

ESTTA Tracking number: **ESTTA1043863**

Filing date: **03/20/2020**

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

Petition for Cancellation

Notice is hereby given that the following party has filed a petition to cancel the registration indicated below.

Petitioner Information

Name	Mario's Express Service Inc.		
Entity	Corporation	Citizenship	New Jersey
Address	45 Fernwood Avenue, 2 Edison, NJ 08817 UNITED STATES		

Attorney information	Jill Anderfuren and Daniel C. DeCarlo Lewis Brisbois Bisgaard & Smith LLP 550 West Adams Street Chicago, IL 60661 UNITED STATES USDOCKET@LEWISBRISBOIS.COM, DAN.DECARLO@LEWISBRISBOIS.COM 3123451718		
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Registration Subject to Cancellation

Registration No.	5569372	Registration date	09/25/2018
Registrant	Transport Holdings LLC 10210 N. Vancouver Way Portland, OR 97217 UNITED STATES		

Goods/Services Subject to Cancellation


Class 035. First Use: 2016/07/21 First Use In Commerce: 2016/07/21 All goods and services in the class are subject to cancellation, namely: Transportation logistics services, namely, arranging the transportation of goods for others
Class 039. First Use: 2016/07/21 First Use In Commerce: 2016/07/21 All goods and services in the class are subject to cancellation, namely: Supply chain logistics and reverse logistics services, namely, storage, transportation and delivery of goods for others by air, rail, ship or truck

Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)
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Marks Cited by Petitioner as Basis for Cancellation

U.S. Application No.	88662782	Application Date	10/21/2019
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Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	MX		
Design Mark			
Description of Mark	The mark consists of MX in a circle with a backward slant separating the letter M and letter X.		
Goods/Services	Class 035. First use: First Use: 2016/01/12 First Use In Commerce: 2016/01/12 Transportation logistics services, namely, arranging the transportation of goods for others Class 039. First use: First Use: 2016/01/12 First Use In Commerce: 2016/01/12 Transportation and storage of goods		

U.S. Application No.	88841679	Application Date	
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	NONE		
Goods/Services			

Attachments	88662782#TMSN.png(bytes) MX - Petition for Cancellation.pdf(36106 bytes) Exhibit A.PDF(1548902 bytes) Exhibit B.PDF(1244818 bytes)
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Signature	/ja/
Name	Jill Anderfuren
Date	03/20/2020

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

In the Matter of Trademark Registration No.: 5,569,372





For the Mark:


Date of Issuance: September 25, 2018


Mario's Express Service Inc. d/b/a MX Logistics)	Cancellation No.
)	
)	
Petitioner,)	
)	
v.)	
)	
Transport Holdings LLC)	
)	
Registrant.)	

PETITION FOR CANCELLATION


Mario's Express Service Inc. d/b/a MX Logistics ("MX"), a New Jersey corporation, of 45 Fernwood Avenue, 2, Edison, NJ 08837, believes that it is being damaged and will continue to be damaged by Registration No. 5,569,372 for the mark  ("Respondent's Mark") in the name of Transport Holdings LLC, an Oregon limited liability company, of 10210 N. Vancouver Way, Portland OR 97217 ("TRANSPORT"), covering "transportation logistics services, namely, arranging the transportation of goods for others" in Class 35 and "supply chain logistics and reverse logistics services, namely, storage, transportation and delivery of goods for others by air, rail, ship or truck" in Class 39 ("Respondent's Services") and hereby petitions to cancel the same.

1. MX registered MX Logistics as an alternate name with the Secretary of State of New Jersey on May 1, 2015. MX is the owner of the mark  and MX LOGISTICS ("Petitioner's Marks"), which have been in use in commerce since at least as early as January 12, 2016, on or in connection transportation, storage and logistic services. MX has applied for the marks:




1. , U.S. Serial No. 88/662,782, filed October 21, 2019, covering "transportation logistics services, namely, arranging the transportation of goods for others" in Class 35 and "transportation and storage of goods" in Class 39, and
2. MX LOGISTICS, U.S. Serial No. 88/841,679, filed March 20, 2020, covering "transportation logistics services, namely, arranging the transportation of goods for others" in Class 35 and "transportation and storage of goods" in Class 39 ("Petitioner's Services").

