

TRADEMARK LAW OFFICE 108

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Serial Number: 75/416234

Mark: CHIPOTLE MEXICAN GRILL (STYLIZED)

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**of Response to Office Action ONLY **

TRADEMARK

Atty. Docket No. 40911.840002.000

Express Mail No. EM202549436US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

5A

In re the Application of:

Chipotle Mexican Grill, Inc., a Delaware Corporation

Serial No.: 75/416,234

Filed: January 9, 1998

Mark: CHIPOTLE MEXICAN GRILL (Stylized)

Class: 042

Law Office: 108

Examiner: Amos T. Matthews



06-18-1999

U.S. Patent & TMOfr/TM Mail Rcpt Dt. #64

AMENDMENT

In response to the Second Office Action issued on April 20, 1999, in the above Application, Applicant respectfully amends its Application as follows:

1. Applicant amends its Application to seek registration on the Principal Register of the mark CHIPOTLE MEXICAN GRILL (stylized) under Section 2(f), 15 U.S.C. § 1052(f).

2. Applicant verifies the acquired distinctiveness of the mark with the attached Declaration under 37 C.F.R. § 2.20; 37 C.F.R. § 2.41(b); TMEP § 1212.05(d).

3. Applicant disclaims the exclusive right to use "Mexican Grill" by amending its application to add the following:

No claim is made to the exclusive right to use "Mexican Grill" apart from the mark as shown.

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REMARKS

AMENDMENT TO REGISTER UNDER 15 U.S.C. § 1052(f)

Applicant amends its Application to seek registration of the mark CHIPOTLE MEXICAN GRILL (stylized) on the Principal Register under 15 U.S.C. § 1052(f). The mark has become distinctive of Applicant's restaurant services through the substantially exclusive and continuous use of the mark in interstate commerce by Applicant for at least five years immediately preceding the date of this Amendment, as further verified in the accompanying Declaration. Specifically, Applicant has been using the mark CHIPOTLE MEXICAN GRILL (stylized) through substantially exclusive and continuous use in interstate commerce in connection with Applicant's restaurant services since July 13, 1993.

DISCLAIMER

Applicant adds the following disclaimer:

"NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE THE WORDS
'MEXICAN GRILL' APART FROM THE MARK AS SHOWN."

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CONCLUSION

With the above Amendment, Applicant respectfully requests that this
Application be approved for publication and ultimately registration on the Principal Register.

Dated: June 18, 1999

Respectfully submitted,



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ATTORNEYS FOR APPLICANT

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DECLARATION

The undersigned, being hereby warned that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18, of the United States Code, and that such willful, false statements may jeopardize the validity of the Application or any registration resulting therefrom, declares that he is the Chief Financial Officer of the Applicant corporation; that he is properly authorized to execute this Declaration confirming the factual accuracy of this Amendment on behalf of the Applicant; that he believes said corporation to be the owner of the mark sought to be registered; and that all statements made of his own knowledge are true and all statements made on information and belief are believed to be true. Additionally, Declarant verifies, in support of Applicant's claim of acquired distinctiveness, that Applicant has been using the CHIPOTLE MEXICAN GRILL (stylized) mark through substantially exclusive and continuous use in interstate commerce in connection with Applicant's restaurant services since July 13, 1993.

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Chipotle Mexican Grill, Inc.,
a Delaware corporation

June 14, 1999
Date

By: John Miller
John Miller
Title: Chief Financial Officer

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CERTIFICATE OF MAILING BY EXPRESS MAIL

BOX RESPONSES/NO FEE

Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

Sir:

The undersigned hereby certifies that the attached Amendment and return card relating to the above Application, was deposited as "Express Mail", Mailing Label No. EM202549436US, with the United States Postal Service, addressed to Box Responses/No Fee, Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513 on _

June 18, 1999.

Date June 18, 1999

Date June 18, 1999

Deborah A. Recker
Mailer

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