDRESS FOR CORRESPONDENCE

Applicant requests that all correspondence in connection with this application be directed to its attorneys, the law firm of Fross Zelnick Lehrman & Zissu, P.C., 151 West 42nd St., 17th Floor, New York, New York 10036, Attention: Charles T. J. Weigell (Telephone 212-813-5900).

APPOINTMENT OF DOMESTIC REPRESENTATIVE

Fross Zelnick Lehrman & Zissu, P.C., 151 West 42nd St., 17th Floor, New York, New York 10036 (Telephone: 212-813-5900), is hereby designated applicant's representative upon whom notices or process in proceedings affecting the mark may be served.

USE ON FILING DATE

If this application is signed after the application filing date, the applicant verifies that it was using the mark in commerce on or in connection with the goods and services listed in this application as of the application filing date and that the specimen was in use in commerce as of the application filing date.

DECLARATION

I have read all of the statements below before signing.

- **If the applicant is filing the application based on use in commerce under 15 U.S.C. § 1051(a):**
 - The signatory believes that the applicant is the owner of the trademark/service mark sought to be registered;
 - The mark is in use in commerce on or in connection with the goods/services in the application;
 - The specimen(s) shows the mark as used on or in connection with the goods/services in the application; and
 - To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.
- **If the applicant is filing the application based on an intent to use the mark in commerce under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e):**
 - The signatory believes that the applicant is entitled to use the mark in commerce;
 - The applicant has a bona fide intention to use the mark in commerce on or in connection with the goods/services in the application; and
 - To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.
- To the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive.
- To the best of the signatory's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the allegations and other factual contentions made above have evidentiary support.

- The signatory 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 submission 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.

Birkenstock GmbH & Co. KG

By: _____

[Signature]

Name: Markus Bensberg

Title: CEO

Date of signature: _____

11/12/2013