

SECTION 1(b) INTENT-TO-USE APPLICATION TIMELINE

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Start

Application filed

approx.
3 months

USPTO reviews
application

approx.
1 month

USPTO publishes mark

OR

USPTO issues letter (Office Action)

within
6 months

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Application filed

The filed application is assigned a serial number. This number should always be referenced when communicating with the USPTO. The applicant can check the status of any application throughout the entire process by entering the application serial number at <http://tarr.uspto.gov> or by calling the trademark status line at 571-272-5400.

USPTO reviews application

If the minimum filing requirements are met, the application is assigned to an examining attorney. The examining attorney conducts a review of the application to determine whether federal law permits registration. Filing fee(s) will not be refunded, even if the application is later refused registration on legal grounds.

USPTO publishes mark

If no refusals or additional requirements are identified, the examining attorney approves the mark for publication in the **Official Gazette** (OG). The OG, a weekly online publication, gives notice to the public that the USPTO plans to issue a registration. Approximately 1 month after approval, the mark will publish in the OG for a 30-day opposition period. Any party who believes it would be harmed by the registration may file an objection (opposition) within that 30-day period with the Trademark Trial and Appeal Board. No further action is taken until the opposition is resolved.

USPTO issues letter (Office Action)

If refusals or requirements must still be satisfied, the examining attorney assigned to the application issues a letter (Office Action) stating the refusals/requirements. Within 6 months of the issuance date of the Office action, the applicant must submit a response that addresses each refusal and requirement.

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Applicant timely responds

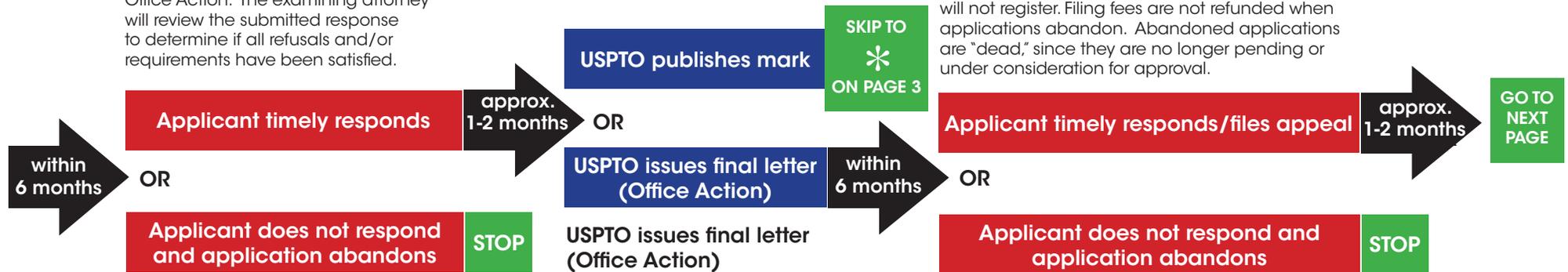
In order to avoid abandonment of the application, the applicant must submit a timely response addressing each refusal and/or requirement stated in the Office Action. The examining attorney will review the submitted response to determine if all refusals and/or requirements have been satisfied.

USPTO publishes mark

If the applicant's response overcomes the refusals and/or satisfies all requirements, the examining attorney approves the mark for publication in the *Official Gazette* (OG). The OG, a weekly online publication, gives notice to the public that the USPTO plans to issue a registration. Approximately 1 month after approval, the mark will publish in the OG for a 30-day opposition period. Any party who believes it would be harmed by the registration may file an objection (opposition) within that 30-day period with the Trademark Trial and Appeal Board. No further action is taken until the opposition is resolved.

