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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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| Proceeding | 91267937 |
| Party | Defendant<br>Ramona Prioleau |
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| Submission | Motion to Dismiss - Rule 12(b) |
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**
**BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

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| Alpha Kappa Alpha Sorority<br><br>Opposer,<br><br>v.<br><br>Stroll to the Polls, Inc.<br><br>Applicant. | Opposition No. 91267937<br><br>Mark: STROLL TO THE POLLS<br>Serial No. 90012428<br>Filed: June 20, 2020<br>Published: Nov. 03, 2020 |

# MOTION TO DISMISS

Pursuant to Fed. R. Civ. P. 12(b)(6), Stroll to the Polls, Inc. (the "**Charity**"), files this motion and respectfully moves the board to dismiss the Notice of Opposition filed by Opposer for failure to state a claim upon which relief can be granted.

## I. INTRODUCTION

**The Charity**

The Charity is the owner and successor-in-interest to the trademark "STROLL TO THE POLLS" (the "**Charity's Mark**") and Application Serial No. 90012428 (the "**Charity's Application**"). The Charity is a New York State Not-for-Profit Corporation which is formed as a charitable corporation. The Charity partners with companies, non-profits, institutions, and community-based organizations that are committed to registering and mobilizing voters. The Charity is a nonpartisan organization and does not coordinate or partner with partisan organizations.

This proceeding concerns a dispute regarding the Charity's Mark in connection with "Aprons; Bibs, not of paper; Bodysuits; Dresses; Footwear; Hats; Jackets and socks; Pants;

Shirts; Skirts; Swimwear" under International Class 25 (the "**Charity's Goods**"). The Charity's Application was filed on June 20, 2020, with a date of first use in commerce of 2018.

The COVID-19 pandemic and the resulting economic downturn have drained resources for nonprofit organizations of every stripe. A proceeding of this sort that lacks merit constrains the resources of an organization that encourages voter registration and participation at a point in American history when civic organizations need to marshal all their resources to ensure that voters have access to the ballot.

In a season when the American democracy has survived the January 6th insurrection at the United States Capitol that sought to cancel the votes of millions of people of color and when laws that attempt to suppress the votes of marginalized communities are being proposed and adopted across the United States, the time is now for organizations of goodwill to join hands to advance the cause of civic participation rather than engage in costly litigation that lacks merit and takes precious resources away from the work of nonprofits. Respectfully, we request that the Board dismiss this proceeding.

## II. BACKGROUND

1. Opposer has set forth several grounds for Opposition of the Charity's Application. They are (i) priority and likelihood of confusion; (ii) fraud on the USPTO; (iii) failure to function as a mark; and/or (iv) merely ornamental.

2. Opposer has alleged no specific date of use in Class 25 prior to the Charity's Application or prior to the date of first use of Charity's Mark. Hence there is no question as to priority of rights, such priority clearly belonging to the Charity. See Exhibit A hereto (STTP 1 – 21) and Opposer's Notice of Opposition (1 TTABVUE).

3. In addition, Opposer's ground of fraud fails to plead sufficient facts to make out a claim of fraud. It also fails to meet the plausibility requirement of Fed. R. Civ. P. 8(a)(2) and the heightened pleading requirements applicable to claims of fraud under Fed. R. Civ. P. 9(b).

4. Furthermore, Opposer's ground of failure to function as a mark is insufficiently pleaded. Essentially, the Opposer provides examples of alleged uses of Charity's Mark without consideration of whether such alleged uses are authorized or unauthorized. Like many organizations, the Charity licenses its mark and devotes resources to combating infringement of the same. As such, Opposer's claim of failure to function as a mark is unsupported.

5. Lastly, Opposer's ground of merely ornamental is also insufficient. A specimen with the source identifier that was in use in commerce at least as early as the filing date of the application was filed with the Charity's Application, showing proper non-ornamental trademark use. See Exhibit A (STTP 12).

6. Opposer's strategy of interposing claims without any basis in fact or law is not permitted by Fed.R.Civ.P. 11. An attorney through his/her signature on a pleading represents to the Board that the pleading "to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances" is not interposed for an improper purpose, is warranted or supported by existing law, and that the factual contentions have evidentiary support. Fed.R.Civ.P.l1(B) (1-4). The interposed claims needlessly increase the costs to the Charity and subjects it to serious unsubstantiated claims as well as demonstrable harm as the Charity must defend its mark while also continuing its charitable work during a time of pernicious voter suppression activity that threatens the American democracy.

## III. STANDARD OF REVIEW

7. To withstand a motion to dismiss for failure to state a claim upon which relief can be granted, a plaintiff need only allege sufficient factual content that, if proved, would allow the Board to conclude, or to draw a reasonable inference, that (1) the plaintiff has standing to maintain the proceeding, ***and*** (2) a valid ground exists for opposing or cancelling the mark. Doyle v. Al Johnson's Swedish Restaurant & Butik Inc., 101 USPQ2d 1780 (TTAB 2012), citing Young v. AGB Corp., 152 F.3d 1377, 47 USPQ2d 1752, 1754 (Fed. Cir. 1998); and TBMP Section 503.02.

8. Specifically, a complaint "must contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" Ashcroft v. Iqbal, 556 U.S. 662, 129 S.Ct. 1937, 1949-50 (2009) (quoting Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007)). In particular, the claimant must allege well-pleaded factual matter and more than "[t]hreadbare recitals of the elements of a cause of action, supported by mere conclusory statements," to state a claim plausible on its face. Iqbal, 556 U.S. 662, 129 S. Ct. at 1949 (citing Twombly, 550 U.S. at 555). See also Fed. R. Civ. P. 8(a)(2).

9. The Board may consider certain objective, verifiable facts available from Office records under a motion to dismiss, such as the filing date, filing basis, priority date, publication date and applicant's name in an application that is the subject of an opposition proceeding. See Compagnie Gervais Danone v. Precision Formulations LLC, 89 USPQ2d 1251, 1256 & n.8 (TTAB 2009). "These are facts not subject to proof, and the Board may look to Office records for such facts to determine if a party's allegations are well pleaded." Id.

## IV. ARGUMENT

### A. OPPOSER LACKS STANDING

12. To establish standing to oppose the registration of a mark or to cancel a mark, a party must plead that it has a "real interest" in the outcome of the proceeding. Ritchie v. Simpson, 170 F.3d 1092, 50 USPQ, 1023, 1025-26 (Fed. Cir. 1999). To plead a 'real interest' in the case, Opposer must allege a 'direct and personal stake' in the outcome of the proceeding, and the allegations in support of its belief of damage must have a reasonable basis in fact." Petroleos Mexicanos v. Intermix S.A., 97 U.S.P.Q.2d 1403 (T.T.A.B. 2010) (quoting Ritchie v. Simpson, 170 F.3d 1092, 50 USPQ2d 1023, 1027 (Fed. Cir. 1999)).

13. The purpose of standing is to prevent litigation where there is no real controversy between the parties, where a plaintiff, petitioner or opposer, is no more than an intermeddler. Lipton Industries, Inc. v. Ralston Purina Co., 670 F.2d 1024, 213 USPWQ 185, 187 (CCPA 1982). This is a low threshold. Syngenta Crop Protection, Inc. v. Bio-Chek, LLC, 90 U.S.P.Q.2d 1112, n.8, 2009 WL 691309 (T.T.A.B. 2009). The issue is not whether the Opposer owns the mark or is entitled to register it, but merely whether it is likely that he would be somehow damaged if a registration were granted to the applicant." Wilson v. Delaunay, 245 F.2d 877, 114 U.S.P.Q. 339 (C.C.P.A. 1957). "All that is necessary…is that the 'person' bringing the opposition establish conditions and circumstances from which damages to it from the opposed mark can be assumed." FBI v. Societe: "M. Bril & Co.," 172 U.S.P.Q. 310 (T.T.A.B. 1971); 3 McCarthy on Trademarks and Unfair Competition § 20:7 (4th ed.).

14. Here, the Opposer has alleged no – and the Charity asserts that it in fact has no – such "real interest" in the outcome of this proceeding. The Opposer has alleged no use in International Class 25 and has alleged no potential damage if the Charity's Mark proceeds to registration. While Opposer alleges its participation in a dance called "strolling," the applied-for-mark is for Class 25 goods and not dancing.

15. The Opposer does not claim ownership of the Charity's Mark. The Opposer has not alleged that it has used or is using the Charity's Mark to identify goods in commerce in Class 25.

16. When a party lacks an ownership interest in a disputed mark, that party lacks standing to oppose registration of that mark. See e.g., Stephen Slesinger Inc. v. Disney Enterprises Inc., 2011 WL 269819898; U.S.P.Q.2d 1890, 1895 n.15 (T.T.A.B. 2011) (no standing in Board proceeding where district court decided plaintiff lacked actual ownership interest in the marks), aff'd, 702 F.3d 640, 105 U.S.P.Q.2d 1472 (Fed. Cir. 2012), cert den. 134 S. Ct. 125 (2013) cited in TBMP 309.03(b).

17. Opposer cannot satisfy standing by alleging potential future disputes with the Charity regarding use of the Charity's Mark.[1] In fact, Opposer appears to allege that no party has or could have an ownership interest in the mark (i.e., the Charity's Mark). Because Opposer fails to allege or otherwise possess a real and direct injury that would result from registration of the Charity's Mark, the Opposition should be dismissed.

B. OPPOSER'S GROUNDS REGARDING CHARITY'S MARK RELATED TO PRIORITY AND LIKELIHOOD OF CONFUSION

18. Priority is a threshold issue that must be properly pleaded and proven by any trademark owner opposing the registration of a mark on the ground of a likelihood of confusion. To establish priority on a likelihood of confusion claim, the moving party must prove that the use of its mark in connection with its alleged [goods] occurs prior to the non-moving party's claimed first date of use. Giersch v. Scripps Networks, Inc., 90 USPQ2d 1020 (TTAB 2009). In the

[1] A hypothetical infringement action is by its nature a speculative, indirect, and derivative injury and insufficient for standing purposes under the Lanham Act. *See, e.g.*, *Morton Foods, Inc. v. Frito Co.*, 314 F.2d 822, 822–24 (C.C.P.A. 1963); *Yard-Man, Inc.*, 157 U.S.P.Q. (BNA) ¶ 100 (T.T.A.B. Jan. 25, 1968); and *Cont'l Specialties Corp.*, 192 U.S.P.Q. (BNA) ¶ 449 (T.T.A.B. Aug. 30, 1976).

absence of evidence of prior use, an [opposer] may only rely upon the filing date of its application as its earliest date of use. 15 U.S.C. §1057(c). See also, Larami Corp. v. Talk to Me Programs, Inc., 36 USPQ2d 1840 (TTAB 1995).

19. A prerequisite to a Section 2(d) claim is that someone must have proprietary rights in the previously used term, such that the term serves as an indication of source. Jewelers Vigilance Committee Inc. v. Ullenberg Corp., 853 F.2d 888, 893, 7 USPQ2d 1628 (Fed.Cir.1988) ("to sustain a charge of likelihood of confusion between the mark applied for and a prior mark requires that the latter, in fact, function as a mark, that is, as an indication of source" (citing Otto Roth & Co. v. Universal Foods Corp., 640 F.2d 1317, 209 USPQ 40 (CCPA 1981)). If no one is alleged to own proprietary rights in the previously used term, i.e., if the previously used term is not alleged to perform a source-indicating function, then the Charity's use of the term cannot cause source confusion, as a matter of law. Id.

20. To successfully prosecute an opposition based on likelihood of confusion, an opposer must "assert[] more than a mere possibility of confusion; a probability of confusion is required." See James E. Hawes and Amanda v. Dwight, 1 Trademark Registration Practice § 16:11. Dismissal is appropriate where a pleading does not allege the facts necessary to establish that an opposer is entitled to relief. See Fed. R. Civ. P. 12(b)(6).

21. Opposer has not and cannot allege that it owns prior trademark rights in any mark consisting of or incorporating "STROLL TO THE POLLS" in International Class 25. Yet, in its grounds for opposition, Opposer inexplicably seeks to oppose the Charity's Application on the ground of priority and likelihood of confusion under Section 2(d) of the Lanham Act.

22. Opposer fails to allege that it, or anyone else, possesses proprietary rights in the term STROLL TO THE POLLS in International Class 25. In particular, Opposer relies on uses

of the term STROLL TO THE POLLS by third parties by alleging that there are examples of "STROLL TO THE POLLS MERCHANDISE" after the Charity's filing date (1 TTABVUE ¶¶ 4 – 5). However, the Opposer does not allege that such third parties have trademark rights to the term STROLL TO THE POLLS in Class 25 and/or that the right to use the term STROLL TO THE POLLS were licensed to them by Opposer. Rather than allege that STROLL TO THE POLLS has been used by third parties as a proprietary trademark in Class 25, Opposer has instead emphasized its belief that the term does not function as a mark or is merely ornamental. These allegations are antithetical to the requirement that the alleged prior uses must be alleged to be source-identifying trademark use.

23. Because Opposer has failed to allege that it or any third party has superior proprietary rights in the term STROLL TO THE POLLS by virtue of prior use of the term as a source indicator in Class 25, Opposer has failed to state a claim under Trademark Act Section 2(d). The Board applied this rationale to dismiss 2(d) claims based on third party uses in Internet Inc. v. Corp. for Nat'l Research Initiatives, 38 USPQ2d 1435 (TTAB 1996) (dismissing a 2(d) claim that relied on third party use because there was no allegation that any of the third parties' own proprietary rights in the term at issue). Similarly, the Board should dismiss the 2(d) claims here.

24. Opposer's claim also and separately fails as a matter of law because Opposer has not alleged facts showing some legitimate interest in preventing confusion between the third-party marks and the mark of the Charity's Application. *Holmes Products Corp. v. Duracraft Corp.*, 30 USPQ2d 1549, 1552 (TTAB 1994).

25. The Board in *Holmes Products* held that, "where the plaintiff [in an inter partes proceeding before the Board] does not have a proprietary interest – that is, does not own – the

mark which it pleads as the basis for a likelihood of confusion ground, it must have some other legitimate interest in preventing confusion between the pleaded mark on which it predicates its Section 2(d) claim and the mark whose registration it opposes." Id.

26. In *Holmes Products Corp. v. Duracraft Corp.*, Holmes opposed the application to register TURBO for portable electric fans, asserting grounds of both mere descriptiveness and likelihood of confusion. For the confusion claim, Holmes asserted that it:

> has been engaged in the manufacture and sale of portable electric fans of which applicant's mark is descriptive, and has been using one or more marks consisting of or comprising the word TURBO in connection with its sale or offering for sale of such portable electric fans. Id.

