

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT OWNER'S TRADEMARK REGISTRATION**

**U.S.
REGISTRATION
NO.** 4290593

79100367

**OWNER:
Organizaci3n
Interprofesional del
Aceite**

**CORRESPONDENT'S
ADDRESS:**

Rebecca
Lederhouse
BAKER &
MCKENZIE
LLP
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Randolph
Street
Suite 5000

CHICAGO,
IL 60601

MARK: SPANISH BREAKFAST

**CORRESPONDENT'S
REFERENCE/DOCKET NO.**
111420

**CORRESPONDENT'S EMAIL
ADDRESS:**

CLICK ON THE LINK BELOW TO RESPOND TO THIS LETTER AND SELECT FORM NUMBER 11:

http://www.uspto.gov/trademarks/teas/reg_maintain.jsp

POST REGISTRATION OFFICE ACTION

ISSUE/MAILING DATE: 3/7/2019

U.S. Registration Number 4290593

The Sections 71 & 15 Combined Affidavit, received on February 15, 2019, is otherwise acceptable; however, the holder/owner of the registration must comply with an audit as explained below.

Registration Selected for Audit

The USPTO is performing random audits of US trademark registrations to assess and promote the accuracy and integrity of the trademark register. *See* 37 C.F.R. §§2.161(h), 7.37(h). This registration has been randomly selected for audit to determine whether the mark is in use with all of the goods and/or services identified in the registration.

Detailed information regarding the audit program is provided on the following webpage – <https://www.uspto.gov/trademarks-maintaining-trademark-registration/post-registration-audit-program>.

To comply with the audit, you must submit proof of use of the registered mark for two additional goods and/or services per class. *Id.*

If proof of use for the goods and/or services identified is not available, the identified goods and/or services and any other goods and/or services not currently in use should be deleted from the registration.

Therefore, the holder/owner must submit the following:

(1) Proof of current use of the registered mark in commerce for the following goods and/or services:

- Postage stamps;
- Pen nibs, in International Class 16; and

- Rental of advertising space
- Services, namely, offering business management assistance in the establishment and operation of olive oil sales, in International Class 35; and

(2) The following statement, verified with an affidavit or signed declaration under 37 C.F.R. §2.20: “The owner or holder/owner was using the mark in commerce on or in connection with the goods and/or services identified in the registration for which use of the mark in commerce is claimed, as evidenced by the submitted proof of use, during the relevant period for filing the affidavit of use.” 37 C.F.R. §§2.161(h), 7.37(h).

Acceptable proof of use for goods includes photographs that show the mark on the actual goods or packaging, or photographs of displays associated with the actual goods at their point of sale. A tag or label that is not shown affixed to the goods is not acceptable proof of use. Similarly, a package that does not show or identify the goods therein is not acceptable proof of use. Acceptable proof of use for services includes signs, photographs, brochures, website printouts or advertisements that show the mark used in the actual sale or advertising of the services.

Form Declaration

Please note that the below statement verifying proof of use is slightly different than the standard substitute specimen statement.

The following statement and declaration under 37 C.F.R. §2.20 can be used to verify the use of the mark as evidenced by the item(s) submitted as proof of use, if properly signed and dated:

The owner or holder/owner was using the mark in commerce on or in connection with the goods and/or services identified in the registration for which use of the mark in commerce is claimed, as evidenced by the submitted proof of use and specimen(s), during the relevant period for filing the affidavit of use.

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 this submission, declares that the facts set forth above are true; all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature of Authorized Person

Type or Print Name

Date

WARNING:

If your response to this Office action does not meet the requirements of the audit, or includes a request to delete the goods and/or services identified for the audit, and goods and/or services remain in the registration without acceptable proof of use, a second Office action will issue requiring proof of use for all remaining goods and/or services for which proof of use is not of record. See 37 C.F.R. §§2.161(h), 7.37(h).

Therefore, the holder/owner should delete all goods and/or services for which proof of use cannot be provided.

RESPONSE TIME DEADLINE:

A complete response must be received within 6 months from the issuance date of this Office action. The holder/owner must respond to all inquiries set forth in this Office action to avoid cancellation of the registration.

If a response is not received, the registration will be cancelled in its entirety. 37 C.F.R. §7.39(a)-(b).

/Phillip D. White/
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Post Registration Division
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571-272-9665

TO RESPOND TO THIS LETTER: Use the Trademark Electronic Application System (TEAS) Response to Post-Registration Office action form number 11 at http://www.uspto.gov/trademarks/teas/reg_maintain.jsp. Please wait 48-72 hours from the issue/ mailing date before using TEAS, to allow for necessary system updates of the registration. For *technical* assistance with online forms, e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned specialist. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

All informal e-mail communications relevant to this registration will be placed in the official registration record.

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual owner or someone with legal authority to bind an owner (i.e., a corporate officer, a general partner, all joint owners). If an owner is represented by an attorney, the attorney must sign the response.

CHECK THE STATUS OF THE REGISTRATION: To check the status of your registration at any time, visit the Office's Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS: Use the TEAS form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.