2. For over four (4) years, Petitioner has continuously used, and is currently using, the marks  and MX LOGISTICS in interstate commerce in connection with Petitioner's Services.

3. As a result of extensive use and promotion of the services under Petitioner's Marks, clients and the public have come to know, rely upon, and recognize Petitioner's Marks as strong indicators of the source of the services provided in connection with the Marks. As a result, Petitioner's Marks represent significant goodwill.

4. Due to the continuous and extensive use of the  and MX LOGISTICS marks in connection with transportation and logistics services, Petitioner and Petitioner's Marks have become well known in the transportation and logistics services industry. MX has spent significant effort and sums of money in advertising and promoting Petitioner's Marks in connection with its services, and in creating and maintaining the goodwill

symbolized by the marks.

1. A true copy of Petitioner's application 88/662,782, including the status and file history from the USPTO's TSDR database, and a copy of application 88/841,679 are attached as EXHIBIT A.
2. Respondent's  mark, U.S. Registration No. 5,569,372, based on use in commerce since July 21, 2016, covering "transportation logistics services, namely, arranging the transportation of goods for others" in Class 35 and "supply chain logistics and reverse logistics services, namely, storage, transportation and delivery of goods for others by air, rail, ship or truck" in Class 39, is confusingly similar in sound, appearance and connotation to Petitioner's Marks, and has been cited against Petitioner's application Serial No. 88/662,782.
3. On information and belief, MX Logistics, LLC, an Oregon limited liability company, is a related company of Respondent.
4. MX's first use of Petitioner's Marks is well prior to July 21, 2016, the first use date included in Respondent's registration, and well prior to the May 31, 2018 date on which Respondent's related company changed its name from Market Express Logistics, LLC to MX Logistics, LLC.
5. TRANSPORT's  mark so resembles Petitioner's Marks as to be likely, when applied to the Respondent's Services, to cause confusion, or to cause mistake, or to deceive the public, in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).
6. TRANSPORT's  mark so resembles Petitioner's Marks that when applied to the services of TRANSPORT, that it has caused and continues to cause confusion, or to cause mistake, or to deceive the public, in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

7. The continued existence of Respondent's mark damages Petitioner, as the registration confers rights to which Respondent is not entitled, in view of Petitioner's priority of use and the similarities of Petitioner's and Respondent's marks and services.
8. MX believes that it will be and is being damaged by the continued registration of the marks in U.S. Registration No. 5,569,372. A true copy of Respondent's registration, including the status and file history from the USPTO's TSDR database, is attached as EXHIBIT B.

WHEREFORE, due to the harm to Petitioner, MX requests that the Petition for Cancellation be granted, and U.S. Reg. No. 5,569,372 be cancelled.

Respectfully submitted,

DATED: March 20, 2020

LEWIS BRISBOIS BISGAARD & SMITH LLP

By:



Jill Anderfuren
Daniel C. DeCarlo
Lewis Brisbois Bisgaard & Smith LLP
Attorney for Petitioner,
Mario's Express Service Inc. d/b/a MX Logistics
Jill.Anderfuren@lewisbrisbois.com
Dan.DeCarlo@lewisbrisbois.com
USDocket@lewisbrisbois.com

Generated on: This page was generated by TSDR on 2020-03-20 17:03:36 EDT

Mark: MX



US Serial Number: 88662782

Application Filing Date: Oct. 21, 2019

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: A non-final Office action has been sent (issued) to the applicant. This is a letter from the examining attorney requiring additional information and/or making an initial refusal. The applicant must respond to this Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Jan. 29, 2020

Mark Information

Mark Literal Elements: MX

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of MX in a circle with a backward slant separating the letter M and letter X.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Design Search Code(s): 26.01.21 - Circles that are totally or partially shaded.
26.17.01 - Bands, straight; Bars, straight; Lines, straight; Straight line(s), band(s) or bar(s)
26.17.06 - Bands, diagonal; Bars, diagonal; Lines, diagonal; Diagonal line(s), band(s) or bar(s)
26.17.08 - Band, one (geometric); Line, one; Bar, one; One line, band, bar or angle

Name Portrait Consent: The name(s), portrait(s), and/or signature(s) shown in the mark does not identify a particular living individual.

