

Trademark Electronic Application System

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PTO Form No Form Number (Rev 01/2012)
OMB No. 0651-0061 (Exp. 09/30/2021)

Letter of Protest TEAS - Version 7.1

GENERAL FORM INFORMATION:

- TIMEOUT WARNING:** After 25 minutes of [inactivity](#), you will be prompted to continue your session. If you do not continue within 5 minutes, the session will end, you will be logged out of your USPTO.gov account, and you will lose any unsaved data in the form. Please have all of your information ready before you start.
- DO NOT USE YOUR BROWSER BACK/FORWARD BUTTONS:** Use only the navigation buttons at the bottom of each page.
- TIPS ON USING THIS FORM MOST EFFECTIVELY:** [Click here](#) or on any underlined word for additional information.
- REQUIRED FIELDS:** All have an **ASTERISK (*)**, and the form will not validate if these fields are not filled-out.

FOLLOW THE STEPS BELOW TO ACCESS THE LETTER OF PROTEST FORM:

STEP 1: CHECK STATUS.

The USPTO will accept a letter of protest filed before publication in all cases where it is determined that the evidence is relevant and supports any reasonable ground for refusal appropriate in ex parte examination. When a letter of protest is filed on the date of publication or within 30 days after the date of publication, the letter of protest will be accepted only where publication of the mark constituted clear error. Letters of protest filed more than 30 days after publication are generally denied as untimely. [Confirm the status of the application](#) before proceeding. If the application is not in the correct status, you will receive an error message when you click the "Continue" button.

STEP 2: ENTER THE U.S. APPLICATION SERIAL NUMBER BEING PROTESTED BELOW OR ACCESS PREVIOUSLY FILLED-OUT/SAVED FORM.

* **Serial Number:** *(Do not enter serial number if you are accessing your saved form.)*

OR

To upload a previously saved form file, first review the [TEAS Help instructions for accessing previously saved data](#) and then use the "Browse..." button below to access the form file saved on your computer. **WARNING:** Failure to follow the TEAS Help instructions will result in the inability to edit your data.

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Serial Number	
Mark	
Owner/Holder Information	
Attorney Information	
Publication Date	

Legal Basis*

*What is the [legal basis](#) for your letter of protest? (More than one option can be selected.) Please note that prior use of the mark, a dispute over ownership of mark, or issues of fraud are NOT an appropriate legal basis for filing a letter of protest and will result in the denial of the letter of protest.

Mark is likely to cause confusion with an existing U.S. Trademark Registration or prior pending application or application with an earlier effective filing date or priority claim. Enter U.S. Registration Number/Serial Number in text box. If identifying more than five Registrations Number/Serial Numbers, you must attach a chart in the evidence section on the next screen. Please only list the most relevant registrations or applications.

Mark is generic.

Mark is merely descriptive or misdescriptive, or should have an element disclaimed on that basis.

Mark is primarily geographically descriptive or misdescriptive, or should have an element disclaimed on that basis.

Mark is involved in pending litigation that involves a federally registered mark or prior pending application. Remedy requested in court proceeding includes cancellation, abandonment or amendment of the protested application. Copy of the relevant pleading is attached in the evidence section.

Previously registered mark is being used inappropriately in the identification of goods/services. Enter U.S. Registration Number in text box. Identify the registered mark and exactly where in the identification of goods/service it is being used in the description of the evidence section on the next screen.

Other Legal Basis. Explanation of legal basis.

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EVIDENCE

You **must** attach evidence to support the legal grounds for refusal of registration. To maintain the integrity of the ex parte examination process, evidence should never identify the protestor or its representatives or contain any arguments or persuasive language. The evidence must be objective, independent, and factual and not consist of links to websites but include copies of the actual webpages.

An index in all letters of protests that contain multiple forms of evidence is encouraged. Any index or chart provided should not appear on letterhead, identify the protestor or include other extraneous information. A separate itemized index must be attached to any submission of evidence exceeding 75 pages or the letter of protest may be denied.

If the protest is based on a likelihood of confusion with a U.S. Registration(s) or prior pending application(s), do not attach the registration certificate or printout from the USPTO database as evidence. Instead this requirement is met by providing the U.S. Registration or serial number under the Legal Basis section of this form. If more than five U.S. Registrations or serial numbers are being provided, in addition to listing the numbers on the first page, you must provide a chart that includes all of the relevant numbers, marks, and identification of goods/services that are identical or related to the protested application. If the goods/services are not identical, evidence of the relatedness of the goods/services must be attached or the letter of protest may be denied.

If the legal basis for your letter of protest is that a previously registered mark is being used inappropriately in the protested application's identification of goods/services (ID), please identify the U.S. Registration number of the previously registered mark in the Legal Basis section of this form and, in the text entry box below, indicate the mark that appears in the protested application's ID and exactly where in the ID it is being used. You may also suggest an appropriate generic term that should be used instead of the registered mark.

