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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:** NYRA (stylized and/or with design, see below )



The literal element of the mark consists of NYRA. The color(s) DARK BLUE, WHITE, GREY, RED is/are claimed as a feature of the mark. The mark consists of stylized letters NYRA in dark blue color. A design of a shield with a red outline and dark blue background inside. A design of a horse's head in gradient colors white and grey is inside the shield. The horse tack on the horses head is red. A horizontal white and grey gradient colored line representing a rail on a track stretches from the bottom right side of the shield towards the left side of the shield underneath the horses head.

The applicant, New York State Franchise Oversight Board, a state agency organized under the laws of New York, having an address of

c/o Executive Chamber  
The Capitol  
Albany, New York 12224  
United States

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 041: ENTERTAINMENT SERVICES, NAMELY, CONDUCTING HORSE RACES; PROVIDING ONLINE ENTERTAINMENT IN THE NATURE OF CONDUCTING HORSE RACES; PROVIDING INFORMATION IN THE FIELD OF ENTERTAINMENT FEATURING HORSE RACES, HORSE RACING AND WAGERING ON HORSE RACES; PROVIDING AN ONLINE COMPUTER DATABASE IN THE FIELD OF ENTERTAINMENT FEATURING HORSE RACING EVENTS AND WAGERING ON HORSE RACING EVENTS; GAMBLING SERVICES; WAGERING SERVICES

In International Class 041, the mark was first used by the applicant or the applicant's related company or licensee or predecessor in interest at least as early as 07/00/2017, and first used in commerce at least as early as 07/00/2017, 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) screen shots from applicant's website and a close up of the website displaying the mark.

[Specimen-1](#) [SPE0-2085911850-20190131095757465432\_.\_NYRA\_Secondary\_Logo\_-\_Spec\_cl\_41.jpg ]

[Specimen-2](#) [SPE0-1-2085911850-20190131095757465432\_.\_NYRA\_Secondary\_Logo\_-\_Spec\_2\_cl\_41.jpg ]

[Specimen-3](#) [SPE0-2085911850-20190131133153732744\_.\_NYRA\_Secondary\_Logo\_-\_Spec\_3\_cl\_41.jpg ]

[Specimen-4](#) [SPE0-2085911850-20190131133153732744\_.\_NYRA\_Secondary\_Logo\_-\_Spec\_4\_cl\_41.jpg ]

[Specimen-5](#) [SPE0-2085911850-20190131133153732744\_.\_NYRA\_Secondary\_Logo\_-\_Spec\_5\_cl\_41.jpg ]

#### **Claim of Active Prior Registration(s)**

The applicant claims ownership of active prior U.S. Registration Number(s) 4941391, 1784538, 5324897, and others.

#### **The applicant's current Attorney Information:**

Deborah K. Squiers and William M. Borchard, Jeffery Chery, Dasha Chestukhin, Mary A. Donovan, Kieran G. Doyle, Robert J. English, Jeffrey H. Epstein, C. J. Erickson, Lynn S. Fruchter, Morton D. Goldberg, Lawrence W. Greene, Midge M. Hyman, Mary L. Kevlin, Thomas Kjellberg, Maryann E. Licciardi, Meichelle R. MacGregor, Joelle Milov, Mark Montague, Joel Karni Schmidt, George C. Sciarrino, Eric J. Shimanoff, Danielle J. Siegel, Emily F. Stein, Brian Volk, Dorothy R. Whitney, Ana Zhadina, and all other attorneys of Cowan, Liebowitz & Latman, P.C. 114 West 47th Street  
New York, New York 10036-1525  
United States  
212-790-9200(phone)  
212-575-0671(fax)  
trademark@cjl.com (authorized)

The attorney docket/reference number is 25919.

