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Trademark Electronic Application System

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PTO Form 1957 (Rev 10/2011)

OMB No. 0651-0050 (Exp 09/20/2020)

Response to Office Action Textform with Handwritten Signature

To the Commissioner for Trademarks:

Application serial no. **88477198** TRUSEED(Standard Characters, see below)(

TRUSEED

) has been amended as follows:

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant proposes to amend the following:

Current: Class 001 Plant extracts, namely, seed extracts, used in the manufacture of beverages, food products, food supplements, dietary supplements, dietary food supplements, nutritional supplements; Proteins for use in the manufacture of beverages, food products, food supplements, dietary supplements, dietary food supplements, nutritional supplements

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 04/20/2018 and first used in commerce at least as early as 05/01/2018 , and is now in use in such commerce.

Proposed:

Applicant hereby submits one(or more) specimen(s) for Class 001 . The specimen(s) submitted consists of Photos of the Applied for Mark in use with the Applied for Goods, including warehouse photos, invoices and bills of lading .

"The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application" [for an application based on Section 1(a), Use in Commerce] OR **"The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use"** [for an application based on Section 1(b) Intent-to-Use]. OR **"The attached specimen is a true copy of the specimen that was originally submitted with the application, amendment to allege use, or statement of use"** [for an illegible specimen]. Specimen-1 [SPU0-

18416268119-20200217093055033187_._product__2_.jpg]

Specimen-2 [SPU0-18416268119-20200217093055033187_._product.jpg]

Specimen-3 [SPU0-18416268119-20200217093055033187_._products_in_warehouse__5_.jpg]

Specimen-4 [SPU0-18416268119-20200217093055033187_._BOL-for_customers.pdf]
Specimen-5 [SPU0-18416268119-20200217093055033187_._HBL.pdf]
Specimen-6 [SPU0-18416268119-20200217093055033187_._Invoice-Customs_clearance.pdf]
Specimen-7 [SPU0-18416268119-20200217093055033187_._Packing_list-Customs_clearance.pdf]
Specimen-8 [SPU0-18416268119-20200217093055033187_._Packing_list-for_customers.pdf]

The owner's/holder's current attorney information: Ian B. Perry. Ian B. Perry, is located at

500-34 KING STREET EAST
TORONTO, ONTARIO, M5C2X8
Canada

The docket/reference number is 135514IBP-CN.

The email address is ian@witmart.com

The owner's/holder's proposed attorney information: Ian B. Perry. Ian B. Perry, is a member of the Texas bar, admitted to the bar in 2013, bar membership no. 24088215, is located at

150 N Sam Houston Pkwy W #1220
Houston, Texas 77024
United States

The docket/reference number is 135514IBP-CN.

The email address is ian@witmart.com

Ian B. Perry 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):

WITMART INC.
PRIMARY EMAIL FOR CORRESPONDENCE: ustm@witmart.com
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): ian@witmart.com

The docket/reference number is 135514IBP-CN.

Correspondence Information (proposed):

Ian B. Perry
PRIMARY EMAIL FOR CORRESPONDENCE: ian@witmart.com
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): ustm@witmart.com

The docket/reference number is 135514IBP-CN.

Requirement for Email and Electronic Filing: I understand that a valid email address must be maintained by the owner/holder and the owner's/holder's attorney, if appointed, and that all official trademark correspondence must be submitted via the Trademark Electronic Application System (TEAS).