Evidence	<p><u>Evidence File</u> Click on the 'Browse' button to select a JPG/PDF file that contains the evidence from your local drive.</p> <p>WARNING: The file size cannot exceed 5 megabytes per attachment for JPG or 30 megabytes per attachment for PDF. You must include evidence with your letter of protest.</p> <p>Click here to Attach Evidence 0 file(s) attached</p> <p><u>Describe what the evidence submitted consists of:</u></p> <div style="border: 1px solid black; height: 30px; width: 100%;"></div>
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Protestor and Correspondence Information	
* Name of Protestor	<input type="text"/>
* Correspondent Name for Letter of Protest	<input type="text"/>
Correspondent Law Firm (if applicable)	<input type="text"/>
* Street Address	NOTE: You must limit your entry here, and for all remaining fields within this overall section (except City, see below), to no more than 40 characters (the storage limit for the USPTO database). You may need to abbreviate some words, e.g., St. instead of Street. Failure to do so may result in an undeliverable address, due to truncation at the 40 character limit.
Suite/Apartment No	<input type="text"/>
* City	NOTE: You must limit your entry here to no more than 22 characters.
* State (Required for U.S. applicants)	State <input type="text" value="State"/> <input type="button" value="v"/>
* Country/Region/Jurisdiction/U.S. Territory	NOTE: You must include as part of the "City" entry any information related to geographical regions (e.g., provinces) not found in the dropdown lists for "States" or "Countries." Enter the city and then the geographical region, separated by a comma (e.g., Toronto, Ontario). In most instances, you will then also have to select the country within which the region is found, below. Select Country/Region/Jurisdiction/U.S. Territ <input type="text" value="Select Country/Region/Jurisdiction/U.S. Territ"/> <input type="button" value="v"/>
* Zip/Postal Code (Required for U.S. and certain international addresses)	<input type="text"/>
Phone Number	<input type="text"/>
Fax Number	<input type="text"/>
* Email Address	The USPTO will issue a decision on your letter of protest by email.

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Signature Information

Click to choose ONE [signature method](#):

[Sign directly](#) [Email Text Form to second party for signature](#) [Handwritten pen-and-ink signature](#)

Electronic Signature

To electronically sign this letter of protest, enter any alpha/numeric characters (letters/numbers) of your choosing, preceded and followed by the forward slash (/) symbol. Most signatories enter their name between the two forward slashes; examples of acceptable "signatures" include: /john doe/, /jd/, or /123-4567/.

* Signature	<input type="text"/>	* Date Signed	<input type="text"/> (MM/DD/YYYY)
* Signatory's Name	<input type="text"/>		
NOTE: The signatory must provide their first and last name. Use the following format: Last Name, First Name Middle Initial or Name, if applicable.			
* Signatory's Position	<input type="text"/>		
NOTE: Enter the appropriate title.			
Signatory's Phone Number	<input type="text"/>		

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Letter of Protest TEAS - Version 7.1 - Validation Page

On You completed all mandatory fields.

STEP 1: Review the form data in various formats, by clicking on the phrases under Form Data. Use the print function within your browser to print these pages for your own records.

Application Data			
Input	Evidence	XML File	Text Form

STEP 2: If any of the information is incorrect, click on the Go Back to Modify button (bottom of this page) to make changes; then re-validate the form by clicking on the Validate Form button (bottom of the form).
Note: If you are using the e-signature approach or the handwritten pen-and-ink signature approach, you must click on the final link to access the specific "text form" for that purpose.

STEP 3: If there are no errors and you are ready to file this form electronically, confirm the email address for acknowledgment. Once you submit the form electronically, we will send an electronic acknowledgment of receipt to the email address entered below. If no email address appears, you must enter one. If we should send the acknowledgment to a different email address, or to an additional address(es), please enter the proper address or additional address(es). For multiple addresses/receipts, please separate email addresses by either a semicolon or a comma.
NOTE: This email address is only for the purpose of receiving the acknowledgment that the transmission reached the USPTO, and is not related to the email that will be used for correspondence purposes (although it could be the same address). The official email address that the USPTO will use for any communication to whatever appears in the record for that purpose. If necessary, use the Change Address or Representation Form to update an email address, as it will NOT be changed based on the specific entry below.

* Email for acknowledgment	<input type="text"/>
To ensure we can deliver your email confirmation successfully, please re-enter your email address(es) here:	
* Email for acknowledgment	<input type="text"/>

STEP 4: To download and save the form, click on the [Save Form](#) button at the bottom of this page. The information will be saved to your local drive. To begin the submission process with saved data, you must open a new form, and click on the "Browse/Choose File" button displayed on the initial form wizard page, at "[OPTIONAL] To access previously-saved data, use the "Browse/Choose File" button below to access the file from your local drive." REMINDER: Do NOT try to open the saved .obj .xml form directly. You must return to the very first page of the form, as if starting a brand new form, and then use the specific "Browse/Choose File" button on that page to import the saved file. Clicking on the "Continue" button at the bottom of that first page will then properly open the saved version of your form.

STEP 5: Click on the **Submit** button below to complete the filing process. Shortly after clicking that button, you should see a screen that says SUCCESS! Within 24 hours, the email acknowledgement will also be sent.

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