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PTO Form 1478 (Rev 09/2006)
OMB No. 0651-0009 (Exp 02/28/2021)

Trademark/Service Mark Application, Principal Register Handwritten Signature

To the Commissioner for Trademarks:

MARK: ANCHOR (Standard Characters, see below)

ANCHOR

The literal element of the mark consists of ANCHOR. The mark consists of standard characters, without claim to any particular font style, size, or color.
The applicant, New Zealand Milk Brands Limited, a limited company (Ltd.) legally organized under the laws of New Zealand, having an address of
109 Fanshawe Street
Auckland 1010
New Zealand

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 005: Dietetic foods, substances, beverages and meal replacements adapted for medical use; food for babies and infants including milk powder for babies and infants; dietary supplements, intended to supplement a normal diet or to have health benefits; vitamins and vitamin formulations for human consumption; mineral supplements for foodstuffs; nutritional additives, supplements and cultures

Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services.

International Class 032: Non-milk cereal based beverages also containing soya; mineral and aerated water and other non-alcoholic drinks; fruit-syrups and fruit based powders for making beverages; fruit based drinks and fruit juices; vegetable based drinks and vegetable juices; energy drinks; sports drinks; isotonic beverages; protein-enriched sports beverages; whey beverages; smoothies; non-milk oat and cereal-based beverages with or without fruit or vegetable juices or extracts; plain and fortified soya-bean derived beverages; non-milk drinks made from cereals; rice-based beverages; non-milk cereal based beverages; rice-based beverages, other than milk substitutes

Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services.

The applicant hereby appoints Tamar Niv Bessinger. Other appointed attorneys are Lawrence E. Apolzon, Andrew N. Fredbeck, Allison Strickland Ricketts, Nancy Sabarra, Karen Lim, Charles T. J. Weigell, Ashford Tucker. Tamar Niv Bessinger of Fross Zelnick Lehrman & Zissu, P.C., is a member of the New York bar, admitted to the bar in 1998, bar membership no. 2897452, and the attorney(s) is located at

151 West 42nd St., 17th Floor

New York, New York 10036

United States

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Bessinger-docket@fzlz.com (authorized).

The attorney docket/reference number is NZMB 1913409.

Tamar Niv Bessinger 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 hereby appoints Tamar Niv Bessinger of Fross Zelnick Lehrman & Zissu, P.C.,

151 West 42nd St., 17th Floor

New York New York 10036

United States

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Bessinger-docket@fzlz.com

as applicant's representative upon whom notice or process in the proceedings affecting the mark may be served.

The applicant's current Correspondence Information:

Tamar Niv Bessinger

Fross Zelnick Lehrman & Zissu, P.C.

151 West 42nd St., 17th Floor

New York, New York 10036

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Bessinger-docket@fzlj.com (authorized).

Email Authorization: I authorize the USPTO to send email correspondence concerning the application to the applicant, 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 Reduced Fee 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 \$550 will be submitted with the application, representing payment for 2 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):

- o The signatory believes that the applicant is the owner of the trademark/service mark sought to be registered;
- o The mark is in use in commerce on or in connection with the goods/services in the application;
- o The specimen(s) shows the mark as used on or in connection with the goods/services in the application; and
- o 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):

- o The signatory believes that the applicant is entitled to use the mark in commerce;
- o 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
- o 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 Section:

NOTE: The same person may sign the declaration on behalf of the other joint applicant(s), by merely making identical entries. The USPTO will presume that the one person who has signed was, in fact, authorized to sign on behalf of the other person(s).

Signature: 

Signatory's Name: Mary Elizabeth Lane

Signatory's Position: Senior Corporate Counsel (IP)

Signatory's Phone Number: +64 9 374 9000

Date Signed: 8-11-2019

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.