However, Holmes did not assert a date of first use of the term TURBO prior to the filing date of the opposed application. Instead, Holmes asserted a likelihood of confusion with several TURBO-based marks owned by third parties. Holmes did not allege that it had used the third-party TURBO marks, nor that it had any connection with these marks or with those who owned them.

27. The facts of *Holmes Products Corp. v. Duracraft Corp* are analogous to Opposer's 2(d) allegations here.

28. The Board in *Holmes Products* assessed the issue as the legal sufficiency of the likelihood of confusion claim, and not as an issue of standing. Citing the Federal Circuit's Otto Roth opinion, the Board emphasized that, "in order to succeed on a likelihood of confusion claim or, in other words, to have a legally sufficient likelihood of confusion ground, the opposer must have a proprietary right in its pleaded mark which is superior to applicant's right in the opposed mark." Id.

29. The Board in *Holmes* considered *Jewelers Vigilance Committee Inc. v. Ullenberg Corp.*, 853 F.2d 888, 893, 7 USPQ2d 1628 (Fed. Cir. 1988), which held that a trade association was entitled to rely on the prior trademark rights of a third party, even though the trade association had no ownership interest in the mark. However, the Board in Holmes, emphasizing that the question was not one of standing but one of the sufficiency of the pleaded claim, identified a "significant difference in the fact situations of the instant case and that presented in Jewelers Vigilance."

30. In *Jewelers Vigilance*, the opposer was a trade association of jewelers whose members made actual and legitimate use of the registered mark DEBEERS belonging to the third-party DeBeers Consolidated Mines, Ltd. The use of the name DEBEERS by the jewelers inured to the benefit of the owner of the mark; it was the use of the third-party mark. Although the jewelers did not have proprietary rights in the DEBEERS mark, they had a connection with the owner, such that the confusion that would arise from the jewelers use and the owner's use was the same confusion.

31. The Board in *Holmes Products* declined to read Jewelers Vigilance to broadly allow opposers to rely on third-party trademarks. "The statements [in Jewelers Vigilance] must be read in the context of the factual situation before the Court; and that factual situation included a plaintiff which was able to establish its legitimate interest in preventing likelihood of confusion." The Board held that, "where the plaintiff does not have a proprietary interest in--that is, does not own--the mark which it pleads as the basis for a likelihood of confusion ground, it must have some other legitimate interest in preventing confusion between the pleaded mark on which it predicates its Section 2(d) claim and the mark whose registration it opposes." The "legitimate interest" required is not simply that the party asserting the third-party mark has a

legitimate interest in preventing registration of the mark against which it is asserting the third-party mark. If it were, then any party that met the requirements for standing to oppose could assert the marks of a third party, which *Holmes Products* specifically denies. Id. Rather, the legitimate interest at issue, and which Opposer has not alleged here, is "in preventing confusion between the pleaded mark on which it predicates its Section 2(d) claim and the mark whose registration it opposes." Id. *Jewelers Vigilance* represents an extraordinary case, in which the relationship between the opposer and the mark owner permitted the opposer to assert a mark that it did not own. *Holmes Products*, a case in which an opposer attempted to assert third party marks in a manner essentially identical to the Opposer here, demonstrates the limited scope of *Jewelers Vigilance*.

32. The Board has applied *Holmes Products* to dismiss 2(d) claims based on third party marks on several occasions. See. e.g., Sept. 28, 2016 Order in Opposition No. 91225281; Aug. 1, 2016 Oder in Cancellation No. 92062517; and January 3, 2020 Order in Opposition No. 91247160.

33. The Board should similarly dismiss Opposer's 2(d) claims here.

34. As a matter of law, Charity is entitled to dismissal of the claim of priority and likelihood of confusion pursuant to Fed.R.Civ.P. 12(b)(6) for failure to state a claim. The Opposer does not allege that it used or sought to register any mark prior to the Charity's Application for "STROLL TO THE POLLS" in International Class 25. Thus, Opposer has not sufficiently alleged prior trademark rights. This claim is clearly a responsive pleading with no factual or legal support, thereby warranting dismissal and the Charity should not be forced to defend itself against claims lacking any merit when exercising its legal rights. The Board should dismiss Opposer's Section 2(d) claim as facially defective and fatally flawed. In light of the strict

pleading standards imposed by *Twombly* and *Iqbal*, the Board should dismiss Opposer's 2(d) ground from the Notice of Opposition.

35. Charity maintains its assertion that Opposer does not have standing to support it's 2(d) ground as stated above, but, in the alternative, assuming that standing is established, Opposer's likelihood of confusion claim falls flat as alleged. With respect to likelihood of confusion, the Examiner of the Charity's Mark did not find a likelihood of confusion, and no rejection was ever made for it. Opposer advances a conclusory interpretation of Charity's Mark that directly violates principles of anti-dissection to allege a likelihood of confusion. The undisputed evidence, on the face of the Opposition alone, shows that there is no plausible likelihood of confusion as a matter of law because of the clear distinctions in sight, sound, and meaning between Charity's Mark and Opposer's claim of "strolling" as a dance activity. The Charity notes that it is Opposer's claim that "strolling" is dancing and that assertion by the Opposer is another step away from a likely confusion of "dancing" associated with the Opposer's claimed usage and that of the Charity's Class 25 goods. These distinctions give rise to uniquely different commercial impressions that will not confuse or deceive the average consumer. Accordingly, this Board should enter judgment in the Charity's favor and dismiss Opposer's claim regarding likelihood of confusion.

C. OPPOSER'S GROUNDS REGARDING CHARITY'S APPLICATION RELATED TO FRAUD

36. Opposer's allegation regarding the Charity's Application fails to plead sufficient facts to make out a claim of fraud and is purely speculative, contrived and is destined to fail on all fronts. It also fails to meet the plausibility requirement of Fed. R. Civ. P. 8(a)(2) and the heightened pleading requirements applicable to claims of fraud under Fed. R. Civ. P. 9(b).

37. In opposing an application on the ground of fraud, an opposer must allege the elements of fraud with particularity in accordance with Fed. R. Civ. P. 9(b), made applicable to Board proceedings by Trademark Rule 2.116(a). Under Rule 9(b), together with Fed. R. Civ. P. 11 and USPTO Rule 11.18, "the pleadings [must] contain explicit rather than implied expressions of circumstances constituting fraud." Asian and Western Classics B. V. v. Lynne Selkow (2009 TTAB LEXIS 643; (TTAB Oct. 22, 2009)) (citing, King Automotive, Inc. v. Speedy Muffler King, Inc., 667 F.2d 1008, 212 USPQ 801, 803 (CCPA 1981)). Pleadings of fraud made "on information and belief," when there is no allegation of "specific facts upon which the belief is reasonably based" are insufficient. Exergen Corp. v. Wal·Mart Stores, Inc., 575 F.3d 1312,91 USPQ2d 1656, 1670 (Fed. Cir. 2009).

38. A party seeking cancellation of a trademark registration for fraudulent procurement bears a heavy burden of proof. In re Bose Corp., 580 F.3d 1240, 91 USPQ2d 1938, 1939, citing W.D. Byron & Sons, Inc. v. Stein Bros. Mfg. Co., 377 F.2d 1001, 153 USPQ 749, 750 (CCPA 1967).

> Indeed, "the very nature of the charge of fraud requires that it be proven 'to the hilt' with clear and convincing evidence. There is no room for speculation, inference or surmise and, obviously, any doubt must be resolved against the charging party." In re Bose, 91 USPQ2d at 1939, citing, Smith Int'l, Inc. v. Olin Corp., 209 USPQ 1033, 1044 (TTAB 1981).

39. Opposer's fraud claim not only lacks merit, but it is also insufficiently pleaded. When an Opposer alleges that an applicant knowingly made fraudulent statements to the USPTO in an effort to procure a trademark registration[2] (as Opposer does in this proceeding), the allegations of fraud must be set forth with particularity, although malice, intent, knowledge, and other conditions of a person's mind may be averred generally. See Fed. R. Civ. P. 9(b);

[2] Required language pursuant to In re Bose Corp., 580 F.3d 1240, 91 USPQ2d 1938. 1941. (Fed. Cir. 2009).

Trademark Rule 2.116(a). See also King Automotive, Inc. v. Speedy Muffler King, Inc., 667 F.2d 1008, 212 USPQ 801 (CCPA 1981) ("[t]he pleadings [must] contain explicit rather than implied expressions of the circumstances constituting fraud").

40. This claim specifically falls foul of the "upon information and belief" standard identified in Asian and Western Classics B.V. v. Selkow, 92 USPQ2d 1478, 1479 (TTAB 2009) ([A]llegations [based solely upon information and belief] fail to meet the Fed. R. Civ. P. 9(b) requirements as they are unsupported by any statement of facts providing the information upon which petitioner relies or the belief upon which the allegation is founded (i.e., known information giving rise to petitioner's stated belief, or a statement regarding evidence that is likely to be discovered that would support a claim of fraud)).

41. Furthermore, the claim does not even approach the standard required by Media Online Inc. v. El Clasificado Inc., 88 USPQ2d 1285, 1287 (TTAB 2008) which found the pleading insufficient in part under Fed. R. Civ. P. 9(b) because the false statements that purportedly induced the USPTO to allow a registration were not set forth with particularity. See also 5A Fed. Prac. & Proc. Civ.3d § 1298 (April 2013) (discussing particularity requirement of Fed. R. Civ. P. 9(b)); *American Flange & Manufacturing Co. v. Rieke Corp.*, 80 USPQ2d 1397 (TTAB 2006) (Fraud claim dismissed for failure to allege fraud with sufficient particularity) (Nevertheless, Board found insufficient evidence that applicant had the intent required to establish fraud. "In the absence of clear and convincing evidence that applicant acted in bad faith, we conclude, on this record, that applicant did not commit fraud.").

42. Even if one were to construe the Opposer's allegations in the light most favorable to Opposer's case, it cannot be found that the fraud claim is anything other than contrived. There is no detail of when and how the fraud allegedly occurred, there are no details of the nature of the

false representations, and no identification of which aspect of the Charity's Mark was applied for by reason of the purportedly fraudulent assertions, whether the Charity's founder failed to disclose anything to the USPTO, or details of any act that induced the examiner to rely upon a false statement. Accord Maids to Order of Ohio Inc. v. Maid-to-Order Inc., 78 U.S.P.Q.2d 1899, 1909 (T.T.A.B. 2006) (rejection of fraudulent procurement claim because "a trademark applicant has no duty to investigate potential conflicting uses that might be found through a trademark search, and therefore there is no duty to investigate specific information such as when a third party may have started using a mark"); Marshall Field & Co. v. Mrs. Fields Cookies, 25 U.S.P.Q.2d 1321, 1328 (T.T.A.B. 1992) (rejection of fraudulent procurement claim because "there is no mandate in the Lanham Act specifically requiring one who seeks a federal registration of a mark to make a preapplication search for other users of that mark"); Intellogy Solutions, LLC v. Intelligolf, Inc., No. 91198579, 2013 WL 4397053, at *2 (T.T.A.B. July 29, 2013) (nonprecedential) ("[A] trademark applicant has no duty to investigate potential conflicting uses that might be found through a trademark search, and therefore, there is no duty to investigate specific information such as when a third party may have started using a mark.")

43. In an application declaration, the declarant states that to the best of his or her "knowledge and belief" no other firm "has the right to use" the mark or a confusingly similar mark in commerce. Thus, the verification is phrased in terms of the declarant's subjective belief and is very difficult to prove. See 6 Thomas J. McCarthy, McCarthy on Trademarks & Unfair Competition § 31:76 (5th ed. 2018). A claim of fraud based on a declaration in the application must include particular facts which, if proven, would establish that: (1) there was in fact another use of the same or a confusingly similar mark at the time the oath was signed; (2) the other user had legal rights superior to applicant's; (3) applicant knew that the other user had rights in the

mark superior to applicant's, and either believed that a likelihood of confusion would result from applicant's use of its mark or had no reasonable basis for believing otherwise; and that (4) applicant, in failing to disclose these facts to the Patent and Trademark Office, intended to procure a registration to which it was not entitled. Qualcomm Inc. v. FLO Corp., 93 USPQ2d 1768, 1770 (TTAB 2010); Intellimedia Sports v. Intellimedia Corp., 43 USPQ2d 1203, 1205-06 (TTAB 1997)

44. Here, Opposer's allegations fail to state a legally sufficient fraud claim for several reasons. First, to the extent that Opposer intends to plead a fraud claim based on the Charity's or its founder's knowledge of Opposer's use, the claim cannot be based on an allegation that the Charity or its founder "knew or could have known about Opposer's use." See In re Bose Corp., 580 F.3d 1240, 91 USPQ2d 1938, 1941 (Fed. Cir. 2009) (fraud may not be based on finding that party "knew or should have known").

45. Furthermore, there are no factual allegations in the Opposition to support the claim based on the declaration, namely, that the other users had clearly established legal rights in marks superior to the Charity's rights and that Charity believed that the other users had superior rights and believed that consumers would be confused by the respective uses of the marks. See Daniel J. Quirk, Inc. v. Village Car Co., 120 USPQ2d 1146, 1149 (TTAB 2016) ("Fraud will not lie against an applicant who holds an honest, good faith belief in its right to register a mark and signs an application with the statutorily prescribed ownership statement which is phrased in terms of subjective belief."); *Hornby v. TJX Companies Inc.,* 87 USPQ2d 1411 (TTAB 2008) (Respondent did not commit fraud by stating, in the application declaration, that it did not know of any other person who had the right to use the applied-for mark or similar mark.)

46. The Charity also notes that the signatory of the Charity's Application is a member of the Opposer organization. Opposer is aware of this pre-existing relationship because of prior communication between the Charity's signatory and Opposer. With that in mind, the Charity asserts that Opposer may be wrongfully viewing this preexisting relationship and the prior communication as evidence of fraud. Conversely, the Charity asserts:

- that the pre-existing relationship would not and does not make any possible non-trademark use by Opposer a basis for a claim of fraud and
- that the prior communications between the Charity's signatory and Opposer are in fact evidence of the Charity's valid belief in its right to register the Charity's Mark on a basis that is in no way – by any imagination – fraudulent.

D. OPPOSER'S ALLEGATIONS OF FAILURE TO FUNCTION AS A MARK

47. The inquiry regarding failure to function as a mark in commonplace messages or expression cases is whether the mark can function in connection with the particular goods identified in the application. See In re Wal-Mart Stores, Inc., 129 U.S.P.Q.2d 1148, 1149 (TTAB 2019), In re Volvo Cars of N. Am., Inc., 46 U.S.P.Q.2d 1455, 1460 (TTAB 1998), and Am. Online, Inc. v. AT&T Corp., 243 F.3d 812, 819 (4th Cir. 2001). In In re Wal-Mart, the proposed mark was INVESTING IN AMERICAN JOBS in connection with, generally, promoting public awareness of goods made or assembled by American workers and retail services. There is an inherent connection between the concept of INVESTING IN AMERICAN JOBS and the applied for services. The same logic extends to In re Volvo, where DRIVE SAFELY has a connection with automobiles, or Am. Online, where YOU HAVE MAIL has a connection with electronic mail for electronic communications over networked computers.

