

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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:** ZYIA ACTIVE (Standard Characters, see below )

# ZYIA ACTIVE

The literal element of the mark consists of ZYIA ACTIVE. The mark consists of standard characters, without claim to any particular font style, size, or color.

The applicant, ZYIA Active, LLC, a limited liability company legally organized under the laws of Utah, having an address of

9442 South 670 West  
Sandy, Utah 84070  
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 025: Athletic apparel, namely, pants, capris, shorts, crops, leggings, tights, shirts, t-shirts, tank tops, socks, bras, sports bras, moisture-wicking sports bras, women's athletic tops with built-in bras, jackets, hats, sweaters, pony tail holders, yoga pants, yoga tops, yoga shirts, golf shirts, golf shorts, and outerwear, namely, coats

In International Class 025, 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 02/00/2017, and first used in commerce at least as early as 02/00/2017, 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) Product Packaging, tags, and labels.

[Specimen-1](#) [SPE0-21610237130-20190507134534377559\_.\_Specimen.jpg ]

The applicant's current Attorney Information:

Dax D. Anderson of KIRTON McCONKIE 36 South State Street, Suite 1900  
Salt Lake City, Utah 84111  
United States  
801-328-3600(phone)  
8013214893(fax)  
danderson@kmclaw.com (authorized)

The attorney docket/reference number is 30236.

The applicant's current Correspondence Information:

Dax D. Anderson  
KIRTON McCONKIE  
36 South State Street, Suite 1900  
Salt Lake City, Utah 84111  
801-328-3600(phone)  
8013214893(fax)  
danderson@kmclaw.com; mearlson@kmclaw.com; ipdocket@kmclaw.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: Jeremiah Bradley

Signatory's Position: Chairman of the Board

Signatory's Phone Number: ~~857~~ 355-887-2608

Date Signed: 5/8/19

**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.