#### **The applicant's current Correspondence Information:**

Deborah K. Squiers  
Cowan, Liebowitz & Latman, P.C.  
114 West 47th Street  
New York, New York 10036-1525  
212-790-9200(phone)  
212-575-0671(fax)  
trademark@cjl.com (authorized)

**E-mail Authorization:** I authorize the USPTO to send e-mail correspondence concerning the application to the applicant, the applicant's attorney, or the applicant's domestic representative at the e-mail address provided in this application. I understand that a valid e-mail 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 \$275 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**

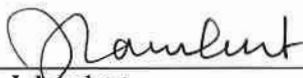
**If the applicant is filing the application based on an intent to use the mark in commerce under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e):**

- 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 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: Joseph J. Lambert

Signatory's Position: SVP Chief Administrative Officer and General Counsel of the New York Racing Association, as Agent for Applicant

Signatory's Phone Number: \_\_\_\_\_

Date Signed: 2/8/2019

**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.

**IMPORTANT INFORMATION FOR APPLICANT:****No filing fee refunds**

Once your application is submitted, the USPTO we will not cancel the filing or refund your fee. The fee is a processing fee, which the USPTO does not refund even if a registration is not issued after substantive review of the application. This is true regardless of how soon after submission you might attempt to request cancellation of the filing.

**All information submitted made public**

All information submitted to the USPTO at any point in the application and/or registration process will become public record, including your name, phone number, e-mail address, and street address. Please be aware that **YOU HAVE NO RIGHT TO CONFIDENTIALITY** in the information disclosed. The public will be able to view the information in the USPTO's on-line databases and through internet search engines and other on-line databases and may use this information to contact you directly. This information will remain public even if the application is later abandoned or any resulting registration is surrendered, cancelled, or expired. For any information that may be subject to copyright protection, by submitting it to the USPTO, the filer is representing that he or she has the authority to grant, and is granting, the USPTO permission to make the information available in its on-line database and in copies of the application or registration record.

**Review of application**

Registration is not automatic or guaranteed. A USPTO examining attorney will review your application approximately three months after the filing date for compliance with all legal requirements. This may result in a letter (an "Office action") being issued that will require you to submit a response within a strict time deadline, even if a filing company has filed the original application on your behalf. Failure to submit a timely response will result in the abandonment of your application.

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Trademark/Service Mark Application, Principal Register

*NOTE: Data fields with the \* are mandatory. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.*

The table below presents the data as entered.

Input Field	Entered
<b>SERIAL NUMBER</b>	N/A
<b>MARK INFORMATION</b>	
*MARK	<a href="#">MRK2085911850-152410856_NYRA_Crest_Design_and_Horse_Logo_Color_Secondary_Mark.jpg</a>
SPECIAL FORM	YES
USPTO-GENERATED IMAGE	NO
LITERAL ELEMENT	NYRA
COLOR MARK	YES
COLOR(S) CLAIMED (If applicable)	The color(s) DARK BLUE, WHITE, GREY, RED is/are claimed as a feature of the mark.

**\*DESCRIPTION OF THE MARK**  
(and Color Location, if applicable)

The mark consists of stylized letters NYRA in dark blue color. A design of a shield with a red outline and dark blue background inside. A design of a horse's head in gradient colors white and grey is inside the shield. The horse tack on the horses head is red. A horizontal white and grey gradient colored line representing a rail on a track stretches from the bottom right side of the shield towards the left side of the shield underneath the horses head.

**PIXEL COUNT ACCEPTABLE** YES

**PIXEL COUNT** 792 x 612

#### APPLICANT INFORMATION

**\*OWNER OF MARK** New York State Franchise Oversight Board

**INTERNAL ADDRESS** c/o Executive Chamber

**\*STREET** The Capitol

**\*CITY** Albany

**\*STATE**  
(Required for U.S. applicants) New York

**\*COUNTRY** United States

**\*ZIP/POSTAL CODE**  
(Required for U.S. and certain international addresses) 12224

#### LEGAL ENTITY INFORMATION

**TYPE** state agency

**STATE/COUNTRY UNDER WHICH ORGANIZED** New York

#### GOODS AND/OR SERVICES AND BASIS INFORMATION

**INTERNATIONAL CLASS** 041

**\*IDENTIFICATION**

ENTERTAINMENT SERVICES, NAMELY, CONDUCTING HORSE RACES; PROVIDING ONLINE ENTERTAINMENT IN THE NATURE OF CONDUCTING HORSE RACES; PROVIDING INFORMATION IN THE FIELD OF ENTERTAINMENT FEATURING HORSE RACES, HORSE RACING AND WAGERING ON HORSE RACES; PROVIDING AN ONLINE COMPUTER DATABASE IN THE FIELD OF ENTERTAINMENT FEATURING HORSE RACING EVENTS AND WAGERING ON HORSE RACING EVENTS; GAMBLING SERVICES; WAGERING SERVICES