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: Transportation logistics services, namely, arranging the transportation of goods for others

International Class(es): 035 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 12, 2016

Use in Commerce: Jan. 12, 2016

For: Transportation and storage of goods

International Class(es): 039 - Primary Class

U.S Class(es): 100, 105

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 12, 2016

Use in Commerce: Jan. 12, 2016

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: Mario's Express Service Inc

DBA, AKA, Formerly: DBA MX Logistics

Owner Address: 45 Fernwood Avenue, 2
Edison, NEW JERSEY UNITED STATES 08837

Legal Entity Type: CORPORATION

State or Country Where Organized: NEW JERSEY

Attorney/Correspondence Information

Attorney of Record - None

Correspondent

Correspondent Name/Address: MARIO'S EXPRESS SERVICE INC
45 FERNWOOD AVENUE, 2
EDISON, NEW JERSEY UNITED STATES 08837

Phone: 732-952-8012

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jan. 29, 2020	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jan. 29, 2020	NON-FINAL ACTION E-MAILED	6325
Jan. 29, 2020	NON-FINAL ACTION WRITTEN	67512
Jan. 27, 2020	ASSIGNED TO EXAMINER	67512
Oct. 26, 2019	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Oct. 25, 2019	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Oct. 24, 2019	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: BELENKER, ESTHER ANN

Law Office Assigned: LAW OFFICE 111

File Location

Current Location: TMO LAW OFFICE 111 - EXAMINING ATTORNEY ASSIGNED

Date in Location: Jan. 29, 2020

EXHIBIT A

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 88662782

Filing Date: 10/21/2019

*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	\\TICRS\EXPORT17\IMAGEOUT\17\886\627\88662782\xml1\FTK0002.JPG
*SPECIAL FORM	YES
USPTO-GENERATED IMAGE	NO
LITERAL ELEMENT	MX
*COLOR MARK	NO
*COLOR(S) CLAIMED (If applicable)	
*DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of MX in a circle with a backward slant separating the letter M and letter X.
PIXEL COUNT ACCEPTABLE	YES
PIXEL COUNT	940 x 932
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	Mario's Express Service Inc
DBA/AKA/TA/FORMERLY	DBA MX Logistics
*STREET	45 Fernwood Avenue, 2
*CITY	Edison
*STATE (Required for U.S. applicants)	New Jersey
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. and certain international addresses)	08837
PHONE	732-952-8012
EMAIL ADDRESS	lcpereira@mxlogistics.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes

LEGAL ENTITY INFORMATION	
*TYPE	CORPORATION
* STATE/COUNTRY OF INCORPORATION	New Jersey
GOODS AND/OR SERVICES AND BASIS INFORMATION	
*INTERNATIONAL CLASS	035
*IDENTIFICATION	Transportation logistics services, namely, arranging the transportation of goods for others
*FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 01/12/2016
FIRST USE IN COMMERCE DATE	At least as early as 01/12/2016
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT17\IMAGEOUT17\886\627\88662782\xml1\ FTK0003.JPG
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT17\IMAGEOUT17\886\627\88662782\xml1\ FTK0004.JPG
SPECIMEN DESCRIPTION	digital images of a website currently used in commerce
*INTERNATIONAL CLASS	039
*IDENTIFICATION	Transportation and storage of goods
*FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 01/12/2016
FIRST USE IN COMMERCE DATE	At least as early as 01/12/2016
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT17\IMAGEOUT17\886\627\88662782\xml1\ FTK0005.JPG
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT17\IMAGEOUT17\886\627\88662782\xml1\ FTK0006.JPG
SPECIMEN DESCRIPTION	digital images of a website currently used in commerce
ADDITIONAL STATEMENTS SECTION	
*TRANSLATION (if applicable)	
*TRANSLITERATION (if applicable)	
*CLAIMED PRIOR REGISTRATION (if applicable)	
* CONSENT (NAME/LIKENESS) (if applicable)	The name(s), portrait(s), and/or signature(s) shown in the mark does not identify a particular living individual.
* CONCURRENT USE CLAIM (if applicable)	
SIGNIFICANCE OF MARK	The word(s) MX has no meaning in a foreign language.
CORRESPONDENCE INFORMATION	
*NAME	Mario's Express Service Inc
*STREET	45 Fernwood Avenue, 2
*CITY	Edison
*STATE (Required for U.S. addresses)	New Jersey

