



06-18-1999

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #47

TRADEMARK LAW OFFICE 108
Serial Number: 75/416235
Mark: CHIPOTLE

108

Please Place on Upper Right Corner
of Response to Office Action ONLY

5A

TRADEMARK

Atty. Docket No. 40911.840004.000
Express Mail No. EM202549422US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Chipotle Mexican Grill, Inc., a Delaware Corporation

Serial No.: 75/416,235

Filed: January 9, 1998

Mark: CHIPOTLE

Class: 042

Law Office: 108
Examiner: Amos T. Matthews

AMENDMENT

In response to the Second Office Action issued on April 14, 1999, in the above Application, Applicant respectfully amends its Application as follows:

1. Applicant adopts the suggestion of the Examiner and respectfully amends its Application to seek registration of the mark CHIPOTLE on the Principal Register 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).

RECEIVED
1999 JUN 28 P 3 53
T.M.E.P.
LAW OFFICE 108

TRADEMARK
Atty. Docket No. 40911.840004.000
Express Mail No. EM202549422US

REMARKS

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

Applicant amends its Application to seek registration of the mark CHIPOTLE 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 CHIPOTLE mark through substantially exclusive and continuous use in interstate commerce in connection with Applicant's restaurant services since July 13, 1993.

Section
2(G)
Print
H

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,



Scott S. Havlick
Holland & Hart LLP
P.O. Box 8749
555-17th Street, Suite 3200
Denver, CO 80201
(303) 473-2700
ATTORNEYS FOR APPLICANT

TRADEMARK
Atty. Docket No. 40911.840004.000
Express Mail No. EM202549422US

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 mark through substantially exclusive and continuous use in interstate commerce in connection with Applicant's restaurant services since July 13, 1993.

Chipotle Mexican Grill, Inc.,
a Delaware corporation

Date

June 14, 1999

By:

John Miller
John Miller

Title: Chief Financial Officer

EM202549422US

TRADEMARK

Atty. Docket No. 40911.840004.000

Express Mail No. EM202549422US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Chipotle Mexican Grill, Inc., a Delaware Corporation

Serial No.: 75/416,235

Filed: January 9, 1998

Mark: CHIPOTLE

Class: 042

Law Office: 108

Examiner: Amos T. Matthews

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. EM202549422US, 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
June 18, 1999

Mailer

Deborah A. Rickers
Scott S. Havlick
Scott S. Havlick
Holland & Hart LLP
P.O. Box 8749
555-17th Street, Suite 3200
Denver, CO 80201
(303) 473-2700
ATTORNEYS FOR APPLICANT