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Trademark Electronic Application System

PTO- 1478

Approved for use through 10/31/2024. OMB 0651-0009

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Trademark/Service Mark Application, Principal Register

To the Commissioner for Trademarks:

MARK: X (stylized and/or with design, see mark)

The literal element of the mark consists of X. The applicant is not claiming color as a feature of the mark. The mark consists of a stylized X.

The applicant, Paulo G. Ribeiro, DBA Xanadu Surf Designs, a citizen of United States, having an address of

4206 Sorrento Valley Blvd., # C

San Diego, California 92121

United States

TMClient@kilpatricktownsend.com

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: T-shirts; hats; caps

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 00/00/1989, and first used in commerce at least as early as 00/00/1989, 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) Webpages showing T-shirt and caps displaying the mark at point of sale.

Specimen-1 [SPE0-7631127203-202204041 84212279275_United_States_X_Logo_Cap_Class_25_Specimen_2.pdf]

Specimen-2 [SPE0-7631127203-202204041 84212279275_United_States_X_Logo_T-shirt_Classes_25_specimen_4.pdf]

Specimen-3 [SPE0-7631127203-202204041 84212279275_United_States_X_Logo_2021_Photo_of_T-Shirt-CL_25_Specimen_3.jpg]

Webpage URL: <https://xanadusurfdesigns.com/shop/surf-gear/diamond-x-t-shirt/>

Webpage Date of Access: 04/04/2022

Webpage URL: <https://xanadusurfdesigns.com/shop/apparel/xanadu-x-cap/>

Webpage Date of Access: 04/04/2022

International Class 028: Surfboards

In International Class 028, 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 00/00/1989, and first used in commerce at least as early as 00/00/1989, 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) Photo of surfboard displaying the mark.

Specimen-1 [SPE0-7631127203-202204041 84212279275_United_States_X_Logo_2021_Photo_of_Surfboard_

_CL_28_Specimen_1.jpg]

Webpage URL: None Provided

Webpage Date of Access: None Provided

International Class 028: Surfboard fins

Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services.

The owner's/holder's proposed attorney information: Jason M. Vogel. Other appointed attorneys are all other attorneys at the firm of Kilpatrick Townsend & Stockton LLP. Jason M. Vogel of Kilpatrick Townsend & Stockton LLP, is a member of the New York bar, admitted to the bar in 2000, bar membership no. 3005303, and the attorney(s) is located at

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JVogel@kilpatricktownsend.com

The docket/reference number is 1275024.

Jason M. Vogel 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:

Jason M. Vogel

PRIMARY EMAIL FOR CORRESPONDENCE: JVogel@kilpatricktownsend.com

SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): tadmin@kilpatricktownsend.com;
BCraig@kilpatricktownsend.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 \$700 will be submitted with the application, representing payment for 2 class(es).

Electronic Signature

To electronically sign this document, enter any alpha/numeric characters (letters/numbers) **of your choosing**, preceded and followed by the forward slash (/) symbol. Most signatories enter their name between the two forward slashes; examples of acceptable "signatures" include: /John doe/; /jd/; or /123-4567/.

Declaration Signature

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.

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.

Signature: Date Signed:
MM/DD/YYYY

Signatory's Name

Signatory's Position

Signatory's Phone Number

Privacy Act Statement (<https://www.uspto.gov/trademarks-application-process/filing-online/teas-and-teasi-paperwork-reduction-act-burden#TEAS-Privacy-Act-Statement>) | TEAS Form Burden Statement (<https://www.uspto.gov/trademarks/teas/prajsp#heading-1>) | Bug Report/Feedback (<https://www.uspto.gov/trademarks-application-process/filing-online/bug-report>) | TEAS Home (<https://www.uspto.gov/trademarks-application-process/filing-online>)

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