Applicant timely responds and/or files appeal

To avoid abandonment of the application, the applicant must submit a timely response addressing each refusal and/or requirement stated in the "Final" refusal letter (Office Action). Alternatively, or in addition to the response, the applicant may also submit a Notice of Appeal to the Trademark Trial and Appeal Board (TTAB). The examining attorney will review the submitted response to determine if all refusals and/or requirements have been satisfied. If the applicant's response fails to overcome the refusals and/or satisfy the outstanding requirements, the application will be abandoned unless the applicant has filed a Notice of Appeal, in which case the application is forwarded to the TTAB. The term "abandoned" means that the application process has ended and the trademark will not register. Filing fees are not refunded when applications abandon. Abandoned applications are "dead," since they are no longer pending or under consideration for approval.



Applicant does not respond and application abandons

If the applicant does not respond within 6 months from the date the Office Action was issued, the application is abandoned. The term "abandoned" means that the application process has ended and the trademark will not register. Filing fees are not refunded when applications abandon. Abandoned applications are "dead," since they are no longer pending or under consideration for approval. To continue the application process, the applicant must file a petition to revive the application within 2 months of the abandonment date. If more than 2 months after the abandonment date, the petition will be denied as untimely and the applicant must file a new application with the appropriate fee(s).

USPTO issues final letter (Office Action)

If the applicant's response fails to overcome the refusals and/or satisfy the outstanding requirements, the examining attorney will issue a "Final" refusal letter (Office Action). The Office Action makes "final" any remaining refusals or requirements. An applicant may respond to a final office action by (a) overcoming the refusals and complying with the requirements, or (b) appealing to the Trademark Trial and Appeal Board (TTAB).

Applicant does not respond and application abandons

If the applicant does not respond within 6 months from the date the Office Action was issued, the application is abandoned. The term "abandoned" means that the application process has ended and the trademark will not register. Filing fees are not refunded when applications abandon. Abandoned applications are "dead," since they are no longer pending or under consideration for approval. To continue the application process, the applicant must file a petition to revive the application within 2 months of the abandonment date. If more than 2 months after the abandonment date, the petition will be denied as untimely and the applicant must file a new application with the appropriate fee(s).

USPTO publishes mark

If the applicant's response overcomes the refusals and/or satisfies all requirements of the "Final" refusal letter (Office Action), the examining attorney approves the mark for publication in the *Official Gazette* (OG). The OG, a weekly online publication, gives notice to the public that the USPTO plans to issue a registration. Approximately 1 month after approval, the mark will publish in the OG for a 30-day opposition period. Any party who believes it would be harmed by the registration may file an objection (opposition) within that 30-day period with the Trademark Trial and Appeal Board (TTAB). No further action is taken until the opposition is resolved.



Applicant's appeal sent to TTAB

If the applicant's response does not overcome the refusals and/or satisfy all of the requirements and the applicant has filed a Notice of appeal with the Trademark Trial and Appeal Board (TTAB), the appeal will be forwarded to the TTAB. Information about the TTAB can be found at www.uspto.gov.



Notice of Allowance (NOA) is issued

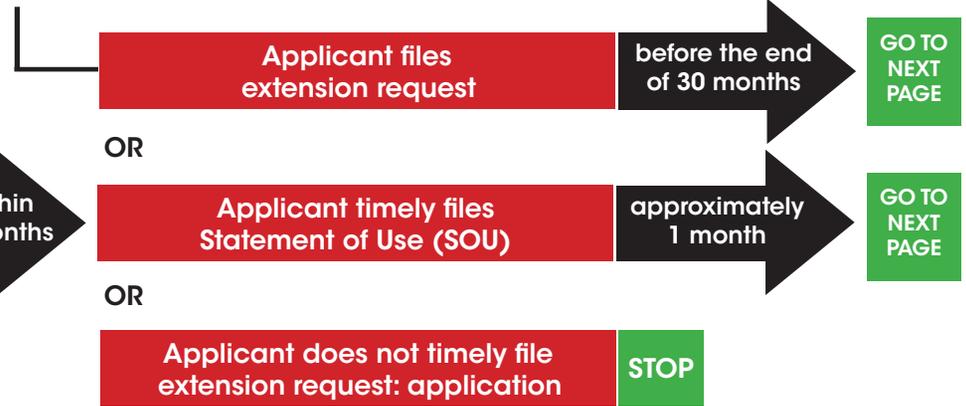
A NOA is issued to the applicant within 3 months after the mark is published in the Official Gazette. The NOA is not a registration, but indicates that the mark will be allowed to register after an acceptable Statement of Use (SOU) is filed. The deadline for filing an SOU or request for extension of time (extension request) to file an SOU is calculated from the date the NOA issued. If the applicant does not file an SOU or extension request within 6 months of the date the NOA issued, the application will abandon.

