

UNITED STATES PATENT AND TRADEMARK OFFICE
APPLICATION FOR REGISTRATION OF A TRADEMARK OR SERVICE MARK

MARK: EMBERSTORIA OVERWRITE

CLASSES: 9, 16, 28, 41

APPLICANT: Kabushiki Kaisha Square Enix (a/t/a Square Enix Co., Ltd.)

ADDRESS: 6-27-30 Shinjuku, Shinjuku-ku,
Tokyo 160-8430,
Japan

ENTITY: a corporation organized and existing under the laws of Japan

OUR REF: KKSE 2222363

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

The above-identified applicant has a bona fide intention to use the above mark in commerce on or in connection with the following goods and services and requests that said mark be registered in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 under Section 1(b) and Section 44(d):

Class	Goods and Services
9	Downloadable computer game software; recorded computer game software; downloadable video game software; recorded video game software; downloadable virtual reality game software; recorded virtual reality game software; sound recordings in the form of optical discs, magnetic discs and semiconductor ROMs all featuring music and fictional stories; audio visual recordings in the form of optical discs, magnetic discs and semiconductor ROMs all featuring music and animated fictional stories; prerecorded compact discs featuring music; prerecorded video discs featuring music and animated fictional stories; mouse pads; straps for cellular phones; downloadable musical sound recordings; downloadable ring tones for mobile phones; downloadable image files containing artwork, text, graphics and photographs relating to video games, animated characters, card games, computer games, comics, novels, and magazines; downloadable wallpaper graphics for mobile phones; downloadable electronic publications in the nature of magazines, journals and newsletters in the field of computer games and video games.
16	Printed computer game strategy guidebooks; printed video game strategy guidebooks; printed song books; printed books in the field of art; printed musical score books; printed comic books; printed magazines featuring information about

	computer games and video games; printed posters; stickers; printed calendars; postcards; stationery; collectable printed trading cards; printed trading cards, other than for games; printed photographs.
28	Dolls; toy figures; plush toys; stuffed toys; inflatable toys; toy scale model kits; toy vehicles; toy guns; toy swords; playing cards; card games; trading cards for games; board games; jigsaw puzzles; hand held units for playing video games other than those adapted for use with an external display screen or monitor; game controllers for computer video game consoles; trading card games; playing cards for trading card games.
41	Providing amusement facilities; providing amusement facilities for virtual reality via global communication networks; providing amusement facilities and play facilities for virtual reality using computer graphics; amusement arcades; virtual reality arcade services; providing on-line computer games; providing on-line video games; providing information on computer game strategies and video game strategies via computer networks and global communication networks; providing information on entertainment in the field of computer games, video games, card games, animated cartoons, comics, novels and magazines; providing on-line non-downloadable comics; providing on-line non-downloadable magazines, journals and newsletters in the field of computer games, video games, cartoons and general entertainment; arranging, conducting and organization of concerts and music events for social entertainment purposes; providing on-line non downloadable images and pictures in the field of computer games, video games and cartoons; providing on-line music, not downloadable; providing on-line non downloadable audio and video content in the field of computer games, video games, cartoons and general entertainment; musical entertainment services, namely, providing live performances by musical bands, theater performances by virtual performers on screen and theatrical performances of a recorded concert; providing information on musical performances and presentation of films; provision of data concerning items used in online games.

Application to register said mark in Classes 9, 16, 28, and 41 in Japan was filed on April 28, 2022 under Application No. 2022-049764. Applicant requests that said mark be registered in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946.

The mark consists of the words EMBERSTORIA OVERWRITE in standard characters. Color is not claimed as a feature of the mark.

ADDRESS FOR CORRESPONDENCE

Applicant requests that all correspondence in connection with this application be directed to its attorneys, the law firm of Fross Zelnick Lehrman & Zissu, P.C., 151 West 42nd St., 17th Floor, New York, New York 10036, Attention: Karen Lim (Telephone 212-813-5900).

APPOINTMENT OF DOMESTIC REPRESENTATIVE

Fross Zelnick Lehrman & Zissu, P.C., 151 West 42nd St., 17th Floor, New York, New York 10036 (Telephone: 212-813-5900), is hereby designated applicant's representative upon whom notices or process in proceedings affecting the mark may be served.

INTENTION AS OF FILING DATE

If this application is signed after the application filing date, the applicant verifies that it had a bona fide intention to use the mark in commerce on or in connection with the goods listed in this application as of the application filing date.

[BLANK SPACE HERE IS INTENTIONAL]

DECLARATION

I have read all of the statements below before signing.

- **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.
- **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.

**Kabushiki Kaisha Square Enix
(also trading as Square Enix Co., Ltd.)**

By:  _____
[signature]

Name: Hiroki Watanabe
[printed or typed]

Title: Senior Manager of Legal & Intellectual
Property Division

Date: October 26, 2022