ADDITIONAL STATEMENTS

Miscellaneous Statement

In the Office Action issued on September 16, 2019, the Examining Attorney requested additional information. The Applicant has provided the information as requested. Identify the particular good(s) listed in the application for which the specimen(s) was submitted to show use of the mark. Warehouse photos of the product, invoices to third parties, bills of lading. (2) Was the specimen created for submission with this application? If so, specify the date each specimen was created. If applicant obtained the image(s) of the goods shown in the specimen(s) from a third-party website, provide the URL of the website and a digital copy of relevant webpage(s) for each image. No. (3) Provide information about and examples of how applicant's

goods appear in the actual sales environment. Sold through third party sellers. (a) If sold in stores, provide a representative sample of the name(s) of the stores and of photographs showing the goods for sale in the named stores, such as photographs of the sales displays or goods on shelves with the mark. A: materials are transported by sea to clients and contract manufacturers in the USA (b) If sold online, provide a representative sample of the name(s) of the online retailers, the website URL(s) for each named retailer, and a digital copy of the webpages showing the goods for sale on the named website. (c) If sold in another type of sales environment (e.g., catalogs, trade shows), identify the environment and provide photographs and/or documentation showing the goods for sale in that environment. If the information in question (3) about how the goods appear in the actual sales environment is not available to applicant, please describe how applicant's goods are sold or transported and provide photographs and other documentation showing how applicant's mark appears on the goods and/or its packaging when the goods are sold or transported to or within the United States. See additional specimens for photos (5) For each category of sales environment specified in response to questions (3) and (4), specify when the goods bearing the mark were first available for purchase within the United States, the date of the first sale of the goods to or within the United States, and whether the goods are still for sale to or within the United States in that environment. A: May 1, 2018 (6) For the goods identified in response to question (1), specify the dollar amount of sales with or within the United States and provide at least three invoices or other supporting documentation that show payments or other consideration made, redacting personal or private information of buyers as necessary. A: Approximate sales in the U.S. of \$65,000.00 to date

SIGNATURE(S)

Declaration Signature

DECLARATION: 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, if the applicant submitted the application or allegation of use (AOU) unsigned, all statements in the application or AOU and this submission based on the signatory's own knowledge are true, and all statements in the application or AOU and this submission made on information and belief are believed to be true.

STATEMENTS FOR UNSIGNED SECTION 1(a) APPLICATION/AOU: If the applicant filed an unsigned application under 15 U.S.C. §1051(a) or AOU under 15 U.S.C. §1051(c), the signatory additionally believes that: the applicant is the owner of the mark sought to be registered; the mark is in use in commerce and was in use in commerce as of the filing date of the application or AOU on or in connection with the goods/services/collective membership organization in the application or AOU; the original specimen(s), if applicable, shows the mark in use in commerce as of the filing date of the application or AOU on or in connection with the goods/services/collective membership organization in the application or AOU; **for a collective trademark, collective service mark, collective membership mark application, or certification mark application**, the applicant is exercising legitimate control over the use of the mark in commerce and was exercising legitimate control over the use of the mark in commerce as of the filing date of the application or AOU; **for a certification mark application**, 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. **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.**

STATEMENTS FOR UNSIGNED SECTION 1(b)/SECTION 44 APPLICATION AND FOR SECTION 66(a)

COLLECTIVE/CERTIFICATION MARK APPLICATION: If the applicant filed an unsigned application under 15 U.S.C. §§ 1051(b), 1126(d), and/or 1126(e), or filed a collective/certification mark application under 15 U.S.C. §1141f(a), the signatory additionally believes that: **for a trademark or service mark application**, the applicant is entitled to use the mark in commerce on or in connection with the goods/services specified in the application; the applicant has a bona fide intention to use the mark in commerce and had a bona fide intention to use the mark in commerce as of the application filing date; **for a collective trademark, collective service mark, collective membership mark, or certification mark application**, the applicant has a bona fide intention, and is entitled, to exercise legitimate control over the use of the mark in commerce and had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce as of the application filing date; the signatory is properly authorized to execute the declaration on behalf of the applicant; **for a certification mark application**, the applicant will not engage 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. **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.**

Signature Section:

Signature: Feng Ding
 Signatory's Name: Ding, Feng
 Signatory's Position: Manager of Applicant
 Signatory's Phone Number: 486 25 51812095

Date Signed: 2020.2.19.

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.

Response Signature

Signature:

Date Signed:

MM/DD/YYYY

Signatory's Name

Signatory's Position

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