Applicant files extension request

If the applicant is not using the mark in commerce on all of the goods/services listed in the NOA, the applicant must file an extension request and the required fee(s) to avoid abandonment. Because extension requests are granted in 6 month increments, applicant must continue to file extension requests every 6 months. A total of 5 extension requests may be filed. The first extension request must be filed within 6 months of the issuance date of the NOA and subsequent requests before the expiration of a previously granted extension.

Applicant timely files Statement of Use (SOU)

If the applicant is using the mark in commerce on **all** of the goods/services listed in the NOA, the applicant must submit an SOU and the required fee(s) within 6 months from the date the NOA issued to avoid abandonment. Applicant cannot withdraw the SOU; however, the applicant may file one extension request with the SOU to provide more time to overcome deficiencies in the SOU. No further extension requests may be filed.



Applicant does not timely file SOU or extension request: application abandons

If the applicant does not file an SOU or extension request within 6 months from the date the Notice of Allowance issued, the application is abandoned (no longer pending/under consideration for approval). To continue the application process, the applicant must file a petition to revive the application within 2 months of the abandonment date.

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Applicant timely files SOU after requesting extensions

If the applicant is using the mark in commerce on **all** the goods/services listed in the NOA, the applicant must submit an SOU and the required fee(s) within 6 months from the previous extension to avoid abandonment. Applicant cannot withdraw the SOU; however, the applicant may file one extension request with the SOU to provide more time to overcome deficiencies in the SOU. No further extension requests may be filed.

before the end of 30 months

Applicant timely files SOU after requesting extensions

approximately 1 month

USPTO reviews SOU

approx. 1 month

USPTO reviews SOU

If the minimum filing requirements are met, the SOU is forwarded to the examining attorney. The examining attorney conducts a review of the SOU to determine whether federal law permits registration. The applicant cannot withdraw the SOU and the filing fee(s) will not be refunded, even if the application is later refused registration on legal grounds.

SOU is approved and mark registers

If no refusals or additional requirements are identified, the examining attorney approves the SOU. Within approximately 2 months after the SOU is approved, the USPTO issues a registration. To keep the registration "live," the registrant must file specific maintenance documents.

SOU is approved and mark registers

between 5-6 years

every 10 years

OR

USPTO issues letter (Office Action)

STOP

USPTO issues letter (Office action)

If refusals or requirements must still be satisfied, the examining attorney assigned to the application issues a letter (Office action) stating the refusals/requirements. This is the same process that occurs prior to publication of the mark if the examining attorney determines that legal requirements must be met. The process and timeframes remain the same, except that if issues are ultimately resolved and the SOU is approved, the USPTO issues a registration within approximately 2 months. If all issues are not resolved, the application will abandon.

Registration owner files Section 8 declaration

Before the end of the six-year period after the registration date, or within the six-month grace period after the expiration of the sixth year, the registration owner must file a Declaration of Use or Excusable Nonuse under Section 8. Failure to file this declaration will result in the cancellation of the registration.

Owner files Section 8 declaration

AND

Owner files Section 8 declaration / Section 9 renewal

STOP

Registration owner files Section 8 declaration / Section 9 renewal

Within one year before the end of every 10-year period after the registration date, or within the six-month grace period thereafter, the registration owner must file a Combined Declaration of Use or Excusable Nonuse/Application for Renewal under Sections 8 and 9. Failure to make these required filings will result in cancellation and/or expiration of the registration.

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