* COUNTRY	United States
* ZIP/POSTAL CODE	08837
PHONE	732-952-8012
* EMAIL ADDRESS	lcpereira@mxlogistics.com
* AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
APPLICATION FILING OPTION	TEAS Plus
NUMBER OF CLASSES	2
FEE PER CLASS	225
* TOTAL FEE PAID	450
SIGNATURE INFORMATION	
* SIGNATURE	/Luis Pereira/
* SIGNATORY'S NAME	Luis Pereira
* SIGNATORY'S POSITION	Vice President
SIGNATORY'S PHONE NUMBER	732-952-8012
* DATE SIGNED	10/21/2019

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 88662782

Filing Date: 10/21/2019

To the Commissioner for Trademarks:

MARK: MX (stylized and/or with design, see [mark](#))

The literal element of the mark consists of MX. The mark consists of MX in a circle with a backward slant separating the letter M and letter X. The applicant, Mario's Express Service Inc, DBA MX Logistics, a corporation of New Jersey, having an address of
45 Fernwood Avenue, 2
Edison, New Jersey 08837
United States
732-952-8012(phone)
lcpereira@mxlogistics.com

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 035: Transportation logistics services, namely, arranging the transportation of goods for others

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 035, the mark was first used by the applicant or the applicant's related company or licensee predecessor in interest at least as early as 01/12/2016, and first used in commerce at least as early as 01/12/2016, 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) digital images of a website currently used in commerce.

[Specimen File1](#)

[Specimen File2](#)

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 039: Transportation and storage of goods

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 039, the mark was first used by the applicant or the applicant's related company or licensee predecessor in interest at least as early as 01/12/2016, and first used in commerce at least as early as 01/12/2016, 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) digital images of a website currently used in commerce.

[Specimen File1](#)

[Specimen File2](#)

Significance of wording, letter(s), or numeral(s)

The word(s) MX has no meaning in a foreign language.

Name(s), Portrait(s), Signature(s) of individual(s)

The name(s), portrait(s), and/or signature(s) shown in the mark does not identify a particular living individual.

The applicant's current Correspondence Information:

Mario's Express Service Inc
45 Fernwood Avenue, 2
Edison, New Jersey 08837
732-952-8012(phone)
lcpereira@mxlogistics.com (authorized).

Email Authorization: I authorize the USPTO to send email correspondence concerning the application to the applicant or the applicant's attorney, or the applicant's domestic representative at the email address provided in this application. I understand that a valid email address must be maintained and that the applicant or the applicant's attorney must file the relevant subsequent application-related submissions via the Trademark Electronic Application System (TEAS). Failure to do so will result in the loss of TEAS Plus status and a requirement to submit an additional processing fee of \$125 per international class of goods/services.

A fee payment in the amount of \$450 has been submitted with the application, representing payment for 2 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 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
- 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 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: /Luis Pereira/ Date: 10/21/2019
Signatory's Name: Luis Pereira
Signatory's Position: Vice President
Signatory's Phone Number: 732-952-8012
Payment Sale Number: 88662782
Payment Accounting Date: 10/21/2019

Serial Number: 88662782
Internet Transmission Date: Mon Oct 21 18:37:38 EDT 2019
TEAS Stamp: USPTO/FTK-XXX.XX.XX.XX-20191021183738720

080-88662782-61032775986922e698f49a82072
e6dee5dabd3ef9c9d03acd8257dfd71d24bffb-D
A-37381650-20191021121015884718





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- QUICK LINKS
- Pad Wrap/Blanket Wrap
 - General & Special Commodities
 - Exhibit Services
 - New York City & Canada
 - Expedited Services, Ocean & Air
 - Logistic / Brokerage
 - Terminal Services
 - Lift Gate Service
 - Cross Dock, Consolidation Distribution & Warehousing
 - Storage Trailers

SERVICES

MX Logistics has built a reputation of doing whatever it takes to exceed its customers' expectations. We bring the best of breed systems, tools, and top-notch people to give you exceptional service. We ask every client to put us to the test first, before accepting our claims.

You can be confident that your shipment will arrive safely and on time. We have extensive rollout and shipment planning experience. We have a large trailer fleet equipped with Lift Gates and Ramps.

We track every shipment via our GPS-satellite system, which include alerts of potential early, or late, delivery including driver out of designated trip route. Our Drivers are accessible to our terminal center via our GPS and Communication (Qualcomm®) system.