48. As it relates to the Charity's Mark, there is no inherent connection between the goods, which are essentially clothing, and the mark STROLL TO THE POLLS. Clothing is "made" or "designed" or "manufactured". The display of the mark on the specimen of record is used in a manner to indicate source identification, insomuch as the mark appears on the inside collar of the article of clothing (See Exhibit A, STTP 12). Nor is the Opposer's claims about the graphical aspects of the mark proper here, where the Charity has applied for a standard character mark.

49. The ground that the Charity's Mark fails to function as a trademark should be dismissed.

E. OPPOSER'S ALLEGATIONS OF MERELY ORNAMENTAL

50. The Charity asserts that Opposer's merely ornamental ground is frivolous, insufficiently pleaded, and is not a typical ground asserted in an opposition. Charity notes that a claim of a trademark being merely ornamental is traditionally a ground for refusal that is asserted by an examining attorney during the application review process. TMEP 1202.3. With respect to the Charity's Mark, there was no need to overcome a merely ornamental refusal during the application process because such a refusal was never posed by the examining attorney. To the extent that this vague pleading is meant to assert that the examining attorney erred in the evaluation of the Charity's Mark prior to publication, and assuming arguendo that such an assertion is deemed to have merit, the Charity contends that the mark is **not** merely ornamental, and a specimen with the source identifier that was in use in commerce at least as early as the filing date of the application was filed with the Charity's Application, showing proper non-ornamental trademark use of the source identifying tag on the inside collar (See Exhibit A, STTP

12). Therefore, the examining attorney did not err in its decision to not raise such a refusal and the assertion by Opposer is misplaced.

51. Typically, a registration is refused on the Principal Register because the proposed mark, as used on the specimen of record, is a decorative or ornamental feature of the goods and would not be perceived as a mark by the purchasing public because it does not function as a trademark to identify and distinguish the applicant's goods from those of others and to indicate their source. Trademark Act Sections 1, 2 and 45, 15 U.S.C. §§1051, 1052 and 1127; See *In re Owens-Corning Fiberglass Corp*., 774 F.2d 1116, 227 USPQ 417 (Fed. Cir. 1985); *In re David Crystal, Inc.*, 296 F.2d 771, 132 USPQ 1 (C.C.P.A. 1961); *In re Villeroy & Boch S.A.R.L.*, 5 USPQ2d 1451 (TTAB 1987); TMEP §§1202.03 et seq.

52. In connection with wording that is ornamental, "the size, location, dominance, and significance of the alleged mark as applied to the goods" are all relevant factors to consider in determining whether the proposed mark is inherently distinctive. *In re Pro-Line Corp.,* 28 USPQ2d 1141, 1142 (TTAB 1993); *In re Astro-Gods Inc.,* 223 USPQ 621, 623 (TTAB 1984). Although there is no prescribed method or place for affixation of a mark to goods, the location of a mark on the goods "is part of the environment in which the [mark] is perceived by the public and … may influence how [the mark] is perceived." *In re Tilcon Warren Inc.*, 221 USPQ 86, 88 (TTAB 1984); see *In re Paramount Pictures Corp*., 213 USPQ 1111, 1115 (TTAB 1982). Thus, where consumers have been conditioned to recognize trademarks in a certain location, as on the breast area of a shirt, ornamental matter placed in a different location is less likely to be perceived as an indication of source. See TMEP §1202.03(b).

53. As to the size of the proposed mark appearing on the specimens, the larger the display relative to the size of the goods, the more likely that consumers will not view the

ornamental matter as a mark. See, e.g., *In re Dimitri's Inc.*, 9 USPQ2d 1666, 1667 (TTAB 1988) (SUMO merely ornamental in part because the wording "appears in large lettering across the top-center portion of the T-shirts and caps"); *International Order of Job's Daughters v. Lindberg and Co.,* 633 F.2d 912, 208 USPQ 718 (9th Cir. 1980), cert denied 452 U.S. 941 (1982) (prominent display on jewelry was evidence that the proposed mark was being used in a non-trademark fashion). Here, the Charity's applied-for-mark is a standard character mark that is placed in the typical source-identifying location on the inside collar (Exhibit A, STTP 12). The specimens in Exhibit A (STTP 12 – 18) show the mark being used beyond a manner that could be deemed to be 'merely ornamental' as the specimens include examples showing proper non-ornamental trademark use of the source identifying tag on the inside collar as well as locations on the breast and hip area. An applicant may overcome an examiner's ornamental refusal – and as the Charity asserts in the instant proceeding – Opposer's argument in opposition to the registration of Charity's Mark (whether appropriate or not), by submitting a specimen that shows proper **non-ornamental trademark use** Trademark Act Section 23, 15 U.S.C. §1091; 37 C.F.R. §§2.47 and 2.75(a); TMEP §§801.02(b), 815 and 816 et seq.

54. Here, if the Charity were required to overcome a merely ornamental refusal (which it had not been), the Charity would easily be able to overcome such a refusal by submitting evidence that the Charity's Mark is an indicator of secondary source or sponsorship for the identified goods. At the time of this motion to dismiss, the Charity has a use-based application pending for the Charity's Mark in International Classes 35, 36 and 42. See Exhibit B.

55. The Charity reiterates that the 'failure to function' and 'merely ornamental' grounds as stated in the Opposition are frivolous, meritless, and serve no other purpose than to complicate this proceeding and waste the resources of the Charity in defending against such

claims. There is direct evidence that such claims are meritless, in that the examining attorney never raised a refusal through an office action on those grounds (or any other grounds for that matter) with respect to the Charity's Mark in International Class 25. Therefore, these claims must be dismissed.

## IV. CONCLUSION

56. Opposer has pleaded its claims of (i) priority and likelihood of confusion; (ii) fraud on the USPTO; (iii) failure to function as a mark; and/or (iv) merely ornamental with no foundation in fact, simply to introduce difficulty, complexity, and expense to the Charity's registration of its mark. For the reasons set forth above, the Charity respectfully requests that the Board dismiss all of the Opposer's claims for failure to state a claim up on which relief can be granted.

Respectfully submitted,

Dated: April 10, 2021

By: /s/Ramona Prioleau
Ramona Prioleau
Stroll to the Polls, Inc.
2266 Fifth Ave., #728
New York, NY 10037
gotv@strolltothepolls.org

APPLICANT

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the attached Motion to Dismiss was served on the Attorney for the Opposer on the date listed below via email:

Paula Jill Krasny
Levenfel Pearlstein, LLC
2 N. Lasalle Street, Suite 1300
Chicago, IL 60602
pjkdocket@lplegal.com, jhirsh@lplegal.com,
rwilliamson@lplegal.com, lwiley@lplegal.com

Dated: April 10, 2021

By: /s/Ramona Prioleau
Ramona Prioleau

# Exhibit A

**Generated on:** This page was generated by TSDR on 2021-04-10 21:58:56 EDT

**Mark:** STROLL TO THE POLLS

STROLL TO THE POLLS

**US Serial Number:** 90012428

**Application Filing Date:** Jun. 20, 2020

**Filed as TEAS Plus:** Yes

**Currently TEAS Plus:** Yes

**Register:** Principal

**Mark Type:** Trademark

**TM5 Common Status Descriptor:**

LIVE/APPLICATION/Opposition Pending

The pending trademark application has been examined by the Office and was published for opposition, at which time one or more oppositions were filed but they have not yet been decided.

**Status:** An opposition after publication is pending at the Trademark Trial and Appeal Board. For further information, see TTABVUE on the Trademark Trial and Appeal Board web page.

**Status Date:** Mar. 02, 2021

**Publication Date:** Nov. 03, 2020

# Mark Information

**Mark Literal Elements:** STROLL TO THE POLLS

**Standard Character Claim:** Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK

# Goods and Services

**Note:**
The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [..] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

**For:** Aprons; Bibs, not of paper; Bodysuits; Dresses; Footwear; Hats; Jackets and socks; Pants; Shirts; Skirts; Swimwear

**International Class(es):** 025 - Primary Class

**U.S Class(es):** 022, 039

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** 2018

**Use in Commerce:** 2018

# Basis Information (Case Level)

**Filed Use:** Yes

**Currently Use:** Yes

**Filed ITU:** No

**Currently ITU:** No

**Filed 44D:** No

**Currently 44E:** No

**Filed 44E:** No

**Currently 66A:** No

**Filed 66A:** No

**Currently No Basis:** No

**Filed No Basis:** No

# Current Owner(s) Information

**Owner Name:** Ramona Prioleau

**Owner Address:** 2266 Fifth Ave., #728
New York, NEW YORK UNITED STATES 10037

**Legal Entity Type:** INDIVIDUAL **Citizenship:** UNITED STATES

# Attorney/Correspondence Information

**Attorney of Record - None**

**Correspondent**

**Correspondent Name/Address:** RAMONA PRIOLEAU
2266 FIFTH AVE., #728
NEW YORK, NEW YORK UNITED STATES 10037

**Domestic Representative - Not Found**

# Prosecution History

| Date | Description | Proceeding Number |
|---|---|---|
| Mar. 02, 2021 | OPPOSITION INSTITUTED NO. 999999 | 267937 |
| Feb. 10, 2021 | ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY | |
| Nov. 30, 2020 | EXTENSION OF TIME TO OPPOSE RECEIVED | |
| Nov. 03, 2020 | OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED | |
| Nov. 03, 2020 | PUBLISHED FOR OPPOSITION | |
| Oct. 14, 2020 | NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED | |
| Sep. 24, 2020 | APPROVED FOR PUB - PRINCIPAL REGISTER | |
| Sep. 23, 2020 | ASSIGNED TO EXAMINER | 92992 |
| Jul. 17, 2020 | NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM | |
| Jun. 24, 2020 | NEW APPLICATION ENTERED IN TRAM | |

# TM Staff and Location Information

**TM Staff Information**

**TM Attorney:** MESSICK, TABITHA LEE **Law Office Assigned:** LAW OFFICE 104

**File Location**

**Current Location:** PUBLICATION AND ISSUE SECTION **Date in Location:** Sep. 28, 2020

# Assignment Abstract Of Title Information

**Summary**

**Total Assignments:** 1 **Applicant:** Ramona Prioleau

**Assignment 1 of 1**

**Conveyance:** ASSIGNS THE ENTIRE INTEREST

**Reel/Frame:** 7176/0268 **Pages:** 3

**Date Recorded:** Dec. 12, 2020

**Supporting Documents:** assignment-tm-7176-0268.pdf

**Assignor**

**Name:** PRIOLEAU, RAMONA **Execution Date:** Dec. 01, 2020

**Legal Entity Type:** INDIVIDUAL **Citizenship:** UNITED STATES

**Assignee**

**Name:** STROLL TO THE POLLS, INC.

**Legal Entity Type:** NON-PROFIT CORPORATION **State or Country Where Organized:** NEW YORK

**Address:** 2266 FIFTH AVENUE #728
NEW YORK, NEW YORK 10037

**Correspondent**

**Correspondent Name:** RAMONA PRIOLEAU

**Correspondent Address:** 2266 FIFTH AVENUE #728
NY, NY 10037

**Domestic Representative - Not Found**

# Proceedings

**Summary**

**Number of Proceedings:** 2

## Type of Proceeding: Opposition

**Proceeding Number:** 91267937 **Filing Date:** Mar 02, 2021

**Status:** Pending **Status Date:** Mar 02, 2021

**Interlocutory Attorney:** ELIZABETH WINTER

**Defendant**

**Name:** Ramona Prioleau

**Correspondent Address:** RAMONA PRIOLEAU
2266 FIFTH AVE., #728
NEW YORK NY UNITED STATES , 10037

**Correspondent e-mail:** gotv@strolltothepolls.org

**Associated marks**

| Mark | Application Status | Serial Number | Registration Number |
|---|---|---|---|
| STROLL TO THE POLLS | Opposition Pending | 90012428 | |

**Plaintiff(s)**

**Name:** Alpha Kappa Alpha Sorority

**Correspondent Address:** PAULA JILL KRASNY
LEVENFEL PEARLSTEIN, LLC
2 N. LASALLE STREET, SUITE 1300
CHICAGO IL UNITED STATES , 60602

**Correspondent e-mail:** pjkdocket@lplegal.com , jhirsh@lplegal.com , rwilliamson@lplegal.com , lwiley@lplegal.com

**Prosecution History**

| Entry Number | History Text | Date | Due Date |
|---|---|---|---|
| 1 | FILED AND FEE | Mar 02, 2021 | |
| 2 | NOTICE AND TRIAL DATES SENT; ANSWER DUE: | Mar 02, 2021 | Apr 11, 2021 |
| 3 | INSTITUTED | Mar 02, 2021 | |

## Type of Proceeding: Extension of Time

**Proceeding Number:** 90012428 **Filing Date:** Nov 30, 2020

**Status:** Terminated **Status Date:** Mar 03, 2021

**Interlocutory Attorney:**

**Defendant**

**Name:** Ramona Prioleau

**Correspondent Address:** RAMONA PRIOLEAU
2266 FIFTH AVE., #728
NEW YORK NY UNITED STATES , 10037

**Correspondent e-mail:** gotv@strolltothepolls.org

**Associated marks**

| Mark | Application Status | Serial Number | Registration Number |
|---|---|---|---|

| | | |
|---|---|---|
| STROLL TO THE POLLS | Opposition Pending | 90012428 |

**Potential Opposer(s)**

**Name:** Alpha Kappa Alpha Sorority

**Correspondent Address:** PAULA JILL KRASNY
LEVENFEL PEARLSTEIN, LLC
2 N. LASALLE STREET, SUITE 1300
CHICAGO IL UNITED STATES , 60602

**Correspondent e-mail:** pjkdocket@lplegal.com , jhirsh@lplegal.com , rwilliamson@lplegal.com , mfineman@lplegal.com

**Associated marks**

| Mark | Application Status | Serial Number | Registration Number |
|---|---|---|---|

**Prosecution History**

| Entry Number | History Text | Date | Due Date |
|---|---|---|---|
| 1 | FIRST 90-DAY REQUEST TO EXT TIME TO OPPOSE | Nov 30, 2020 | |
| 2 | EXT GRANTED | Nov 30, 2020 | |

