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Trademark Electronic Application System

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PTO Form 1478 (Rev 09/2006)

OMB No. 0651-0009 (Exp 02/28/2021)

Trademark/Service Mark Application, Principal Register TEAS Plus Application Handwritten Signature

To the Commissioner for Trademarks:

MARK: The words "Loft", "Madison", "by" and "Ashley", together with an ampersand between "Loft" and "Madison" (stylized and/or with design, see below)

Loft & Madison
— BY ASHLEY —

The literal element of the mark consists of The words "Loft", "Madison", "by" and "Ashley", together with an ampersand between "Loft" and "Madison". The applicant is not claiming color as a feature of the mark. The mark consists of The words "Loft", "Madison", "by" and "Ashley", together with an ampersand between "Loft" and "Madison" and with horizontal lines on each side of the words "By Ashley".

The applicant, Ashley Furniture Industries, Inc., a corporation of Wisconsin, having an address of

One Ashley Way
Arcadia, Wisconsin 54612
United States
608-323-3377(phone)
tmadden@kkblawoffice.com

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 020: Mattress component, namely, elastic gel material located in the top upholstery layer of mattresses sold as an integral component of the mattresses; Mattress cushions; Mattress foundations; Mattress

toppers; Mattresses; Mattresses and pillows

Use in Commerce: The applicant is using the mark in commerce on or in connection with the identified goods/services. The applicant attaches, or will later submit, one specimen as a JPG/PDF image file showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, regardless of whether the mark itself is in the standard character format or is a stylized or design mark. The specimen image file may be in color, and the image must be in color if color is being claimed as a feature of the mark.

In International Class 020, the mark was first used by the applicant or the applicant's related company or licensee predecessor in interest at least as early as 11/30/2017, and first used in commerce at least as early as 11/30/2017, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, consisting of a(n) Label bearing the mark attached to the goods.

Specimen-1 [SPE0-686534188-20191104115203216731_-_Specimen_19.08.12.pdf]

The applicant hereby appoints Terrence J. Madden. Terrence J. Madden of Kostner, Koslo & Brovold LLC, is a member of the Wisconsin bar, admitted to the bar in 1991, bar membership no. 1000926, is located at

108 West Main Street
Arcadia, Wisconsin 54612
United States
608-323-3351(phone)
tmadden@kkblawoffice.com (authorized).

The attorney docket/reference number is 0016/187.

Terrence J. Madden submitted the following statement: The attorney of record is an active member in good standing of the bar of the highest court of a U.S. state, the District of Columbia, or any U.S. Commonwealth or territory.

The applicant's current Correspondence Information:

Terrence J. Madden
Kostner, Koslo & Brovold LLC
108 West Main Street
Arcadia, Wisconsin 54612
608-323-3351(phone)
tmadden@kkblawoffice.com; jknutson@kkblawoffice.com (authorized).

Email Authorization: I authorize the USPTO to send email correspondence concerning the application to the applicant or the applicant's attorney, or the applicant's domestic representative at the email address provided in this application. I understand that a valid email address must be maintained and that the applicant or the applicant's attorney must file the relevant subsequent application-related submissions via the Trademark Electronic Application System (TEAS). Failure to do so will result in the loss of TEAS Plus status and a requirement to submit an additional processing fee of \$125 per international class of goods/services.

A fee payment in the amount of \$225 will be submitted with the application, representing payment for 1 class(es).

Declaration

Read the following statements before signing. Acknowledge the statements by signing below.

- **Basis:**

- **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.

AND/OR

- **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.

Signature: _____

Signatory's Name: Stephen R. Calkins

Signatory's Position: Chief Legal Officer

Signatory's Phone Number: (813) 603-5370

Date Signed: 11/7/19

NOTE TO APPLICANT: When filed as part of the electronic form (i.e., scanned and attached as an image file), the signature page **must** include both the signature information **and** the declaration language. Do **not** include the entire application, but do ensure that the declaration language actually appears; *a signature by itself will not be acceptable*. If, due to browser limitations, the declaration language appears on a previous page when printed, you must "merge" the declaration and signature block onto a single page prior to signing, so that the *one complete page* can be scanned to create an acceptable image file. It is recommended that you copy-and-paste the entire text form into

another document, manipulate the spacing there to move the declaration and signature section to a separate page, and then print this new version of the text form to send to the signatory.