Pad Wrap / Blanket Wrap

We offer unsurpassed value in the pad wrap market, which in turn provides our... [>>More](#)



Special & General Commodities

MX Logistics is equipped to handle the most delicate freight... [>>More](#)



Exhibit Services

MX Logistics is committed to deliver On-Time (door-to-door) upon the... [>>More](#)



Warehouse

Our warehouse and drop yard facility is located... [>>More](#)

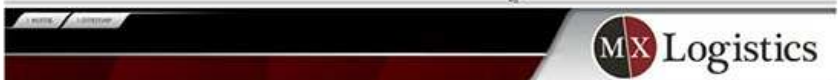


Lift Gate Service

We operate a large fleet of Lift Gate trailers that include 40' and 53' in addition to our... [>>More](#)

Logistics / Brokerage

Our logistics division complements our broad list of services with only qualified... [>>More](#)



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 - > General & Special Commodities
 - > Exhibit Services
 - > New York City & Canada
 - > Expedited Services, Ocean & Air
 - > Logistic / Brokerage
 - > Terminal Services
 - > Lift Gate Service
 - > Cross Dock, Consolidation Distribution & Warehousing
 - > Storage Trailers

LOGISTICS | BROKERAGE

Our logistics division complements our broad list of services with only qualified and experienced carriers. Our partner carriers have worked with our logistics division for years. Freight Systems Inc is able to provide the same range of services as MX Logistics.



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 - Terminal Services
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 - Cross Dock, Consolidation Distribution & Warehousing
 - Storage Trailers

SERVICES

MX Logistics has built a reputation of doing whatever it takes to exceed its customers' expectations. We bring the best of breed systems, tools, and top-notch people to give you exceptional service. We ask every client to put us to the test first, before accepting our claims.

You can be confident that your shipment will arrive safely and on time. We have extensive rollout and shipment planning experience. We have a large trailer fleet equipped with Lift Gates and Ramps.

We track every shipment via our GPS-satellite system, which include alerts of potential early, or late, delivery including driver out of designated trip route. Our Drivers are accessible to our terminal center via our GPS and Communication (Qualcomm®) system.



Pad Wrap / Blanket Wrap

We offer unsurpassed value in the pad wrap market, which in turn provides our... [»More](#)

Logistics / Brokerage

Our logistics division complements our broad list of services with only qualified... [»More](#)

Special & General Commodities

MX Logistics is equipped to handle the most delicate freight... [»More](#)

Warehouse

Our warehouse and drop yard facility is located... [»More](#)

Exhibit Services

MX Logistics is committed to deliver On-Time (door-to-door) upon the... [»More](#)

Lift Gate Service

We operate a large fleet of Lift Gate trailers that include 40' and 53' in addition to our... [»More](#)






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 - ▶ General & Special Commodities
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 - ▶ Expedited Services, Ocean & Air
 - ▶ Logistic / Brokerage
 - ▶ Terminal Services
 - ▶ Lift Gate Service
 - ▶ Cross Dock, Consolidation Distribution & Warehousing
 - ▶ Storage Trailers

TRAILERS FOR STORAGE

Storage Trailers Available
Logistics E-Tracks on all trailers.

Outside Dimensions			Inside Dimensions			Door Opening	
Length	Width	Height	Length	Width	Height	Roll Up	Swing
53'	102'	13'-6"	52'-7"	98 3/4"	110"	---	109"

Dickinson, Mary

From: TEAS@uspto.gov
Sent: Friday, March 20, 2020 9:55 AM
To: USDocket
Subject: [EXT] 47509-6000US Serial number 88841679: Received Your Trademark/Service Mark Application, Principal Register

External Email

**Filing Receipt for Trademark/Service Mark Application for Registration
on the Principal Register
and Next Steps in the Application Process**

Thank you for submitting your trademark application to the U.S. Patent and Trademark Office (USPTO). This filing receipt confirms your mark and serial number, describes next steps in the application process, and includes the information submitted in your application. Please read this receipt carefully and keep a copy for your records.

For an overview of important things to know after filing your application, visit our website to read the [After You File](#) page and watch video number 9 "[After You File](#)."

1. Your mark. MX LOGISTICS (Standard Characters, mark.jpg)

The literal element of the mark consists of MX LOGISTICS. The mark consists of standard characters, without claim to any particular font style, size, or color.