PTO Form 1478 (Rev 09/2006)
OMB No. 0651-0009 (Exp 02/28/2021)

# Trademark/Service Mark Application, Principal Register

## TEAS Plus Application

**Serial Number: 90012428**
**Filing Date: 06/20/2020**

***NOTE: Data fields with the * are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.***

---

**The table below presents the data as entered.**

| Input Field | Entered |
|---|---|
| **TEAS Plus** | **YES** |
| **MARK INFORMATION** | |
| ***MARK** | STROLL TO THE POLLS |
| ***STANDARD CHARACTERS** | YES |
| **USPTO-GENERATED IMAGE** | YES |
| **LITERAL ELEMENT** | STROLL TO THE POLLS |
| ***MARK STATEMENT** | The mark consists of standard characters, without claim to any particular font style, size, or color. |
| **REGISTER** | Principal |
| **APPLICANT INFORMATION** | |
| ***OWNER OF MARK** | Ramona Prioleau |
| ***MAILING ADDRESS** | 2266 Fifth Ave., #728 |
| ***CITY** | New York |
| ***STATE**<br>**(Required for U.S. applicants)** | New York |
| ***COUNTRY/REGION/JURISDICTION/U.S. TERRITORY** | United States |
| ***ZIP/POSTAL CODE**<br>**(Required for U.S. and certain international addresses)** | 10037 |
| ***EMAIL ADDRESS** | XXXX |
| **WEBSITE ADDRESS** | https://strolltothepolls.org |
| **LEGAL ENTITY INFORMATION** | |
| ***TYPE** | INDIVIDUAL |
| ***** **COUNTRY/REGION/JURISDICTION/U.S. TERRITORY OF CITIZENSHIP** | United States |
| **GOODS AND/OR SERVICES AND BASIS INFORMATION** | |
| ***INTERNATIONAL CLASS** | 025 |
| ***IDENTIFICATION** | Aprons; Bibs, not of paper; Bodysuits; Dresses; Footwear; Hats; Jackets and socks; Pants; Shirts; Skirts; Swimwear |

| | |
|---|---|
| *FILING BASIS | SECTION 1(a) |
| FIRST USE ANYWHERE DATE | At least as early as 00/00/2018 |
| FIRST USE IN COMMERCE DATE | At least as early as 00/00/2018 |
| SPECIMEN FILE NAME(S) | |
| ORIGINAL PDF FILE | SPE0-1-6812923780-2020062 0230741446166 . Stroll to the Polls TM Attachement - Class 25.pdf |
| CONVERTED PDF FILE(S) (7 pages) | \\TICRS\EXPORT18\IMAGEOUT 18\900\124\90012428\xml1\ FTK0003.JPG |
| | \\TICRS\EXPORT18\IMAGEOUT 18\900\124\90012428\xml1\ FTK0004.JPG |
| | \\TICRS\EXPORT18\IMAGEOUT 18\900\124\90012428\xml1\ FTK0005.JPG |
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| | \\TICRS\EXPORT18\IMAGEOUT 18\900\124\90012428\xml1\ FTK0009.JPG |
| SPECIMEN DESCRIPTION | Screenshots and Photo |
| **ADDITIONAL STATEMENTS INFORMATION** | |
| *TRANSLATION (if applicable) | |
| *TRANSLITERATION (if applicable) | |
| *CLAIMED PRIOR REGISTRATION (if applicable) | |
| *CONSENT (NAME/LIKENESS) (if applicable) | |
| *CONCURRENT USE CLAIM (if applicable) | |
| **CORRESPONDENCE INFORMATION** | |
| NAME | Ramona Prioleau |
| PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE | gotv@strolltothepolls.org |
| SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES) | NOT PROVIDED |
| **FEE INFORMATION** | |
| APPLICATION FILING OPTION | TEAS Plus |
| NUMBER OF CLASSES | 1 |
| APPLICATION FOR REGISTRATION PER CLASS | 225 |
| *TOTAL FEES DUE | 225 |
| *TOTAL FEES PAID | 225 |
| **SIGNATURE INFORMATION** | |

| | |
|---|---|
| * **SIGNATURE** | /Ramona Prioleau/ |
| * **SIGNATORY'S NAME** | Ramona Prioleau |
| * **SIGNATORY'S POSITION** | Founder |
| * **DATE SIGNED** | 06/20/2020 |

PTO Form 1478 (Rev 09/2006)
OMB No. 0651-0009 (Exp 02/28/2021)

# Trademark/Service Mark Application, Principal Register

## TEAS Plus Application

**Serial Number: 90012428**
**Filing Date: 06/20/2020**

## To the Commissioner for Trademarks:

**MARK:** STROLL TO THE POLLS (Standard Characters, see mark)
The literal element of the mark consists of STROLL TO THE POLLS. The mark consists of standard characters, without claim to any particular font style, size, or color.
The applicant, Ramona Prioleau, a citizen of United States, having an address of
2266 Fifth Ave., #728
New York, New York 10037
United States
XXXX

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

**For specific filing basis information for each item, you must view the display within the Input Table.**
International Class 025: Aprons; Bibs, not of paper; Bodysuits; Dresses; Footwear; Hats; Jackets and socks; Pants; Shirts; Skirts; Swimwear

Use in Commerce: The applicant is using the mark in commerce on or in connection with the identified goods/services. The applicant attaches, or will later submit, one specimen as a JPG/PDF image file showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, regardless of whether the mark itself is in the standard character format or is a stylized or design mark. The specimen image file may be in color, and the image must be in color if color is being claimed as a feature of the mark.

In International Class 025, the mark was first used by the applicant or the applicant's related company or licensee predecessor in interest at least as early as 00/00/2018, and first used in commerce at least as early as 00/00/2018, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, consisting of a(n) Screenshots and Photo.

**Original PDF file:**
SPE0-1-6812923780-2020062 0230741446166 . Stroll to the Polls TM Attachement - Class 25.pdf
**Converted PDF file(s)** (7 pages)
Specimen File1
Specimen File2
Specimen File3
Specimen File4
Specimen File5
Specimen File6
Specimen File7

For informational purposes only, applicant's website address is: https://strolltothepolls.org
The applicant's current Correspondence Information:
Ramona Prioleau
PRIMARY EMAIL FOR CORRESPONDENCE: gotv@strolltothepolls.org
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): NOT PROVIDED

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

Electronic Application System (TEAS).
A fee payment in the amount of $225 has been submitted with the application, representing payment for 1 class(es).

**Declaration**

☑ **Basis:**
**If the applicant is filing the application based on use in commerce under 15 U.S.C. § 1051(a):**

- The signatory believes that the applicant is the owner of the trademark/service 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 on or in connection with the goods/services in the application;
- The specimen(s) shows the mark as used on or in connection with the goods/services in the application and was used on or in connection with the goods/services in the application as of the application filing date; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

**And/Or**
**If the applicant is filing the application based on an intent to use the mark in commerce under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e):**

- The signatory believes that the applicant is entitled to use the mark in commerce;
- 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 on or in connection with the goods/services in the application; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

☑ To the best of the signatory's knowledge and belief, no other persons, except, if applicable, 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 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.

**Declaration Signature**

Signature: /Ramona Prioleau/ Date: 06/20/2020
Signatory's Name: Ramona Prioleau
Signatory's Position: Founder
Payment Sale Number: 90012428
Payment Accounting Date: 06/22/2020

Serial Number: 90012428
Internet Transmission Date: Sat Jun 20 23:38:02 ET 2020
TEAS Stamp: USPTO/FTK-XX.XXX.XXX.XX-2020062023380271
2868-90012428-71056d48dd79c18b7b9821822c
85ef51a69ca7c2ea3ae6acfb56b81be64276ac-C
C-38009577-20200620230741446166

