

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: U.S. Trademark Application
Mark: LEE
Serial No.: 88/064433
Applicant: Progressive Produce LLC
Atty Ref.: 081765.434786

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

Declaration to Perfect Application and Power of Attorney

Declaration

The undersigned declares and states that he/she is authorized to execute and sign this instrument on behalf of and for the said Applicant; that 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; that the Applicant has, and has had at least since the application filing date of **August 3, 2018**, a *bona fide* intent to use the mark in commerce on or in connection with the goods/services identified in the application (see below); that the Applicant believed it was entitled to use the mark in commerce as of the application filing date; that to the best of the declarant's knowledge and belief, no other person has the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when applied to the goods/services of the other person, to cause confusion or mistake, or to deceive; and that all facts set forth in the application are true.

Applicant requests that the application filing basis be established as follows: intent to use the mark in commerce under Trademark Act Section 1(b), 15 U.S.C. §1051(b), and the right of priority under Trademark Act Section 44(d), 15 U.S.C. §1126(d) based on Canada Application No. 1912526, filed on July 31, 2018. The goods/services identified in the application are:

“Fresh asparagus” in International Class 31.

The undersigned, 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 this submission, 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.

Power of Attorney

Applicant hereby appoints Marjorie W. Norman and Mark B. Harrison, all members of the bar of the District of Columbia or of their respective states, and the law firm of Venable LLP, having the address 2049 Century Park East, Suite 2300, Los Angeles, California 90067, as applicant's attorneys with full powers of association, substitution and revocation, to transact all business in the U.S. Patent and Trademark Office associated with the present application, including without limitation to prosecute the application and receive the certificate of registration.

Send all notices, official letters, documents, communications and other correspondence concerning this application to: Marjorie W. Norman, Venable LLP, 2049 Century Park East, Suite 2300, Los Angeles, California 90067, telephone no. 310. 229.0468, fax no. 310.229.9901, email address: ipdocketingla@venable.com; mwnorman@venable.com; jvmargolin@venable.com.

PROGRESSIVE PRODUCE LLC

By: 

Name: JAMES K. LEMKEWITZ

Title: CEO

Date: 1-22-19