2. Your serial number. Your application was assigned serial number '88841679'. You must refer to your serial number in all communications about your application.

3. What happens next—legal examination. Your mark will not be registered automatically. In approximately three months, your application will be assigned to a USPTO examining attorney for review. The attorney will determine if your application meets all applicable legal requirements, and if it doesn't you will be notified in an email with a link to the official Office action (official letter from the USPTO). Visit our website for an explanation of [application process timelines](#).

If your mark includes a design element, we will assign it one or more [design search codes](#). We will notify you of these codes within the next few weeks and you can suggest that we add or delete a design search code from your file.

4. Keep your addresses current in USPTO records. We do not extend filing deadlines if you do not receive USPTO mail or email. If your postal address or email address changes, you must update the correspondence or owner's address using the [address forms](#) on our website.

5. Check your application status in our database every three to four months. To be sure that you don't miss an important email from us, and to avoid the possible [abandonment](#) of your application, check your application status and review your documents in our database, [Trademark Status and Document Retrieval \(TSDR\)](#), every three to four months.

6. Warning about private companies offering trademark-related services. Private companies may send you communications that resemble official USPTO communications. These private companies are not associated with the USPTO. All official correspondence will be from the "United States Patent and Trademark Office" in Alexandria, Virginia, and from emails with the domain "uspto.gov." If you are unsure about whether the correspondence is from us, check your records in our database, [TSDR](#). Visit our website for more information on trademark-related [communications that may resemble official USPTO communications](#).

7. Questions? Please visit our [website](#), [email us](#), or call us at 1-800-786-9199 and select option 1.

8. Application data. If you find an error in the data below, visit the [After You File](#) page on our website for information on correcting errors.

The information submitted in the application appears below:

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO Form 1478 (Rev 09/2006)

OMB No. 0651-0009 (Exp 02/28/2021)

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

*NOTE: Data fields with the * are mandatory. 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	mark.jpg
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	MX LOGISTICS
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size, or color.
APPLICANT INFORMATION	
*OWNER OF MARK	Mario's Express Service Inc
DBA/AKA/TA/FORMERLY	DBA MX Logistics
*MAILING ADDRESS	45 Fernwood Avenue, 2
*CITY	Edison

*STATE (Required for U.S. applicants)	New Jersey
*COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
*ZIP/POSTAL CODE (Required for U.S. and certain international addresses)	08837
*EMAIL ADDRESS	lcpereira@mxlogistics.com
LEGAL ENTITY INFORMATION	
*TYPE	CORPORATION
*STATE/COUNTRY/REGION/JURISDICTION/U.S. TERRITORY OF INCORPORATION	New Jersey
GOODS AND/OR SERVICES AND BASIS INFORMATION	
*INTERNATIONAL CLASS	035
*IDENTIFICATION	Transportation logistics services, namely, arranging the transportation of goods for others
*FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 12/31/2015
FIRST USE IN COMMERCE DATE	At least as early as 01/12/2016
SPECIMEN FILE NAME(S)	SPE0-387414652-2020031911 2500580911_._MX_logistics_35.JPG
	SPE0-387414652-2020031911 2500580911_._Mx_logistics_35_2.JPG
SPECIMEN DESCRIPTION	website screenshot
*INTERNATIONAL CLASS	039
*IDENTIFICATION	Transportation and storage of goods
*FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 12/31/2015
FIRST USE IN COMMERCE DATE	At least as early as 01/12/2016
SPECIMEN FILE NAME(S)	SPE0-387414652-2020031911 2500580911_._MX_logistics_39.JPG
	SPE0-387414652-2020031911 2500580911_._MX_logistics_39_2.JPG
SPECIMEN DESCRIPTION	website screenshot
ADDITIONAL STATEMENTS INFORMATION	