# STROLL TO THE POLLS


STROLL
TO THE POLLS
XL
made in
Nicaragua
90% cotton / 10% polyester

Stroll to the Polls

strolltothepolls.org

Incognito

STROLL TO THE POLLS

HOME STROLL TO THE POLLS RESOURCES

# SHOP

**Unisex Jersey Short Sleeve Tee**

$25.00

Color: White

Size: L

**Unisex Jersey Long Sleeve Tee**

$30.00

Color: Black

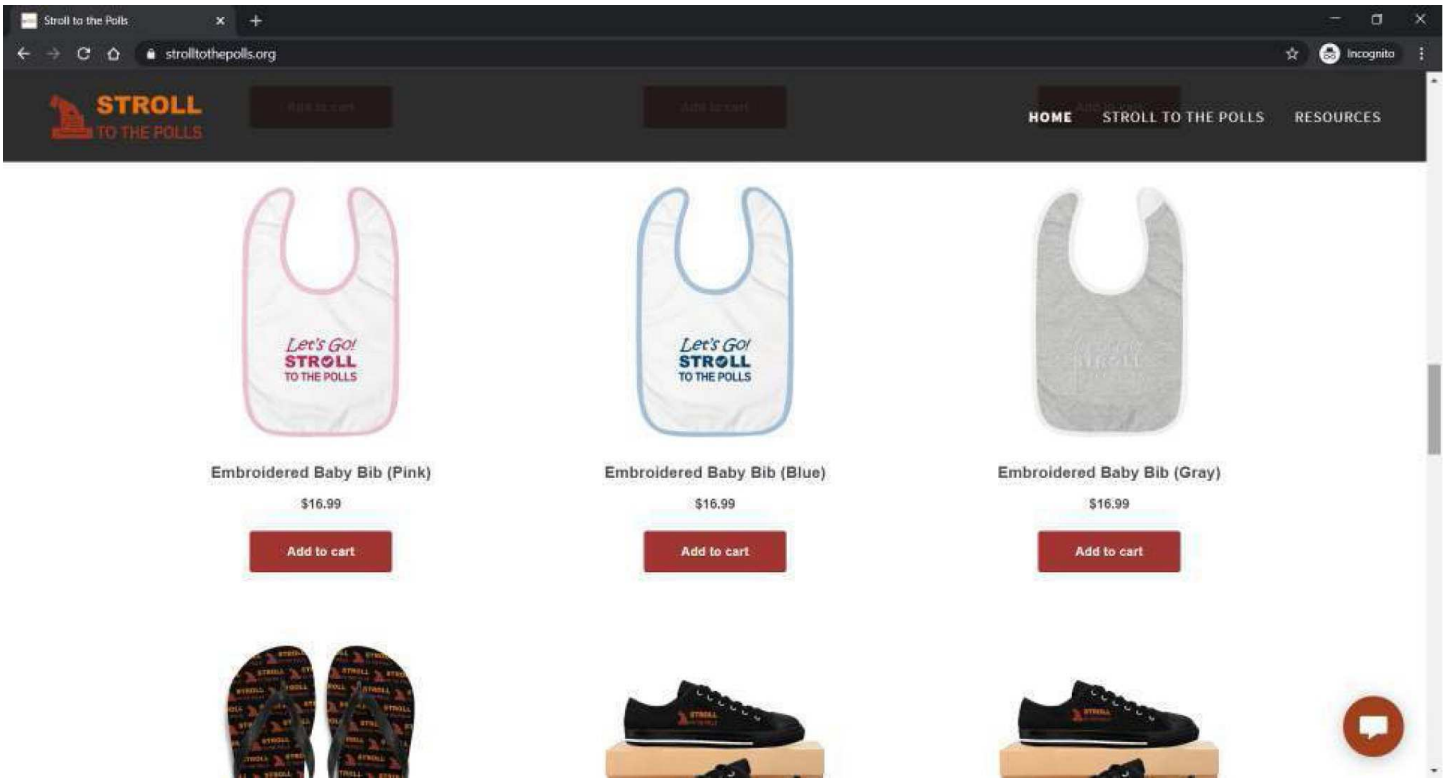
Size: L

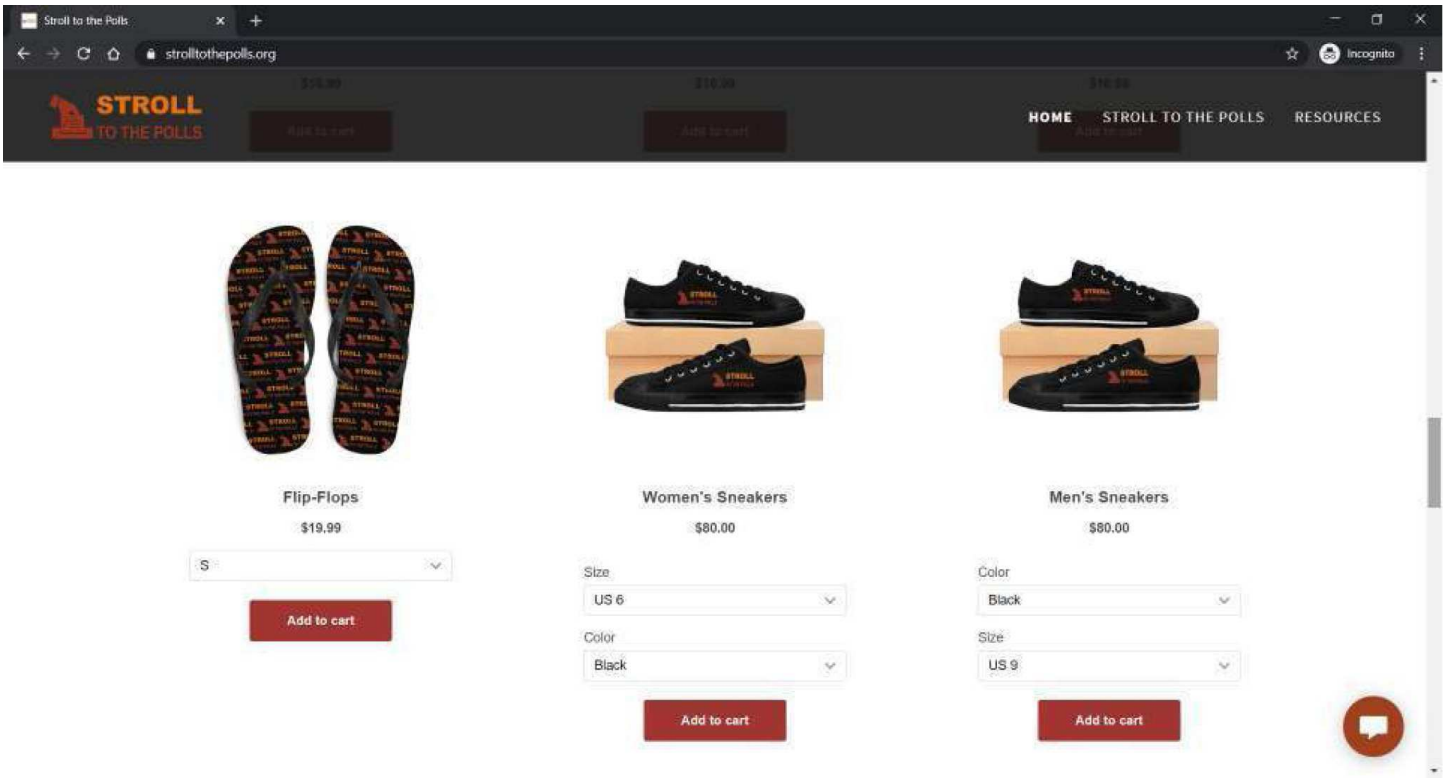
**Infant Fine Jersey Bodysuit**

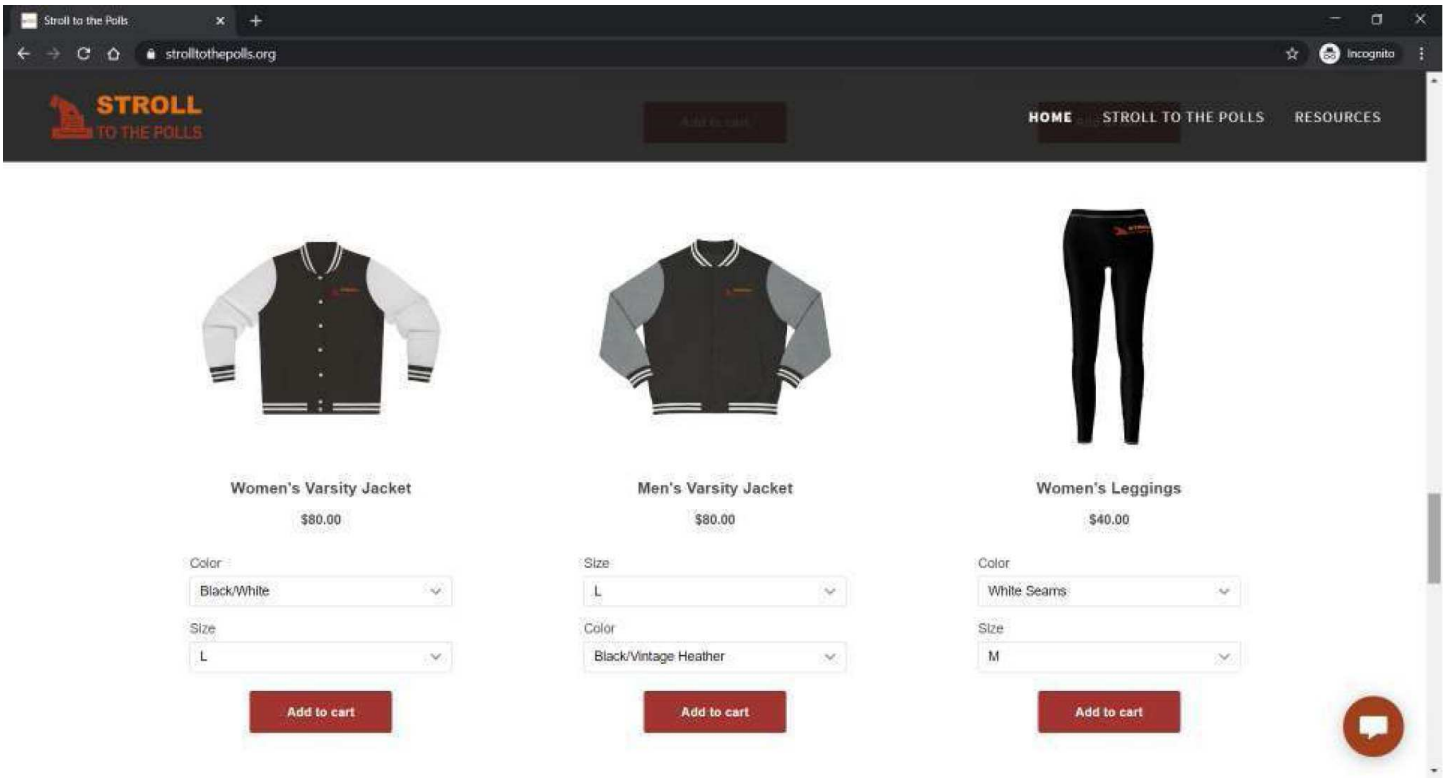
$17.93

Color: White

Size: 12M


Stroll to the Polls
strolltothepolls.org
Incognito
STROLL
TO THE POLLS
HOME
STROLL TO THE POLLS
RESOURCES
Let's Go!
STROLL
TO THE POLLS
Embroidered Baby Bib (Pink)
$16.99
Add to cart
Let's Go!
STROLL
TO THE POLLS
Embroidered Baby Bib (Blue)
$16.99
Add to cart
Embroidered Baby Bib (Gray)
$16.99
Add to cart


Stroll to the Polls
strolltothepolls.org
Incognito
STROLL
TO THE POLLS
HOME
STROLL TO THE POLLS
RESOURCES
Flip-Flops
$19.99
S
Add to cart
Women's Sneakers
$80.00
Size
US 6
Color
Black
Add to cart
Men's Sneakers
$80.00
Color
Black
Size
US 9
Add to cart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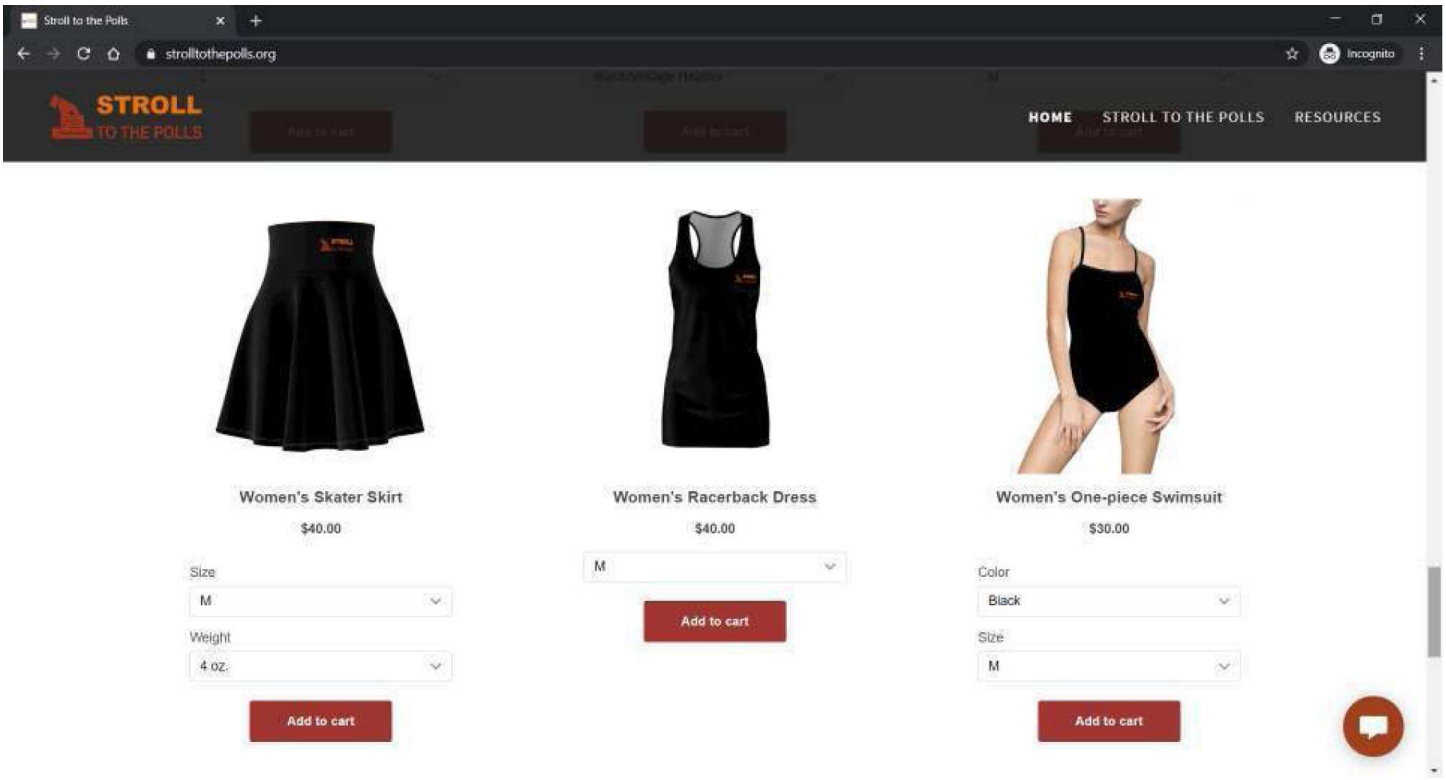
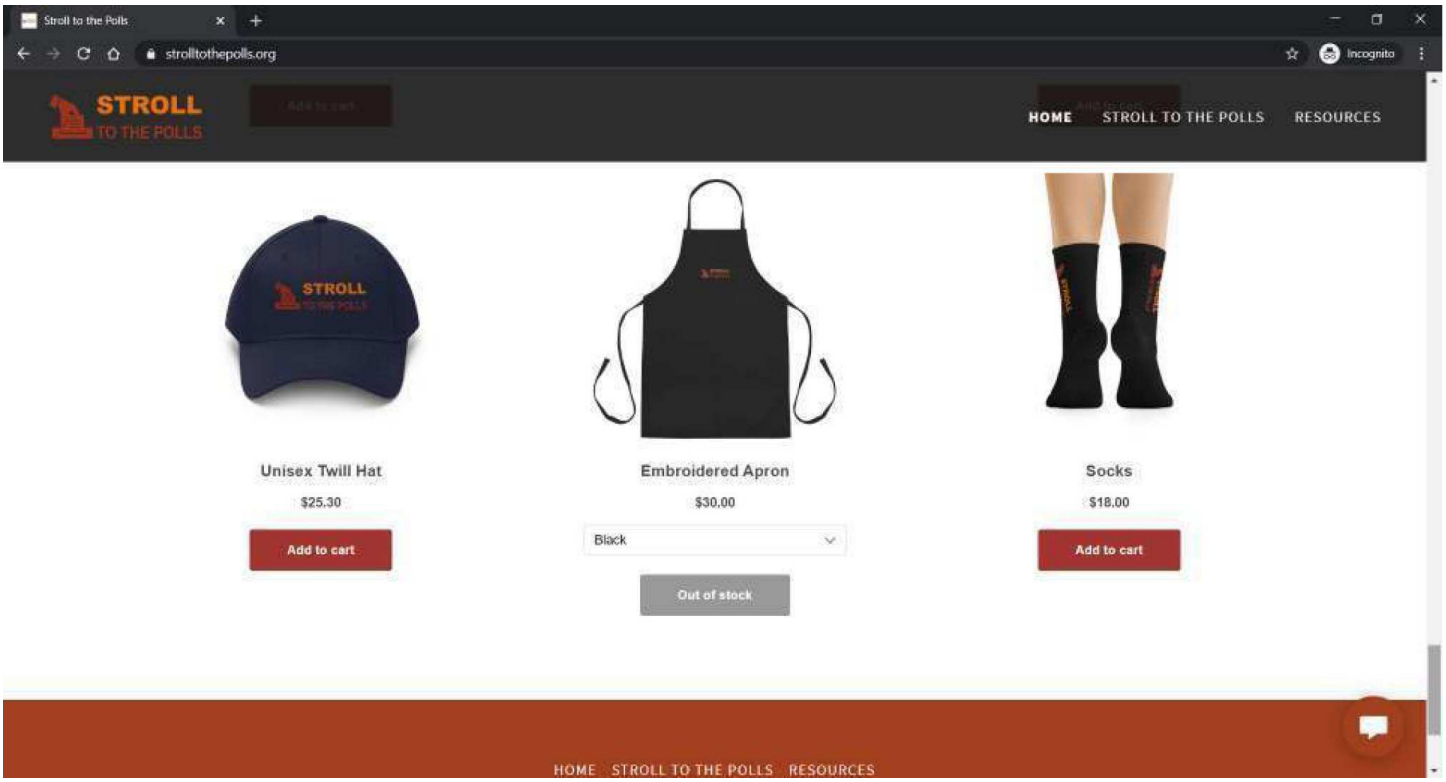
STROLL
TO THE POLLS
HOME
STROLL TO THE POLLS
RESOURCES
Women's Varsity Jacket
$80.00
Color
Black/White
Size
L
Add to cart
Men's Varsity Jacket
$80.00
Size
L
Color
Black/Vintage Heather
Add to cart
Women's Leggings
$40.00
Color
White Seams
Size
M
Add to cart


Stroll to the Polls
strolltothepolls.org
Incognito
STROLL
TO THE POLLS
HOME
STROLL TO THE POLLS
RESOURCES
Women's Skater Skirt
$40.00
Size
M
Weight
4 oz.
Add to cart
Women's Racerback Dress
$40.00
M
Add to cart
Women's One-piece Swimsuit
$30.00
Color
Black
Size
M
Add to cart


Stroll to the Polls
strolltothepolls.org
Incognito
STROLL
TO THE POLLS
HOME
STROLL TO THE POLLS
RESOURCES
Unisex Twill Hat
$25.30
Add to cart
Embroidered Apron
$30.00
Black
Out of stock
Socks
$18.00
Add to cart
HOME
STROLL TO THE POLLS
RESOURCES

# TRADEMARK ASSIGNMENT COVER SHEET

Electronic Version v1.1
Stylesheet Version v1.2

ETAS ID: TM613979

| | |
|---|---|
| **SUBMISSION TYPE:** | NEW ASSIGNMENT |
| **NATURE OF CONVEYANCE:** | ASSIGNMENT OF THE ENTIRE INTEREST AND THE GOODWILL |

**CONVEYING PARTY DATA**

| Name | Formerly | Execution Date | Entity Type |
|---|---|---|---|
| Ramona Prioleau | | 12/01/2020 | INDIVIDUAL: UNITED STATES |

**RECEIVING PARTY DATA**

| | |
|---|---|
| **Name:** | Stroll to the Polls, Inc. |
| **Street Address:** | 2266 Fifth Avenue #728 |
| **City:** | New York |
| **State/Country:** | NEW YORK |
| **Postal Code:** | 10037 |
| **Entity Type:** | Non-Profit Corporation: NEW YORK |

**PROPERTY NUMBERS Total: 2**

| Property Type | Number | Word Mark |
|---|---|---|
| **Serial Number:** | 90012428 | STROLL TO THE POLLS |
| **Serial Number:** | 90248099 | STROLL TO THE POLLS |

OP $65.00 90012428

**CORRESPONDENCE DATA**

**Fax Number:**

***Correspondence will be sent to the e-mail address first; if that is unsuccessful, it will be sent using a fax number, if provided; if that is unsuccessful, it will be sent via US Mail.***

**Email:** gotv@strolltothepolls.org
**Correspondent Name:** Ramona Prioleau
**Address Line 1:** 2266 Fifth Avenue #728
**Address Line 4:** NY, NEW YORK 10037

| | |
|---|---|
| **NAME OF SUBMITTER:** | Ramona Prioleau |
| **SIGNATURE:** | /Ramona Prioleau/ |
| **DATE SIGNED:** | 12/12/2020 |

**Total Attachments: 2**
source=Trademark Assignment 12012020-90012428 & 90248099#page1.tif
source=Trademark Assignment 12012020-90012428 & 90248099#page2.tif

# TRADEMARK ASSIGNMENT

This Trademark Assignment ("Assignment") is made effective as of this 1st day of December, 2020, by RAMONA PRIOLEAU, an individual domiciled in the State of New York and with an address of 2266 Fifth Avenue #728; New York, NY 10037 ("Assignor") and STROLL TO THE POLLS, INC., a not-for-profit corporation organized under the laws of the State of New York with an address of 2266 Fifth Avenue #728; New York, NY 10037 ("Assignee").