**FILING BASIS** SECTION 1(a)

**FIRST USE ANYWHERE DATE** At least as early as 07/00/2017

**FIRST USE IN COMMERCE DATE** At least as early as 07/00/2017

**SPECIMEN FILE NAME(S)** [SPE0-2085911850-20190131095757465432 . NYRA\\_Secundary\\_Logo\\_-\\_Spec\\_cl\\_41.jpg](#)

[SPE0-1-2085911850-20190131095757465432 . NYRA\\_Secundary\\_Logo\\_-\\_Spec\\_2\\_cl\\_41.jpg](#)

[SPE0-2085911850-20190131133153732744 . NYRA\\_Secundary\\_Logo\\_-\\_Spec\\_3\\_cl\\_41.jpg](#)

[SPE0-2085911850-20190131133153732744 . NYRA\\_Secondary\\_Logo - Spec 4 cl 41.jpg](#)

[SPE0-2085911850-20190131133153732744 . NYRA\\_Secondary\\_Logo - Spec 5 cl 41.jpg](#)

**SPECIMEN DESCRIPTION** screen shots from applicant's website and a close up of the website displaying the mark

#### ADDITIONAL STATEMENTS SECTION

**ACTIVE PRIOR REGISTRATION(S)** The applicant claims ownership of active prior U.S. Registration Number(s) 4941391, 1784538, 5324897, and others.

#### ATTORNEY INFORMATION

**NAME** Deborah K. Squiers

**ATTORNEY DOCKET NUMBER** 25919

**FIRM NAME** Cowan, Liebowitz & Latman, P.C.

**STREET** 114 West 47th Street

**CITY** New York

**STATE** New York

**COUNTRY** United States

**ZIP/POSTAL CODE** 10036-1525

**PHONE** 212-790-9200

**FAX** 212-575-0671

**EMAIL ADDRESS** trademark@cfl.com

**AUTHORIZED TO COMMUNICATE VIA EMAIL** Yes

#### OTHER APPOINTED ATTORNEY

William M. Borchard, Jeffery Chery, Dasha Chestukhin, Mary A. Donovan, Kieran G. Doyle, Robert J. English, Jeffrey H. Epstein, C. J. Erickson, Lynn S. Fruchter, Morton D. Goldberg, Lawrence W. Greene, Midge M. Hyman, Mary L. Kevlin, Thomas Kjellberg, Maryann E. Licciardi, Meichelle R. MacGregor, Joelle Milov, Mark Montague, Joel Karni Schmidt, George C. Sciarrino, Eric J. Shimanoff, Danielle J. Siegel, Emily F. Stein, Brian Volk, Dorothy R. Whitney, Ana Zhadina, and all other attorneys

#### CORRESPONDENCE INFORMATION

**NAME** Deborah K. Squiers

**FIRM NAME** Cowan, Liebowitz & Latman, P.C.

**STREET** 114 West 47th Street

**CITY** New York

**STATE** New York

**COUNTRY** United States

**ZIP/POSTAL CODE** 10036-1525

**PHONE** 212-790-9200

**FAX** 212-575-0671

**\*EMAIL ADDRESS** trademark@cfl.com

**\*AUTHORIZED TO  
COMMUNICATE VIA  
EMAIL** Yes

**FEE INFORMATION**

**APPLICATION FILING ,  
OPTION** TEAS RF

**NUMBER OF CLASSES** 1

**APPLICATION FOR  
REGISTRATION PER CLASS** 275

**\*TOTAL FEES DUE** 275

**SIGNATURE INFORMATION**

**SIGNATORY'S NAME** Joseph J. Lambert

**SIGNATORY'S POSITION** SVP Chief Administrative Officer and General Counsel of the New York Racing Association, as Agent for Applicant

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