

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re trademark application of:

IMAGINE APPAREL GROUP, LLC

Serial No.: 76/697311

Filed: May 8, 2009

Mark: AMERICAN BASICS

Law Office 117

Examiner Michael Tanner

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

DECLARATION UNDER §2(F)

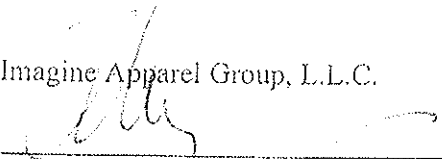
Charles Mizrahi, declares that: He is the President of Imagine Apparel Group, LLC, the Applicant of the trademark AMERICAN BASICS, and he further declares that he is thus an officer of Applicant and is authorized to execute this instrument on behalf of said entity; he believes it is the owner of the mark AMERICAN BASICS sought to be registered in Application Serial No. 76/697311; the mark AMERICAN BASICS has been in use on or in connection with the goods in Class 25 as of a date at least as early as 1992; and has been in use in interstate commerce in connection with the goods in Class 25 since at least as early as 1992.

The total amount of sales under the mark exceeds \$50 million from 1999 to 2009 (further sales from 1992-1999 occurred, but records from over 10 years ago would have to be retrieved.) It is submitted that this is an extraordinary amount of sales in this period of time. Also the total amount spent on advertising and promotion of this mark is over \$1 million.

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Accordingly, the mark has become distinctive of the products through the applicant's substantially exclusive and continuous use in commerce for at least the five years immediately before this statement.

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that declares that the facts set forth in this application are true; all statements made of his own knowledge are true; and all statements made on information and belief are believed to be true.


Imagine Apparel Group, L.L.C.

Name: Charles Mizrahi
Title: President

Dated: 12/1/09