

To: SHOKZ HOLDING LIMITED (tonyhom1@outlook.com)
Subject: TRADEMARK APPLICATION NO. 88159424 - SHOKZ - N/A
Sent: 3/16/2021 4:59:52 PM
Sent As: ECOMPET
Attachments:

United States Patent and Trademark Office (USPTO)

**U.S. Application Serial
No.** 88159424

Mark: SHOKZ

Correspondence

Address:
Tony Hom
DAISY IP
64 Bank St.
Abington MA
02351

Owner: SHOKZ
HOLDING LIMITED

Reference/Docket No.
N/A

**Correspondence Email
Address:**

tonyhom1@outlook.com

PETITION TO DIRECTOR GRANTED

Issue date: March 16, 2021

Dear Mr. Hom:

A petition to the Director of the United States Patent and Trademark Office (USPTO) for consideration of a post publication amendment changing the basis for registration of the above-identified trademark was received on January 12, 2021. The petition is granted pursuant to Trademark Rule 2.146(a)(3). 37 C.F.R. §2.146(a)(3).

Facts

The application was filed on October 17, 2018, based upon applicant's bona fide intention to use the mark in commerce. 15 U.S.C. §1051(b). The mark was published for opposition on May 28, 2019, and a notice of allowance (NOA) issued on July 23, 2019. On January 9, 2019, petitioner filed a statement of use (SOU) and on October 28, 2020, the examining attorney issued an Office action refusing registration because the specimen does not show the applied-for mark as actually used in commerce. This petition was filed on October 28, 2020. You requested that the application be amended to seek registration pursuant to Trademark Act Section 44(e) and you provided a copy of the foreign registration. 15 U.S.C. §1126(e).

Decision

An applicant may request post-publication amendments adding or substituting a new statutory basis for registration by filing a petition pursuant to 37 C.F.R. Section 2.146(a)(3). *See* 37 C.F.R. §2.35(b)(2). If the petition is granted, the application is returned to the examining attorney for examination of the new basis for registration. *Trademark Manual of Examining Procedure* (TMEP) §§1107–1107.01. If the new basis is

accepted, republication for opposition is always required. 37 C.F.R. §2.35(b)(2). See *In re Monte Dei Maschi Di Siena*, 34 USPQ2d 1415, 1416 (Comm'r Pats. 1995).

The petition is granted. The application will be returned to the examining attorney to examine the amendment substituting Section 44(e) as the basis for registration, in accordance with the procedures set forth in TMEP §806.03(j)(iii). If accepted, the mark will be republished for opposition. Please note that filing this petition does not relieve the applicant of the duty to file a response to an outstanding Office action or to take any other action required in an application.

Sincerely,
/Deborah Blocker/
Paralegal Specialist
Office of the Deputy Commissioner
for Trademark Examination Policy
571-272-9566
DeborahBlocker@uspto.gov