WHEREAS, Assignor is the owner of all right, title and interest in and to the following trademarks:

1. STROLL TO THE POLLS, Serial No. 90012428; and
2. STROLL TO THE POLLS, Serial No. 90248099

(hereinafter collectively referred to as the "Marks"); and

WHEREAS, Assignor wishes to assign to Assignee and Assignee wishes to acquire from Assignor all right, title and interest in and to the Marks, including any and all common law rights in and to the Marks, together with the goodwill of the business associated therewith.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignor hereby assigns to Assignee all of Assignor's right, title and interest throughout the world in and to the Marks, together with the goodwill of the business appurtenant to and symbolized by the Marks, and including, without limitation, the registrations for, and the pending applications for registration of, the Marks; all common law rights in and to the Marks; any and all rights, remedies, and entitlements associated therewith; the right to collect royalties or other payments associated therewith; and the right to sue and recover for, and the right to profits or damages due or accrued arising out of or in connection

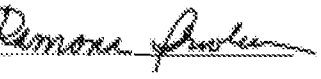
with, any and all past, present or future infringements or dilution of or damage or injury to the Marks, all of the foregoing to held and enjoyed by Assignee, for its own use and benefit and for the use and benefit of its successors and assigns, to the same extent that such would have been held and enjoyed by Assignor had this assignment not been made.

The Commissioner of Trademarks of the United States and any other official throughout the world whose duty it is to register and record ownership in intellectual property rights may register and record Assignee as the assignee and/or owner of any or all of the Marks.

Assignee is successor to Assignor's business to which the Marks pertain, as required by Section 10 of the Trademark Act (15 U.S.C. § 1060).

RAMONA PRIOLEAU

Dated: December 1, 2020

By: 

ASSIGNOR

# Exhibit B

**Generated on:** This page was generated by TSDR on 2021-04-10 22:00:55 EDT

**Mark:** STROLL TO THE POLLS

STROLL TO THE POLLS

**US Serial Number:** 90248099

**Application Filing Date:** Oct. 12, 2020

**Filed as TEAS Plus:** Yes

**Currently TEAS Plus:** Yes

**Register:** Principal

**Mark Type:** Service Mark

**TM5 Common Status Descriptor:**

LIVE/APPLICATION/Under Examination

The trademark application has been accepted by the Office (has met the minimum filing requirements) and that this application has been assigned to an examiner.

**Status:** Examiner's Amendment/Priority Action has been sent (issued) to the applicant. The applicant must respond to this Examiner's Amendment/Priority Action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

**Status Date:** Jan. 12, 2021

# Mark Information

**Mark Literal Elements:** STROLL TO THE POLLS

**Standard Character Claim:** Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK

# Goods and Services

**Note:**
The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [..] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

**For:** Promoting public awareness of civic engagement by organizing, arranging, and conducting events that encourage voter registration, mobilization, and participation

**International Class(es):** 035 - Primary Class

**U.S Class(es):** 100, 101, 102

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** 2018

**Use in Commerce:** 2018

**For:** Fundraising services by means of organizing, arranging and conducting fundraising programs for the benefit of voter registration, mobilization and participation programs

**International Class(es):** 036 - Primary Class

**U.S Class(es):** 100, 101, 102

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** 2018

**Use in Commerce:** 2018

**For:** Providing temporary use of a non-downloadable web application for individuals to encourage voter registration, mobilization and participation among their peers

**International Class(es):** 042 - Primary Class

**U.S Class(es):** 100, 101

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** 2018 **Use in Commerce:** 2018

## Basis Information (Case Level)

| | | | |
|---|---|---|---|
| **Filed Use:** | Yes | **Currently Use:** | Yes |
| **Filed ITU:** | No | **Currently ITU:** | No |
| **Filed 44D:** | No | **Currently 44E:** | No |
| **Filed 44E:** | No | **Currently 66A:** | No |
| **Filed 66A:** | No | **Currently No Basis:** | No |
| **Filed No Basis:** | No | | |

## Current Owner(s) Information

**Owner Name:** STROLL TO THE POLLS, INC.

**Owner Address:** 2266 FIFTH AVENUE #728
NEW YORK, NEW YORK UNITED STATES 10037

**Legal Entity Type:** NON-PROFIT CORPORATION **State or Country Where Organized:** NEW YORK

## Attorney/Correspondence Information

**Attorney of Record - None**

**Correspondent**

**Correspondent Name/Address:** RAMONA PRIOLEAU
2266 FIFTH AVENUE #728
NEW YORK, NEW YORK UNITED STATES 10037

**Domestic Representative - Not Found**

## Prosecution History

| Date | Description | Proceeding Number |
|---|---|---|
| Feb. 10, 2021 | AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP | |
| Jan. 12, 2021 | NOTIFICATION OF EXAMINER'S AMENDMENT/PRIORITY ACTION E-MAILED | 6326 |
| Jan. 12, 2021 | EXAMINER'S AMENDMENT/PRIORITY ACTION E-MAILED | 6326 |
| Jan. 12, 2021 | COMBINED EXAMINER'S AMENDMENT/PRIORITY ACTION AUTOMATIC ENTRY | 95368 |
| Jan. 12, 2021 | EXAMINERS AMENDMENT AND/OR PRIORITY ACTION - COMPLETED | 95368 |
| Jan. 06, 2021 | ASSIGNED TO EXAMINER | 95368 |
| Nov. 28, 2020 | NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM | |
| Oct. 15, 2020 | NEW APPLICATION ENTERED IN TRAM | |

## TM Staff and Location Information

**TM Staff Information**

**TM Attorney:** STURMAN, JOSHUA M **Law Office Assigned:** LAW OFFICE 103

**File Location**

**Current Location:** TMEG LAW OFFICE 103 - EXAMINING ATTORNEY ASSIGNED **Date in Location:** Jan. 12, 2021

## Assignment Abstract Of Title Information

**Summary**

**Total Assignments:** 1 **Applicant:** Ramona Prioleau

**Assignment 1 of 1**

**Conveyance:** ASSIGNS THE ENTIRE INTEREST

**Reel/Frame:** 7176/0268 **Pages:** 3

| | |
|---|---|
| **Date Recorded:** | Dec. 12, 2020 |
| **Supporting Documents:** | assignment-tm-7176-0268.pdf |

**Assignor**

| | | | |
|---|---|---|---|
| **Name:** | PRIOLEAU, RAMONA | **Execution Date:** | Dec. 01, 2020 |
| **Legal Entity Type:** | INDIVIDUAL | **Citizenship:** | UNITED STATES |

**Assignee**

| | | | |
|---|---|---|---|
| **Name:** | STROLL TO THE POLLS, INC. | | |
| **Legal Entity Type:** | NON-PROFIT CORPORATION | **State or Country Where Organized:** | NEW YORK |
| **Address:** | 2266 FIFTH AVENUE #728<br>NEW YORK, NEW YORK 10037 | | |

**Correspondent**

| | |
|---|---|
| **Correspondent Name:** | RAMONA PRIOLEAU |
| **Correspondent Address:** | 2266 FIFTH AVENUE #728<br>NY, NY 10037 |

**Domestic Representative - Not Found**

PTO Form 1478 (Rev 09/2006)
OMB No. 0651-0009 (Exp 02/28/2021)

# Trademark/Service Mark Application, Principal Register

## TEAS Plus Application

**Serial Number: 90248099**
**Filing Date: 10/12/2020**

***NOTE: Data fields with the * are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.***

---

**The table below presents the data as entered.**

| Input Field | Entered |
|---|---|
| **TEAS Plus** | **YES** |
| **MARK INFORMATION** | |
| ***MARK** | STROLL TO THE POLLS |
| ***STANDARD CHARACTERS** | YES |
| **USPTO-GENERATED IMAGE** | YES |
| **LITERAL ELEMENT** | STROLL TO THE POLLS |
| ***MARK STATEMENT** | The mark consists of standard characters, without claim to any particular font style, size, or color. |
| **REGISTER** | Principal |
| **APPLICANT INFORMATION** | |
| ***OWNER OF MARK** | Ramona Prioleau |
| ***MAILING ADDRESS** | 2266 Fifth Avenue #728 |
| ***CITY** | New York |
| ***STATE**<br>**(Required for U.S. applicants)** | New York |
| ***COUNTRY/REGION/JURISDICTION/U.S. TERRITORY** | United States |
| ***ZIP/POSTAL CODE**<br>**(Required for U.S. and certain international addresses)** | 10037 |
| ***EMAIL ADDRESS** | XXXX |
| **WEBSITE ADDRESS** | https://strolltothepolls.org |
| **LEGAL ENTITY INFORMATION** | |
| ***TYPE** | INDIVIDUAL |
| *** COUNTRY/REGION/JURISDICTION/U.S. TERRITORY OF CITIZENSHIP** | United States |
| **GOODS AND/OR SERVICES AND BASIS INFORMATION** | |
| ***INTERNATIONAL CLASS** | 036 |
| ***IDENTIFICATION** | Fundraising services by means of organizing, arranging and conducting fundraising programs for the benefit of **voter** |

| | |
|---|---|
| | **registration, mobilization and participation programs** |
| ***FILING BASIS** | SECTION 1(a) |
| **FIRST USE ANYWHERE DATE** | At least as early as 00/00/2018 |
| **FIRST USE IN COMMERCE DATE** | At least as early as 00/00/2018 |
| **SPECIMEN FILE NAME(S)** | |
| **ORIGINAL PDF FILE** | SPE0-6812923780-202010112 11132373412 . Stroll to the Polls TM Attachement - Class 36.pdf |
| **CONVERTED PDF FILE(S) (1 page)** | \\TICRS\EXPORT18\IMAGEOUT 18\902\480\90248099\xml1\ FTK0003.JPG |
| **SPECIMEN DESCRIPTION** | Screenshot |
| ***INTERNATIONAL CLASS** | 041 |
| ***IDENTIFICATION** | Organizing, arranging, and conducting **voter** events |
| ***FILING BASIS** | SECTION 1(a) |
| **FIRST USE ANYWHERE DATE** | At least as early as 00/00/2018 |
| **FIRST USE IN COMMERCE DATE** | At least as early as 00/00/2018 |
| **SPECIMEN FILE NAME(S)** | |
| **ORIGINAL PDF FILE** | SPE0-6812923780-202010112 11132373412 . Stroll to the Polls TM Attachement - Class 41.pdf |
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| | \\TICRS\EXPORT18\IMAGEOUT 18\902\480\90248099\xml1\ FTK0005.JPG |
| **SPECIMEN DESCRIPTION** | Screenshots |
| ***INTERNATIONAL CLASS** | 042 |
| ***IDENTIFICATION** | Providing temporary use of a non-downloadable web application for **voter registration, mobilization and participation** |
| ***FILING BASIS** | SECTION 1(a) |
| **FIRST USE ANYWHERE DATE** | At least as early as 00/00/2018 |
| **FIRST USE IN COMMERCE DATE** | At least as early as 00/00/2018 |
| **SPECIMEN FILE NAME(S)** | |
| **ORIGINAL PDF FILE** | SPE0-6812923780-202010112 11132373412 . Stroll to the Polls TM Attachement - Class 42.pdf |
| **CONVERTED PDF FILE(S) (2 pages)** | \\TICRS\EXPORT18\IMAGEOUT 18\902\480\90248099\xml1\ FTK0006.JPG |
| | \\TICRS\EXPORT18\IMAGEOUT 18\902\480\90248099\xml1\ FTK0007.JPG |
| **SPECIMEN DESCRIPTION** | Screenshots |
| **ADDITIONAL STATEMENTS INFORMATION** | |
| *TRANSLATION (if applicable) | |
| *TRANSLITERATION | |

| | |
|---|---|
| (if applicable) | |
| *CLAIMED PRIOR REGISTRATION (if applicable) | |
| *CONSENT (NAME/LIKENESS) (if applicable) | |
| *CONCURRENT USE CLAIM (if applicable) | |
| **CORRESPONDENCE INFORMATION** | |
| **NAME** | Ramona Prioleau |
| **PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE** | gotv@strolltothepolls.org |
| **SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)** | NOT PROVIDED |
| **FEE INFORMATION** | |
| **APPLICATION FILING OPTION** | TEAS Plus |
| **NUMBER OF CLASSES** | 3 |
| **APPLICATION FOR REGISTRATION PER CLASS** | 225 |
| ***TOTAL FEES DUE** | 675 |
| ***TOTAL FEES PAID** | 675 |
| **SIGNATURE INFORMATION** | |
| *** SIGNATURE** | /Ramona Prioleau/ |
| *** SIGNATORY'S NAME** | Ramona Prioleau |
| *** SIGNATORY'S POSITION** | Founder |
| *** DATE SIGNED** | 10/12/2020 |

PTO Form 1478 (Rev 09/2006)
OMB No. 0651-0009 (Exp 02/28/2021)

# Trademark/Service Mark Application, Principal Register

## TEAS Plus Application

**Serial Number: 90248099**
**Filing Date: 10/12/2020**

## To the Commissioner for Trademarks:

**MARK:** STROLL TO THE POLLS (Standard Characters, see mark)
The literal element of the mark consists of STROLL TO THE POLLS. The mark consists of standard characters, without claim to any particular font style, size, or color.
The applicant, Ramona Prioleau, a citizen of United States, having an address of
2266 Fifth Avenue #728
New York, New York 10037
United States
XXXX

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

**For specific filing basis information for each item, you must view the display within the Input Table.**
International Class 036: Fundraising services by means of organizing, arranging and conducting fundraising programs for the benefit of voter registration, mobilization and participation programs

Use in Commerce: The applicant is using the mark in commerce on or in connection with the identified goods/services. The applicant attaches, or will later submit, one specimen as a JPG/PDF image file showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, regardless of whether the mark itself is in the standard character format or is a stylized or design mark. The specimen image file may be in color, and the image must be in color if color is being claimed as a feature of the mark.

