

**UNITED STATES PATENT AND TRADEMARK OFFICE**  
**APPLICATION FOR REGISTRATION OF A TRADEMARK**

**MARK:** FLOW

**CLASSES:** 3, 5, 10, 11, and 35

**APPLICANT:** Martin Herbst

**ADDRESS:** Jakob-Haringer-Straße 1  
A-5020 Salzburg  
AUSTRIA

**ENTITY:** Individual

**OUR REF:** MRTN 2010108

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 asserts a claim of priority based upon the application identified below in accordance with Section 44(d):

Class 3: Essential oils and aromatic extracts including from marketable CBD products which include no more than 0.3% THC by dry weight; Cleaning and fragancing preparations; Perfumes; creams

Class 5: Pharmaceutical and medical substances and preparations for health care purposes; Medicinal and pharmaceutical preparations and remedies for the treatment of respiratory disorders; Pharmaceutical preparations, namely solution for the hygiene, decongestion, disinfection and humidification of the nasal passages and sinuses; Drops against dryness in the nose and against allergic symptoms in the nasal area (allergy, allergic rhinitis), drops for protection, for regeneration (in particular scarring), for rinsing, for cleaning, for removing blockages, for disinfection, for moistening and for rehydration of the nasal cavities and paranasal sinuses; Nasal sprays; Nasal cleaning preparations for medical purposes; Cleansing solutions for medical use; Pharmaceutical preparations for treating asthma; Antidepressants

Class 10: Inserts for the nose; Nasal dilators; Therapeutic nose clips for the prevention of snoring; Respiratory therapy instruments; Nebulizers for respiration therapy; Apparatus for the alleviation of breathing difficulties; Surgical, medical apparatus and instruments; Medical apparatus and instruments for the hygiene, decongestion, disinfection and humidification of the nasal passages and sinuses; Medical devices for the hygiene, disinfection, decongestion and humidification of the nasal passages and sinuses; Inhalation devices for medical use

Class 11: Ultraviolet sterilizers; combined lighting and ultraviolet apparatus

Class 35: Retailing and wholesaling, including by mail order retail service and via the internet relating to nasal dilators, medical and pharmaceutical products and preparations, surgical and medical apparatus and instruments, ultraviolet sterilizers, oils and aromatic extracts also made from marketable CBD products which include no more than 0.3% THC by dry weight, cleaning and fragancing preparations, perfumes

Application to register said mark in EUTM was filed on August 25, 2020 under Application No. 018296317. 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 is in standard characters and no claim is made to any particular font style, size or color.

### **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 42<sup>nd</sup> Street, 17<sup>th</sup> Floor, New York, New York 10036, Attention: Charles Weigell (Telephone 212-813-5900).

### **APPOINTMENT OF DOMESTIC REPRESENTATIVE**

Fross Zelnick Lehrman & Zissu, P.C., 151 West 42<sup>nd</sup> Street, 17<sup>th</sup> 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.

## 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.

**Martin Herbst**

By: \_\_\_\_\_

[signature]

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: 29.01.2011