*TRANSLATION (if applicable)	
*TRANSLITERATION (if applicable)	
*CLAIMED PRIOR REGISTRATION (if applicable)	
*CONSENT (NAME/LIKENESS) (if applicable)	
*CONCURRENT USE CLAIM (if applicable)	
ATTORNEY INFORMATION	
NAME	Jill Anderfuren
ATTORNEY DOCKET NUMBER	47509-6000US
ATTORNEY BAR MEMBERSHIP NUMBER	6202754
YEAR OF ADMISSION	1990
U.S. STATE/ COMMONWEALTH/ TERRITORY	Illinois
FIRM NAME	Lewis Brisbois Bisgaard & Smith LLP
INTERNAL ADDRESS	Suite 300
STREET	550 West Adams Street
CITY	Chicago
STATE	Illinois
COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
ZIP/POSTAL CODE	60661
PHONE	312-345-1718
FAX	3123451778
EMAIL ADDRESS	USDocket@lewisbrisbois.com
CORRESPONDENCE INFORMATION	
NAME	Jill Anderfuren
PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE	USDocket@lewisbrisbois.com
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)	NOT PROVIDED
FEE INFORMATION	
APPLICATION FILING OPTION	TEAS Plus
NUMBER OF CLASSES	2

APPLICATION FOR REGISTRATION PER CLASS	225
*TOTAL FEES DUE	450
*TOTAL FEES PAID	450
SIGNATURE INFORMATION	
* SIGNATURE	/Luis Pereira/
* SIGNATORY'S NAME	Luis Pereira
* SIGNATORY'S POSITION	Vice President
SIGNATORY'S PHONE NUMBER	732-346-6666
* DATE SIGNED	03/20/2020

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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: 88841679

Filing Date: 03/20/2020

To the Commissioner for Trademarks:

The applicant, Mario's Express Service Inc, DBA MX Logistics, a corporation of New Jersey, having an address of

45 Fernwood Avenue, 2
Edison, New Jersey 08837
United States
lcpereira@mxlogistics.com

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:

International Class 035: Transportation logistics services, namely, arranging the transportation of goods for others

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 035, the mark was first used by the applicant or the applicant's related company or licensee predecessor in interest at least as early as 12/31/2015, and first used in commerce at least as early as 01/12/2016, 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) website screenshot.

Specimen-1 [SPE0-387414652-20200319112500580911_._MX_logistics_35.JPG]

Specimen-2 [SPE0-387414652-20200319112500580911_._Mx_logistics_35_2.JPG]

International Class 039: Transportation and storage of goods

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 039, the mark was first used by the applicant or the applicant's related company or licensee predecessor in interest at least as early as 12/31/2015, and first used in commerce at least as early as 01/12/2016, 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) website screenshot.

Specimen-1 [SPE0-387414652-20200319112500580911_._MX_logistics_39.JPG]

Specimen-2 [SPE0-387414652-20200319112500580911_._MX_logistics_39_2.JPG]

The owner's/holder's proposed attorney information: Jill Anderfuren. Jill Anderfuren of Lewis Brisbois Bisgaard & Smith LLP, is a member of the Illinois bar, admitted to the bar in 1990, bar membership no. 6202754, is located at

Suite 300

550 West Adams Street

Chicago, Illinois 60661

United States

312-345-1718(phone)

3123451778(fax)

USDocket@lewisbrisbois.com

The docket/reference number is 47509-6000US.

Jill Anderfuren submitted the following statement: The attorney of record is an active member in good standing of the bar of the highest court of a U.S. state, the District of Columbia, or any U.S. Commonwealth or territory.

The applicant's current Correspondence Information:

Jill Anderfuren

PRIMARY EMAIL FOR CORRESPONDENCE: USDocket@lewisbrisbois.com

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 \$450 has been submitted with the application, representing payment for 2 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: /Luis Pereira/ Date: 03/20/2020
Signatory's Name: Luis Pereira
Signatory's Position: Vice President
Signatory's Phone Number: 732-346-6666

Thank you,

The TEAS support team

Fri Mar 20 10:55:01 ET 2020

STAMP: USPTO/FTK-38.74.146.52-20200320105501782300-88841679-

71037c038d146b7da9a574bee57d3ec3297cce9d436cabb19183a9372a547c6-CC-54593407-
20200319141033261698

Generated on: This page was generated by TSDR on 2020-03-20 17:10:10 EDT

Mark: MX



US Serial Number: 87782454

Application Filing Date: Feb. 02, 2018

US Registration Number: 5569372

Registration Date: Sep. 25, 2018

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Service Mark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Sep. 25, 2018

Publication Date: Jul. 10, 2018

Mark Information

Mark Literal Elements: MX

Standard Character Claim: No

Mark Drawing Type: 5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FORM

Description of Mark: The mark consists of the letters "MX" with "M" in gray and a stylized "X" in red.