In International Class 036, the mark was first used by the applicant or the applicant's related company or licensee predecessor in interest at least as early as 00/00/2018, and first used in commerce at least as early as 00/00/2018, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, consisting of a(n) Screenshot.

**Original PDF file:**
SPE0-6812923780-202010112 11132373412 . Stroll to t he Polls TM Attachement - Class 36.pdf
**Converted PDF file(s)** (1 page)
Specimen File1

**For specific filing basis information for each item, you must view the display within the Input Table.**
International Class 041: Organizing, arranging, and conducting voter events

Use in Commerce: The applicant is using the mark in commerce on or in connection with the identified goods/services. The applicant attaches, or will later submit, one specimen as a JPG/PDF image file showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, regardless of whether the mark itself is in the standard character format or is a stylized or design mark. The specimen image file may be in color, and the image must be in color if color is being claimed as a feature of the mark.

In International Class 041, the mark was first used by the applicant or the applicant's related company or licensee predecessor in interest at least as early as 00/00/2018, and first used in commerce at least as early as 00/00/2018, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, consisting of a(n) Screenshots.

**Original PDF file:**
SPE0-6812923780-202010112 11132373412 . Stroll to t he Polls TM Attachement - Class 41.pdf
**Converted PDF file(s)** (2 pages)

Specimen File1
Specimen File2

**For specific filing basis information for each item, you must view the display within the Input Table.**
International Class 042: Providing temporary use of a non-downloadable web application for voter registration, mobilization and participation

Use in Commerce: The applicant is using the mark in commerce on or in connection with the identified goods/services. The applicant attaches, or will later submit, one specimen as a JPG/PDF image file showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, regardless of whether the mark itself is in the standard character format or is a stylized or design mark. The specimen image file may be in color, and the image must be in color if color is being claimed as a feature of the mark.

In International Class 042, the mark was first used by the applicant or the applicant's related company or licensee predecessor in interest at least as early as 00/00/2018, and first used in commerce at least as early as 00/00/2018, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, consisting of a(n) Screenshots.

**Original PDF file:**
SPE0-6812923780-202010112 11132373412 . Stroll to t he Polls TM Attachement - Class 42.pdf
**Converted PDF file(s)** (2 pages)
Specimen File1
Specimen File2

For informational purposes only, applicant's website address is: https://strolltothepolls.org
The applicant's current Correspondence Information:

Ramona Prioleau
PRIMARY EMAIL FOR CORRESPONDENCE: gotv@strolltothepolls.org
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): NOT PROVIDED

**Requirement for Email and Electronic Filing:** I understand that a valid email address must be maintained by the applicant owner/holder and the applicant owner's/holder's attorney, if appointed, and that all official trademark correspondence must be submitted via the Trademark Electronic Application System (TEAS).
A fee payment in the amount of $675 has been submitted with the application, representing payment for 3 class(es).

**Declaration**

☑ **Basis:**
**If the applicant is filing the application based on use in commerce under 15 U.S.C. § 1051(a):**

- The signatory believes that the applicant is the owner of the trademark/service 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 on or in connection with the goods/services in the application;
- The specimen(s) shows the mark as used on or in connection with the goods/services in the application and was used on or in connection with the goods/services in the application as of the application filing date; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

**And/Or**
**If the applicant is filing the application based on an intent to use the mark in commerce under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e):**

- The signatory believes that the applicant is entitled to use the mark in commerce;
- 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 on or in connection with the goods/services in the application; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

☑ To the best of the signatory's knowledge and belief, no other persons, except, if applicable, 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 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.

- [x] 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.

**Declaration Signature**

Signature: /Ramona Prioleau/ Date: 10/12/2020
Signatory's Name: Ramona Prioleau
Signatory's Position: Founder
Payment Sale Number: 90248099
Payment Accounting Date: 10/13/2020

Serial Number: 90248099
Internet Transmission Date: Mon Oct 12 07:59:39 ET 2020
TEAS Stamp: USPTO/FTK-XX.XXX.XXX.XX-2020101207593938
9452-90248099-750a6be924b9b5264a8d6c8a74
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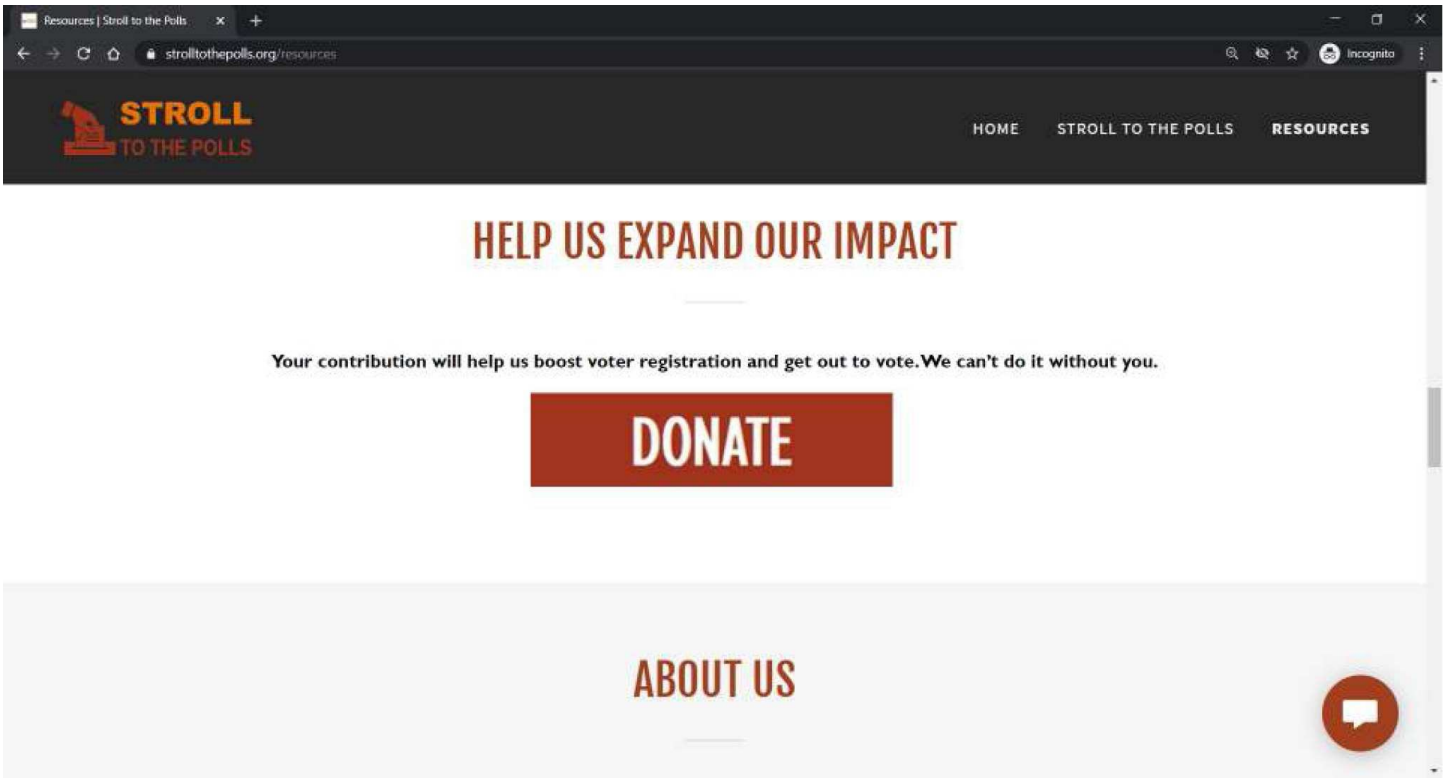
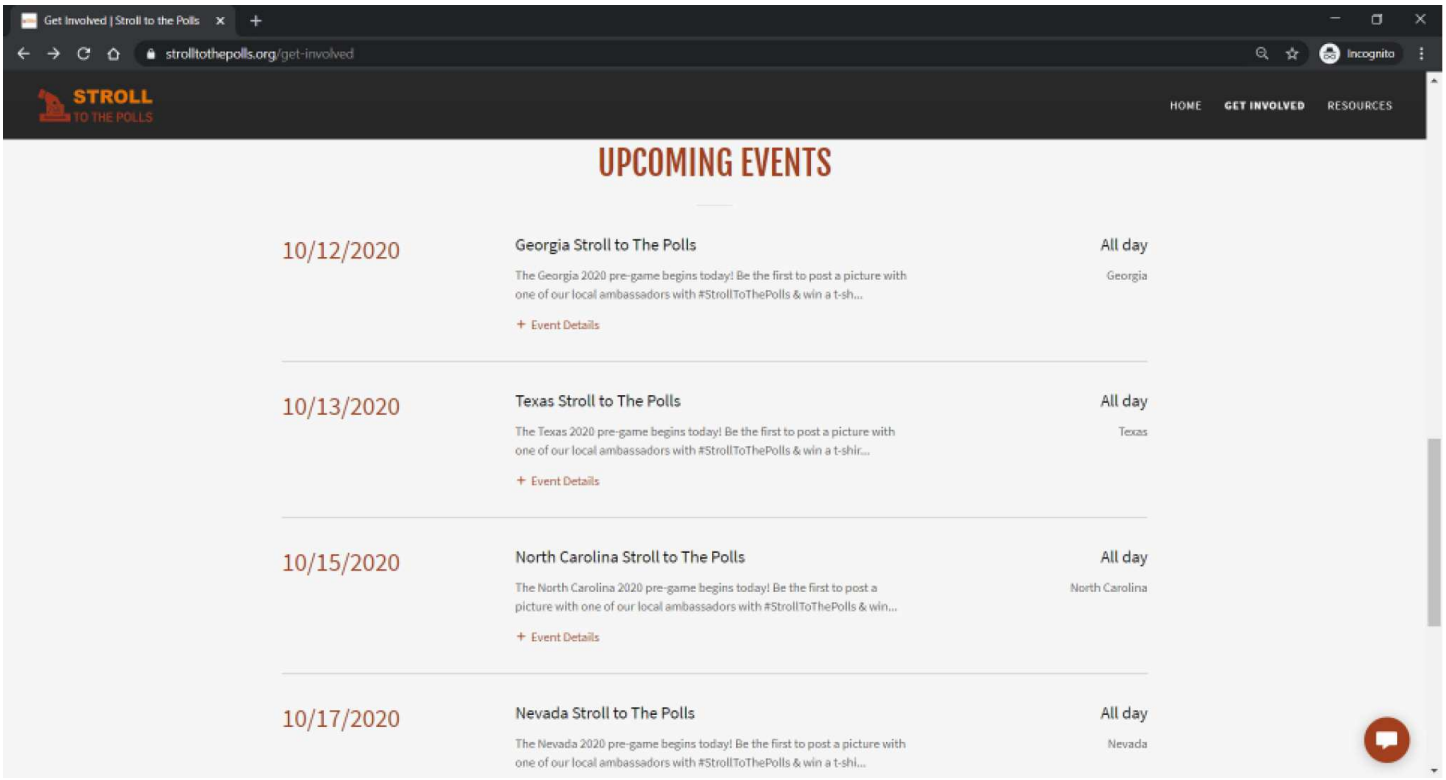
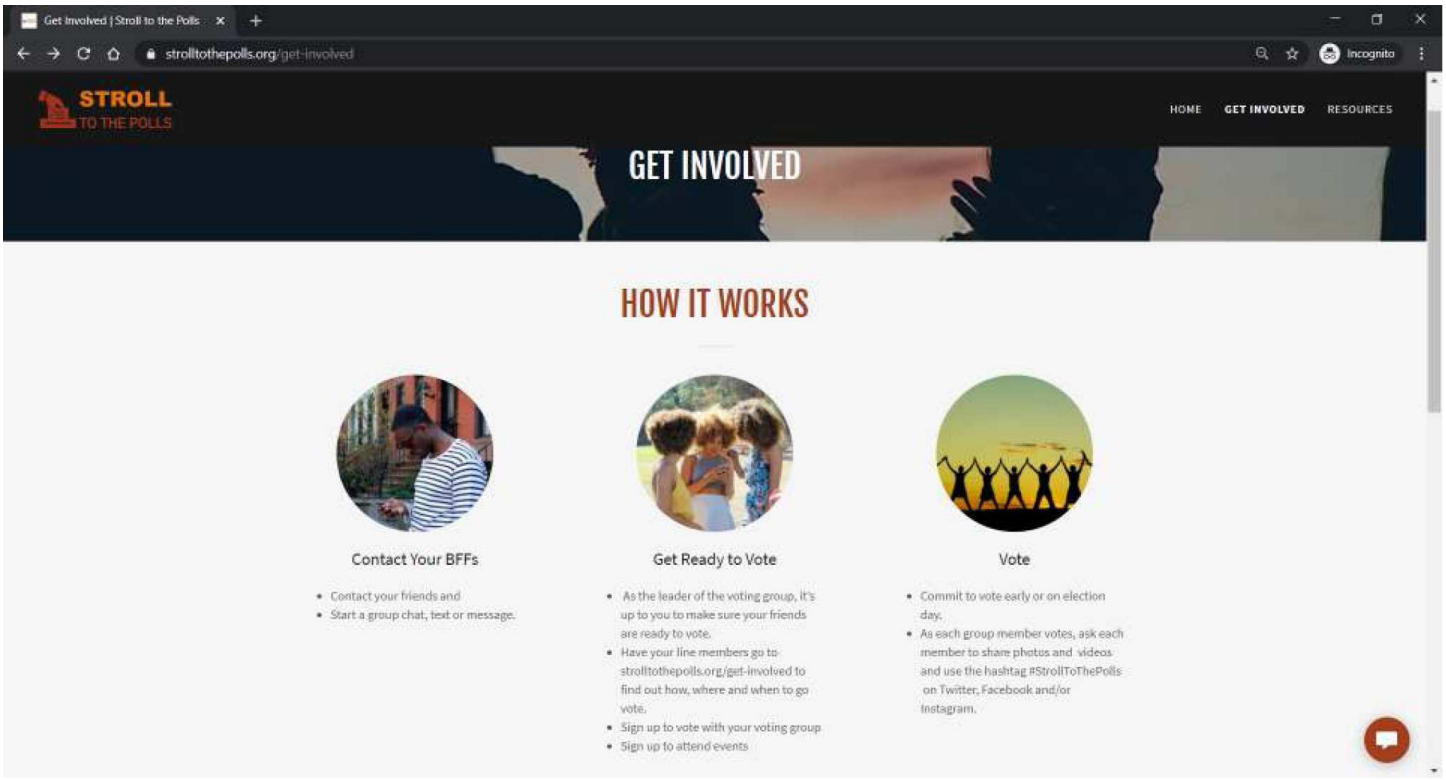
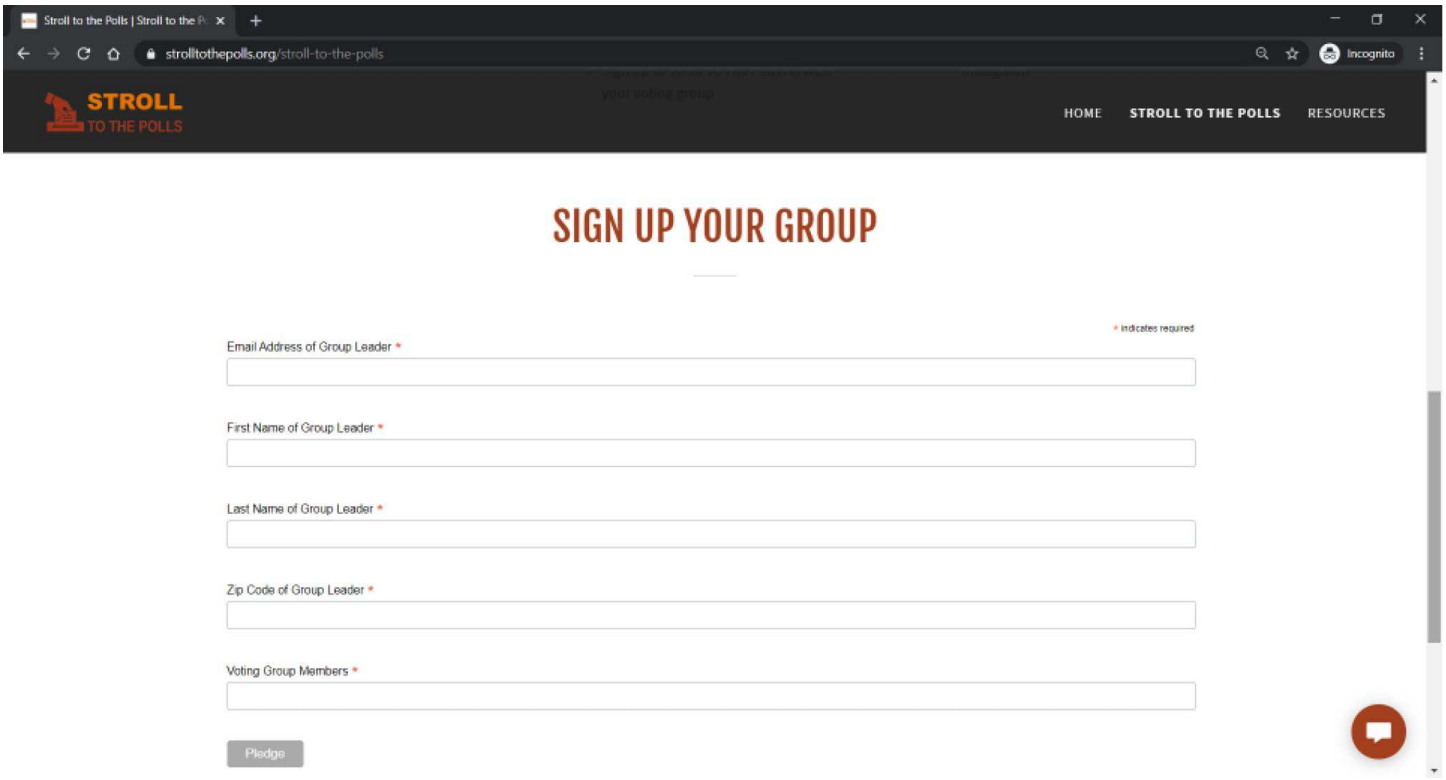
59382088-20201012075143202872

