

**Trademark/Service Mark Allegation of Use
(15 U.S.C. §1051(c) or (d))**

Mark: ACUMEN

Application Number: 88310117

Application Date: February 21, 2019

International Classes: 09, 37, 38, 42, and 45

Current listing of goods/services:

- **IC 09:** Recorded computer software, computer hardware and downloadable mobile applications for use in connection with engines and equipment for land, marine, mining, oil and gas, rail, power generation, construction and agriculture, namely, recorded computer software, computer hardware and downloadable mobile applications for performing engine diagnostics and predictive prognostics and maintenance, filtration diagnostics and predictive prognostics and maintenance, and for providing expert repair recommendations, diagnostics, prognostics, prognostic service scheduling, troubleshooting, fault alerts and performance and trend monitoring; Telematics apparatus, namely, wireless Internet devices which provide telematic services and have a cellular phone function
- **IC 37:** Vehicle engine repair, engine servicing, engine maintenance, and troubleshooting repair services for land, marine, mining, oil and gas, rail, construction and agriculture engines and power generation equipment and filtration systems, accessories, and related parts; providing information related to engine repair services for land, marine, mining, oil and gas, rail, construction and agriculture engines and power generation equipment and filtration systems, accessories, and related parts; Technical support in the nature of repair information for land, marine, mining, oil and gas, rail, construction and agriculture engines and power generation equipment and filtration systems, accessories, and related parts
- **IC 38:** Information transmission by telematic codes; telematic sending of information; telematics sending of information related to engine repair services for land, marine, mining, oil and gas, rail, construction and agriculture engines and power generation equipment and filtration systems, accessories, and related parts
- **IC 42:** Providing on-line non-downloadable computer programs and web-based applications for use in connection with engines and equipment for land, marine, mining, oil and gas, rail, power generation, construction and agriculture, namely, computer software and mobile applications for performing engine diagnostics and predictive prognostics and maintenance, filtration diagnostics and predictive prognostics and maintenance, and for providing expert repair recommendations, diagnostics, prognostics, prognostic service scheduling, troubleshooting, fault alerts and performance and trend monitoring; Maintenance of computer software; Data automation and collection service using proprietary software to evaluate, analyze and collect service data; Vehicle telematic services, namely, providing automotive diagnostic services featuring engine diagnostic information relating to the functionality of land, marine, mining, oil and gas, rail, construction and agriculture vehicles
- **IC 45:** Vehicle telematic services in the nature of providing information concerning engine safety and vehicle safety

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 registration once registered), declares the following:

PART I - PLEASE CHECK THE BOX THAT BEST APPLIES:

- The mark is in use in commerce on or in connection with **all of the goods and/or services listed in the application.**

The mark is **NOT in use** in connection with the goods and/or services in classes 09 & 42, these classes should be divided from the application and an extension of time to file the statement of use filed for both classes 09 & 42 from the application (please either specify or strike through the above listings):

BUT the mark **IS in use** in commerce on or in connection with the goods or services in classes 37, 38, & 45 listed in the application, a statement of use and a precautionary an extension of time should be filed for classes 37, 38, & 45 (please either list of specify that any goods or services not stricken through above should remain):

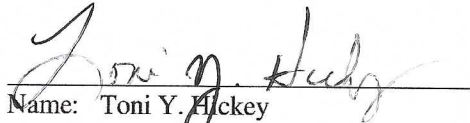
- The mark is **NOT in use in commerce**, but we have an intent to use the mark in connection with the claimed goods and services in the future. Please request an extension of time to file a Statement of Use.
- The mark is **NOT in use in commerce** on or in connection with **any of the goods and/or services listed in the application**, and we no longer have any intent to use the mark in connection with the claimed goods or services. Please take no further action and allow this application to go abandoned.

PART II- PLEASE FILL IN THE FOLLOWING INFORMATION IF THE MARK IS IN USE:

Date of First Use of Mark Anywhere at least as early as: October 13, 2020

Date of First Use of Mark in U.S. Commerce at least as early as: October 13, 2020

PART III – PLEASE SIGN



Name: Toni Y. Hickey

Title: Deputy General Counsel & Chief IP Counsel for Transactions & Strategy

PART IV – SPECIMENS PER CLASS

- Class 09: please provide
- Class 37: see attached
- Class 38: see attached
- Class 42: please provide
- Class 45: see attached