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PTO Form 1553 (Rev 09/2005)
OMB No. 0651-0054 (Exp 12/31/2020)

**Trademark/Service Mark Statement of Use
(15 U.S.C. Section 1051(d))**

Handwritten Signature

To the Commissioner for Trademarks:

MARK: TURF TRIPLE(Standard Characters, see below)

TURF TRIPLE

SERIAL NUMBER: 88300109

The applicant, New York State Franchise Oversight Board, having an address of
c/o Executive Chamber
The Capitol
Albany, New York 12224
United States

is submitting the following allegation of use information:

For International Class 041:

Current identification: ENTERTAINMENT SERVICES IN THE NATURE OF HORSE RACES

The mark is in use in commerce on or in connection with all of the goods/services, or to indicate membership in the collective organization listed in the application or Notice of Allowance or as subsequently modified for this specific class.

The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 07/06/2019, and first used in commerce at least as early as 07/06/2019, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) screen shot from applicant's website displaying the mark. Specimen-1 [SPN0-2085911850-2019C815104306386179_._TURF_TRIPLE_._spec_cl_41.pdf]

The applicant is not filing a Request to Divide with this Allegation of Use form.

The applicant's current attorney information: Deborah K. Squiers. Deborah K. Squiers of COWAN, LIEBOWITZ & LATMAN, P.C., is located at

114 WEST 47TH STREET
NEW YORK, New York 10036-1525
United States

The docket/reference number is 25919-054.

The phone number is 212-790-9200.

The fax number is 212-575-0671.

The email address is trademark@c11.com

The applicants proposed attorney information: Deborah K. Squiers. Deborah K. Squiers of COWAN, LIEBOWITZ & LATMAN, P.C., is a member of the New York bar, admitted to the bar in 1995, bar membership no. 2684843, is located at

114 WEST 47TH STREET
NEW YORK, New York 10036-1525
United States

The docket/reference number is 25919-054.

The phone number is 212-790-9200.

The fax number is 212-575-0671.

The email address is trademark@c11.com

Deborah K. Squiers 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.

The applicant's current correspondence information: DEBORAH K. SQUIERS. DEBORAH K. SQUIERS of COWAN, LIEBOWITZ & LATMAN, P.C., is located at

114 WEST 47TH STREET
NEW YORK, New York 10036-1525
United States

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A fee payment in the amount of \$100 will be submitted with the form, representing payment for the allegation of use for 1 class.

Declaration

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

- The signatory believes that the applicant is the owner of the mark sought to be registered.
For a trademark or service mark application, the mark is in use in commerce on or in connection with all the goods/services in the application or notice of allowance, or as subsequently modified.
For a collective trademark, collective service mark, collective membership mark application, the applicant is exercising legitimate control over the use of the mark in commerce by members on or in connection with all the goods/services/collective membership organization in the application or notice of allowance, or as subsequently modified.
For a certification mark application, the applicant is exercising legitimate control over the use of the mark in commerce by authorized users on or in connection with the all goods/services in the application or notice of allowance, or as subsequently modified, and the applicant is not engaged in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.
- The specimen(s) shows the mark as used on or in connection with the goods/services/collective membership organization in commerce.
- To the best of the signatory's knowledge and belief, no other persons, except, if applicable, authorized users, members, and/or concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services/collective membership organization of such other persons, to cause confusion or mistake, or to deceive.
- 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 the application or submission or any registration resulting therefrom, 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:  _____

Signatory's Name: Joseph J. Lambert

Signatory's Position: EVP, Chief Administrative Officer and General Counsel of the New York Racing Association, as Agent for Applicant

Date Signed: August 19, 2019

Signatory's Phone: _____

NOTE TO APPLICANT: When filed as part of the electronic form (i.e., scanned and attached as an image file), the signature page **must** include both the signature information **and** the declaration language. Do **not** include the entire application, but do ensure that the declaration language actually appears; *a signature by itself will not be*

acceptable. If, due to browser limitations, the declaration language appears on a previous page when printed, you must "merge" the declaration and signature block onto a single page prior to signing, so that the *one complete page* can be scanned to create an acceptable image file. It is recommended that you copy-and-paste the entire text form into another document, manipulate the spacing there to move the declaration and signature section to a separate page, and then print this new version of the text form to send to the signatory.