Color Drawing: Yes

Color(s) Claimed: The color(s) gray and red is/are claimed as a feature of the 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: Transportation logistics services, namely, arranging the transportation of goods for others

International Class(es): 035 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Jul. 21, 2016

Use in Commerce: Jul. 21, 2016

For: Supply chain logistics and reverse logistics services, namely, storage, transportation and delivery of goods for others by air, rail, ship or truck

International Class(es): 039 - Primary Class

U.S Class(es): 100, 105

Class Status: ACTIVE

Basis: 1(a)

First Use: Jul. 21, 2016

Use in Commerce: Jul. 21, 2016

Basis Information (Case Level)

Filed Use: Yes
Filed ITU: No
Filed 44D: No
Filed 44E: No
Filed 66A: No
Filed No Basis: No

Currently Use: Yes
Currently ITU: No
Currently 44E: No
Currently 66A: No
Currently No Basis: No

Current Owner(s) Information

Owner Name: Transport Holdings LLC
Owner Address: 10210 N. Vancouver Way
Portland, OREGON UNITED STATES 97217
Legal Entity Type: LIMITED LIABILITY COMPANY
State or Country Where Organized: OREGON

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Christoher D. Erickson
Attorney Primary Email Address: trademark@tonkon.com
Docket Number: 38029
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: CHRISTOHER D. ERICKSON
TONKON TORP LLP
888 S.W. FIFTH AVENUE
1600 PIONEER TOWER
PORTLAND, OREGON UNITED STATES 97204
Phone: 503-221-1440
Correspondent e-mail: trademark@tonkon.com
Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Oct. 23, 2019	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Sep. 25, 2018	REGISTERED-PRINCIPAL REGISTER	
Jul. 10, 2018	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jul. 10, 2018	PUBLISHED FOR OPPOSITION	
Jun. 20, 2018	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jun. 06, 2018	ASSIGNED TO LIE	73797
May 21, 2018	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 21, 2018	EXAMINER'S AMENDMENT ENTERED	88888
May 21, 2018	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
May 21, 2018	EXAMINERS AMENDMENT E-MAILED	6328
May 21, 2018	EXAMINERS AMENDMENT -WRITTEN	74304
May 16, 2018	ASSIGNED TO EXAMINER	74304
Feb. 12, 2018	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Feb. 06, 2018	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION
Date in Location: Sep. 25, 2018

EXHIBIT B

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: Transport Holdings LLC

Assignment 1 of 1

Conveyance: SECURITY AGREEMENT

Reel/Frame: [6769/0902](#)

Pages: 8

Date Recorded: Oct. 11, 2019

Supporting Documents: [assignment-tm-6769-0902.pdf](#)

Assignor

Name: [TRANSPORT HOLDINGS LLC](#)

Execution Date: Oct. 10, 2019

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: OREGON

Assignee

Name: [BMO HARRIS BANK N.A., AS AGENT](#)

Legal Entity Type: ASSOCIATION

State or Country Where Organized: UNITED STATES

Address: 115 SOUTH LASALLE STREET
CHICAGO, ILLINOIS 60603

Correspondent

Correspondent Name: CT CORPORATION

Correspondent Address: 2929 ALLEN PARKWAY
SUITE 3300
HOUSTON, TX 77019

Domestic Representative - Not Found

United States of America

United States Patent and Trademark Office



Reg. No. 5,569,372

Registered Sep. 25, 2018

Int. Cl.: 35, 39

Service Mark

Principal Register

Transport Holdings LLC (OREGON LIMITED LIABILITY COMPANY)
10210 N. Vancouver Way
Portland, OREGON 97217

CLASS 35: Transportation logistics services, namely, arranging the transportation of goods for others

FIRST USE 7-21-2016; IN COMMERCE 7-21-2016

CLASS 39: Supply chain logistics and reverse logistics services, namely, storage, transportation and delivery of goods for others by air, rail, ship or truck

FIRST USE 7-21-2016; IN COMMERCE 7-21-2016

The color(s) gray and red is/are claimed as a feature of the mark.

The mark consists of the letters "MX" with "M" in gray and a stylized "X" in red.

SER. NO. 87-782,454, FILED 02-02-2018



Andrei Iancu

Director of the United States
Patent and Trademark Office

REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION

WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.

Requirements in the First Ten Years*

What and When to File:

- **First Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.
- **Second Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

- You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.