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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 Handwritten Signature

To the Commissioner for Trademarks:

MARK: EARTHSKY (Standard Characters, see below)

EARTHSKY

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

The applicant, EarthSky Communications, Inc., a corporation of Texas, having an address of

1259 Sanders

Kyle, Texas 78640

United States

512-789-6766(phone)

deborahbyrd@earthsky.org

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: Educational and entertainment services, namely, a website that describes astronomical or geophysical events, or the scientific basis for the causes of such events, or the effects of such events

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 09/07/2009, and first used in commerce at least as early as 09/07/2009, 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) Website screen shot of <https://earthsky.org>.

Specimen-1 [SPE0-26001700290118089a0358dd23a3b5f-20200410233957734887_-_EarthSky_specimen_of_use_Class_41.pdf]

For informational purposes only, applicant's website address is: <https://earthsky.org/>

The owner's/holder's proposed attorney information: Anthony England. Other appointed attorneys are Anthony England. Recognized Canadian attorney(s)/agent(s) is/are Anthony England. Anthony England of Law Office of Anthony England, is a member of the Texas bar, admitted to the bar in 1993, bar membership no. 00787437, and the attorney(s) is located at

2007 Raleigh Avenue
Austin, Texas 78703
United States
512-567-7735(phone)
512-567-7735(fax)
LawOffice@aengland.com

Anthony England 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:

Anthony England

PRIMARY EMAIL FOR CORRESPONDENCE: LawOffice@aengland.com

SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): Susan@aengland.com

Requirement for Email and Electronic Filing: I understand that a valid email address must be maintained by the applicant owner/holder and the applicant owner's/holder's attorney, if appointed, and that all official trademark correspondence must be submitted via the Trademark Electronic Application System (TEAS).

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 and was in use in commerce as of the filing date of the application 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 was used on or in connection with the goods/services in the application as of the application filing date; 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 and had a bona fide intention to use the mark in commerce as of the application filing date 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: Deborah Byrd

Signatory's Position: President, EarthSky Communications, Inc.

Signatory's Phone Number: 512-789-6766

Date Signed: April 14, 2020

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, email 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
SERIAL NUMBER	N/A
MARK INFORMATION	
*MARK	mark.jpg
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	EARTHSKY
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size, or color.

APPLICANT INFORMATION

***OWNER OF MARK** EarthSky Communications, Inc.
***MAILING ADDRESS** 1259 Sanders
***CITY** Kyle
***STATE** Texas
(Required for U.S. applicants)
***COUNTRY/REGION/JURISDICTION/U.S. TERRITORY** United States
***ZIP/POSTAL CODE** 78640
(Required for U.S. and certain international addresses)
PHONE 512-789-6766
***EMAIL ADDRESS** deborahbyrd@earthsky.org
WEBSITE ADDRESS https://earthsky.org/

LEGAL ENTITY INFORMATION

TYPE corporation
STATE/COUNTRY/REGION/JURISDICTION/U.S. TERRITORY OF INCORPORATION Texas

GOODS AND/OR SERVICES AND BASIS INFORMATION

INTERNATIONAL CLASS 041
***IDENTIFICATION** Educational and entertainment services, namely, a website that describes astronomical or geophysical events, or the scientific basis for the causes of such events, or the effects of such events
FILING BASIS SECTION 1(a)
FIRST USE ANYWHERE DATE At least as early as 09/07/2009
FIRST USE IN COMMERCE DATE At least as early as 09/07/2009
SPECIMEN FILE NAME(S) SPE0-26001700290118089a0358dd23a3b5f-20200410233957734887_-_EarthSky_specimen_of_use_Class_41.pdf
SPECIMEN DESCRIPTION Website screen shot of https://earthsky.org

ATTORNEY INFORMATION

NAME Anthony England
ATTORNEY BAR MEMBERSHIP NUMBER 00787437
YEAR OF ADMISSION 1993
U.S. STATE/ COMMONWEALTH/ TERRITORY Texas
FIRM NAME Law Office of Anthony England
STREET 2007 Raleigh Avenue

CITY Austin
STATE Texas
COUNTRY/REGION/JURISDICTION/U.S. TERRITORY United States
ZIP/POSTAL CODE 78703
PHONE 512-567-7735
FAX 512-567-7735
EMAIL ADDRESS LawOffice@aengland.com
OTHER APPOINTED ATTORNEY Anthony England
RECOGNIZED CANADIAN ATTORNEY/AGENT Anthony England

CORRESPONDENCE INFORMATION

NAME Anthony England
PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE LawOffice@aengland.com
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES) Susan@aengland.com

FEE INFORMATION

APPLICATION FILING OPTION TEAS Standard
NUMBER OF CLASSES 1
APPLICATION FOR REGISTRATION PER CLASS 275
***TOTAL FEES DUE** 275

SIGNATURE INFORMATION

SIGNATORY'S NAME Deborah Byrd
SIGNATORY'S POSITION President, EarthSky Communications, Inc.
SIGNATORY'S PHONE NUMBER 512-789-6766

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