

- **Declaration of Incontestability of a Mark under Section 15**

Handwritten Signature

- **To the Commissioner for Trademarks:**

REGISTRATION NUMBER: 4444865

REGISTRATION DATE: 12/03/2013

MARK: TESS

The owner, Spellbound Development Group, Inc., a corporation of California, having an address of
P.O. Box 1639
Newport Beach, California 92659
United States
earlv@spellboundinc.com

is filing a Declaration of Incontestability of its mark under Section 15.

For International Class 008, the owner, has continuously used the mark in commerce for five (5) consecutive years after the date of registration, or the date of publication under Section 12(c), and is still using the mark in commerce on or in connection with **all** goods or services listed in the existing registration for this class: Hand tools, namely, a telescoping extension reaching device for testing emergency lighting and alarm equipment. Also, there has been no final decision adverse to the owner's claim of ownership of such mark for those goods or services, or to the owner's right to register the same or to keep the same on the register; and, there is no proceeding involving said rights pending and not disposed of in either the U.S. Patent and Trademark Office or the courts.

The owner's/holder's current attorney information: Robert D. Fish. Robert D. Fish of Fish IP Law LLP, is a member of the California bar, admitted to the bar in 2000, bar membership no. 149711, is located at

2603 Main Street, Suite 1000
Irvine, California 92614
United States

The docket/reference number is 019502.075US.

The phone number is 949-943-8300.

The fax number is 949-943-8358.

The email address is trademarks@fishiplaw.com

The owner's/holder's proposed attorney information: Robert D. Fish. Other appointed attorneys are all other attorneys @ Fish IP Law, LLP. Robert D. Fish of Fish IP Law LLP, is a member of the California bar, admitted to the bar in 2000, bar membership no. 149711, and the attorney(s) is located at

2603 Main Street, Suite 1000

019502.0075US

Irvine, California 92614
United States

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The phone number is 949-943-8300.

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The email address is trademarks@fishiplaw.com

Robert D. Fish 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.

Correspondence Information (current):

Robert D. Fish

PRIMARY EMAIL FOR CORRESPONDENCE: trademarks@fishiplaw.com

SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): tlightman@fishiplaw.com; rfish@fishiplaw.com

The docket/reference number is 019502.075US.

A fee payment in the amount of \$200 will be submitted with the form, representing payment for 1 class(es).

Declaration

Read the following statements before signing. Acknowledge the statements by signing below.

- The mark has been in continuous use in commerce for five consecutive years after the date of registration, or the date of publication under 15 U.S.C. § 1062(c), and is still in use in commerce on or in connection with all goods/services, or to indicate membership in the collective membership organization, listed in the existing registration.
- There has been no final decision adverse to the owner's claim of ownership of such mark for such goods/services, or to indicate membership in the collective membership organization, or to the owner's right to register the same or to keep the same on the register.
- There is no proceeding involving said rights pending and not finally disposed of either in the United States Patent and Trademark Office or in a court.
- 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 this submission and the registration, 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.

Signature Section

Signature: _____

Date: _____

Signatory's Name: Earl Votolato

Signatory's Position: President