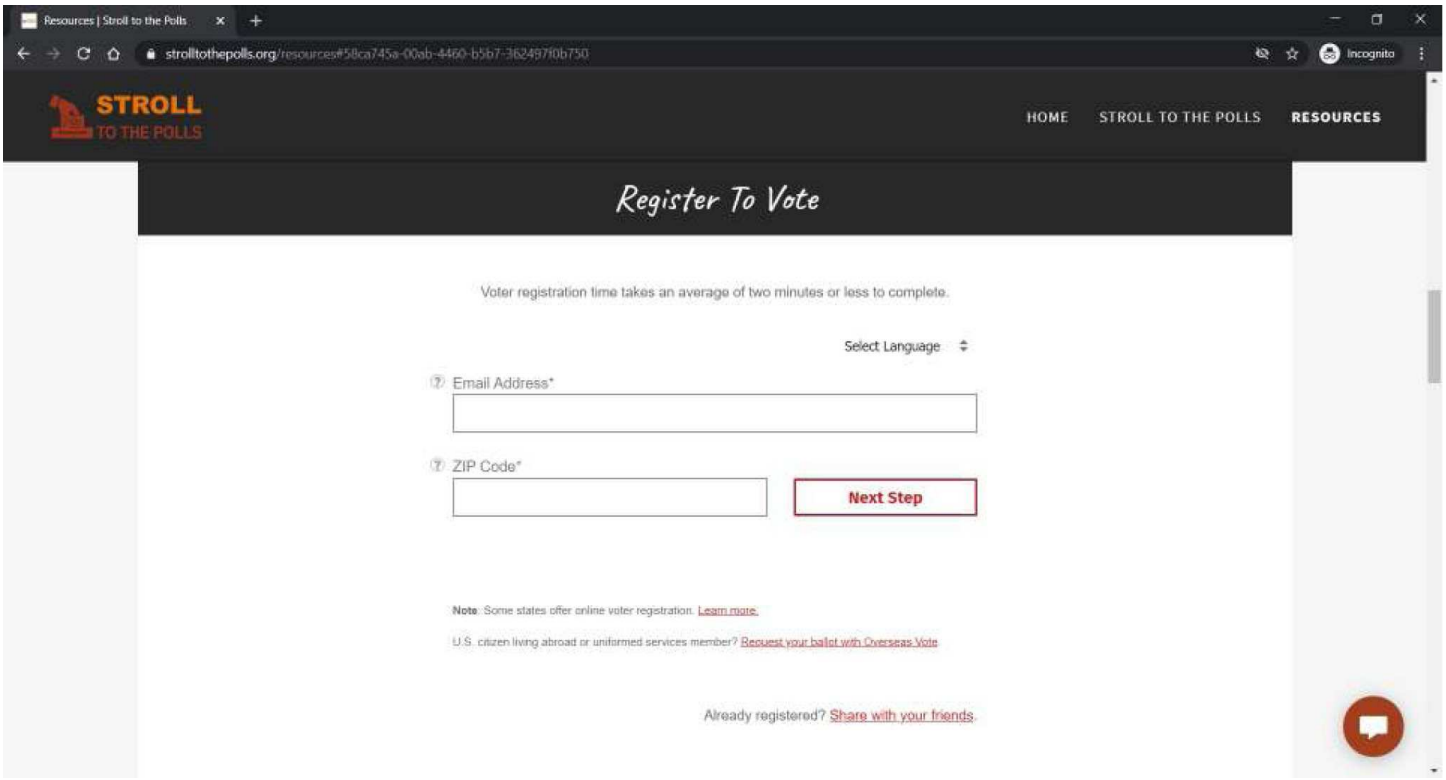
# STROLL TO THE POLLS


Resources | Stroll to the Polls
strolltothepolls.org/resources
Incognito
STROLL
TO THE POLLS
HOME
STROLL TO THE POLLS
RESOURCES
HELP US EXPAND OUR IMPACT
Your contribution will help us boost voter registration and get out to vote. We can't do it without you.
DONATE
ABOUT US


Get Involved | Stroll to the Polls
strolltothepolls.org/get-involved
Incognito
STROLL
TO THE POLLS
HOME
GET INVOLVED
RESOURCES
UPCOMING EVENTS
10/12/2020
Georgia Stroll to The Polls
All day
The Georgia 2020 pre-game begins today! Be the first to post a picture with one of our local ambassadors with #StrollToThePolls & win a t-sh...
+ Event Details
Georgia
10/13/2020
Texas Stroll to The Polls
All day
The Texas 2020 pre-game begins today! Be the first to post a picture with one of our local ambassadors with #StrollToThePolls & win a t-shir...
+ Event Details
Texas
10/15/2020
North Carolina Stroll to The Polls
All day
The North Carolina 2020 pre-game begins today! Be the first to post a picture with one of our local ambassadors with #StrollToThePolls & win...
+ Event Details
North Carolina
10/17/2020
Nevada Stroll to The Polls
All day
The Nevada 2020 pre-game begins today! Be the first to post a picture with one of our local ambassadors with #StrollToThePolls & win a t-shi...
Nevada


Get Involved | Stroll to the Polls
strolltothepolls.org/get-involved
Incognito
STROLL
TO THE POLLS
HOME
GET INVOLVED
RESOURCES
GET INVOLVED
HOW IT WORKS
Contact Your BFFs
Contact your friends and
Start a group chat, text or message.
Get Ready to Vote
As the leader of the voting group, it's up to you to make sure your friends are ready to vote.
Have your line members go to strolltothepolls.org/get-involved to find out how, where and when to go vote.
Sign up to vote with your voting group
Sign up to attend events
Vote
Commit to vote early or on election day.
As each group member votes, ask each member to share photos and videos and use the hashtag #StrollToThePolls on Twitter, Facebook and/or Instagram.


Stroll to the Polls | Stroll to the P
strolltothepolls.org/stroll-to-the-polls
Incognito
STROLL
TO THE POLLS
HOME
STROLL TO THE POLLS
RESOURCES
SIGN UP YOUR GROUP
* indicates required
Email Address of Group Leader *
First Name of Group Leader *
Last Name of Group Leader *
Zip Code of Group Leader *
Voting Group Members *
Pledge


Resources | Stroll to the Polls
strolltothepolls.org/resources#58ca745a-00ab-4460-b5b7-362497f0b750
Incognito
STROLL
TO THE POLLS
HOME
STROLL TO THE POLLS
RESOURCES
Register To Vote
Voter registration time takes an average of two minutes or less to complete.
Select Language
Email Address*
ZIP Code*
Next Step
Note: Some states offer online voter registration. Learn more.
U.S. citizen living abroad or uniformed services member? Request your ballot with Overseas Vote
Already registered? Share with your friends.

# TRADEMARK ASSIGNMENT COVER SHEET

Electronic Version v1.1
Stylesheet Version v1.2

ETAS ID: TM613979

| | |
|---|---|
| **SUBMISSION TYPE:** | NEW ASSIGNMENT |
| **NATURE OF CONVEYANCE:** | ASSIGNMENT OF THE ENTIRE INTEREST AND THE GOODWILL |

**CONVEYING PARTY DATA**

| Name | Formerly | Execution Date | Entity Type |
|---|---|---|---|
| Ramona Prioleau | | 12/01/2020 | INDIVIDUAL: UNITED STATES |

**RECEIVING PARTY DATA**

| | |
|---|---|
| **Name:** | Stroll to the Polls, Inc. |
| **Street Address:** | 2266 Fifth Avenue #728 |
| **City:** | New York |
| **State/Country:** | NEW YORK |
| **Postal Code:** | 10037 |
| **Entity Type:** | Non-Profit Corporation: NEW YORK |

**PROPERTY NUMBERS Total: 2**

| Property Type | Number | Word Mark |
|---|---|---|
| **Serial Number:** | 90012428 | STROLL TO THE POLLS |
| **Serial Number:** | 90248099 | STROLL TO THE POLLS |

OP $65.00 90012428

**CORRESPONDENCE DATA**

**Fax Number:**

***Correspondence will be sent to the e-mail address first; if that is unsuccessful, it will be sent using a fax number, if provided; if that is unsuccessful, it will be sent via US Mail.***

**Email:** gotv@strolltothepolls.org
**Correspondent Name:** Ramona Prioleau
**Address Line 1:** 2266 Fifth Avenue #728
**Address Line 4:** NY, NEW YORK 10037

| | |
|---|---|
| **NAME OF SUBMITTER:** | Ramona Prioleau |
| **SIGNATURE:** | /Ramona Prioleau/ |
| **DATE SIGNED:** | 12/12/2020 |

**Total Attachments: 2**
source=Trademark Assignment 12012020-90012428 & 90248099#page1.tif
source=Trademark Assignment 12012020-90012428 & 90248099#page2.tif

# TRADEMARK ASSIGNMENT

This Trademark Assignment ("Assignment") is made effective as of this 1st day of December, 2020, by RAMONA PRIOLEAU, an individual domiciled in the State of New York and with an address of 2266 Fifth Avenue #728; New York, NY 10037 ("Assignor") and STROLL TO THE POLLS, INC., a not-for-profit corporation organized under the laws of the State of New York with an address of 2266 Fifth Avenue #728; New York, NY 10037 ("Assignee").

WHEREAS, Assignor is the owner of all right, title and interest in and to the following trademarks:

1. STROLL TO THE POLLS, Serial No. 90012428; and
2. STROLL TO THE POLLS, Serial No. 90248099

(hereinafter collectively referred to as the "Marks"); and

WHEREAS, Assignor wishes to assign to Assignee and Assignee wishes to acquire from Assignor all right, title and interest in and to the Marks, including any and all common law rights in and to the Marks, together with the goodwill of the business associated therewith.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignor hereby assigns to Assignee all of Assignor's right, title and interest throughout the world in and to the Marks, together with the goodwill of the business appurtenant to and symbolized by the Marks, and including, without limitation, the registrations for, and the pending applications for registration of, the Marks; all common law rights in and to the Marks; any and all rights, remedies, and entitlements associated therewith; the right to collect royalties or other payments associated therewith; and the right to sue and recover for, and the right to profits or damages due or accrued arising out of or in connection

with, any and all past, present or future infringements or dilution of or damage or injury to the Marks, all of the foregoing to held and enjoyed by Assignee, for its own use and benefit and for the use and benefit of its successors and assigns, to the same extent that such would have been held and enjoyed by Assignor had this assignment not been made.

The Commissioner of Trademarks of the United States and any other official throughout the world whose duty it is to register and record ownership in intellectual property rights may register and record Assignee as the assignee and/or owner of any or all of the Marks.

Assignee is successor to Assignor's business to which the Marks pertain, as required by Section 10 of the Trademark Act (15 U.S.C. § 1060).

RAMONA PRIOLEAU

Dated: December 1, 2020

By: _____

ASSIGNOR