

UNITED STATES TRADEMARK/SERVICEMARK

I. INITIAL FILING

Basic Federal Application includes confirmation of instructions, preparation of application, drawing page and simultaneous filing of specimens delivered to the United States Patent & Trademark Office, periodic reporting and notifications of official correspondence via e-mail. The Basic fees quoted herein do not include any search or clearance services, do not cover advisory opinions nor priorities based on Foreign registrations and filings, complex designations of trademark classifications, design or graphical drafting, nor other service fees, if any are required for responses to official actions, amendments, oppositions, objections and appeals. Any additional services are Invoiced at our Hourly Rate of \$350.00/hour (H/R^{\$}), plus expenses.

US1) Application for Trademark/Service Mark

- in 1 International class of goods or services	777
- 2 class application	1277
- 3 class application	1777
- 4 class application	2277
- 5 class application	2777

includes official filing fees for electronic filings and presumes up to 14 designated goods or services per International Class. If the applicant wishes to allege more than 14 items of designated goods/services in any particular class, the following surcharges will apply:

Number of items	Surcharge
15 - 20	55
20 - 24	75
25 - 30	95
31 - 39	120
40 - 50	150

In excess of 51 items, please request a quote (and include proposed specification [U.S. Acceptable Identification of Goods and Services Manual](#))

Transmission and forwarding of Registration certificate via U.S. Postal Mail 50

US2) Amending Intent-To-Use Applications*

a. Statement of Use/Amendment to Allege Use	100	177
b. Request for Extension of Time to File Statement of Use/Amendment to Allege Use	125/class	177

II. RENEWAL & MAINTENANCE

US3) Application for Renewal of U.S. Trademark/Service Mark Registration

(Section 8 or Section 71 – First Renewal – filed between the 5th & 6th year after registration)
125/class 200

US4) Affidavit of Continued Use (Sec. 8& 9)[†]

(Combined Sections 8 & 9 filed every 10 years after registration)

- in 1 st class of goods and services	500	277
- for each additional class	500	177

US5) Affidavit of Incontestability (Sec. 15)[‡]

200/class 177

US6) Combined Affidavit of Use/Incontestability[§]

(Sec. 8 & 15) 300/class 250

US7) Late Renewal within the 6-month grace period

100/class 100

US8) Recordal of Assignments at the USPTO

-first mark per document	40	177
- for second and subsequent marks in the same document	25	77

III. INTER-PARTES PROCEEDINGS AT THE TRADEMARK TRIAL AND APPEAL BOARD

	Official Fee (US\$)	Attorney Fee (US\$)
US9) Notice of Opposition	400/class	H/R ^{\$}
US10) Petition for Cancellation	400/class	H/R ^{\$}
US11) Notice of Ex Parte Appeal	200/class	H/R ^{\$}
IV. ADVICE, SEARCH, CLEARANCE, ENFORCEMENT AND LITIGATION		H/R ^{\$}

US12) **Registration – Beyond the Basic Application**

Services may include: search, clearance, due diligence and watch/notice. Responding to official actions, and handle objections, oppositions, cancellations, invalidations and appeals from initial, non-final and final refusals by the Examiner.

US13) **Counseling – Getting the Deal Done Right**

Services may include: license agreements, assignments, consents, confidentiality, work-for-hire, vendor and marketing agreements, employment policies, joint-ventures, security interests in, and transfers of ownership and goodwill. We advise and review on licensed products, advertising copy, and promotional/point of sale materials. We consult on proposed legal pleadings, license agreements, or other legal documents as related to the sale, license or transfer of intellectual property rights.

US14) **Enforcement – Litigation and Pre-Litigation**

Services may include: infringement investigations, cease and desist letters, and the preparation of pleadings, notices and claims in State and Federal Court. We prepare detailed legal research, opinion letters, and handle complaints, answers, jurisdictional challenges, preliminary and permanent injunctions, pre-trial orders, writs, seizure and impoundment, discovery matters, protective orders, trials, appeals, and other proceedings as related to unfair competition, infringement and passing-off on intellectual property rights.

All of these functions can be efficiently performed within budgetary guidelines based on our extremely competitive Hourly Rates plus nominal expenses.

V. SPECIAL SERVICES

US15) Trade Dress Applications	on request
US16) Translations/Transliterations ^{**}	on request
US17) Certified Copies or Duplicate Registration Certificates	on request
US18) Domestic Representative for Foreign Trademark Applicants ^{††} Designation at the United States Patent & Trademark Office (1 st year included with Basic Application)	\$175 for 2 years renewable
US19) International Trademark and Service Mark Watch Services	on request

- US20) **Worldwide Trademark Portfolio Management Program** on request
Services include: the coordination of renewal deadlines, maintenance fees, records and required submission of affidavits and specimens of use.
- US21) **Brand and Advertising Market Surveys** on request
Services include: research and consumer/market studies regarding brand value, recognition, competition, and likelihood of confusion.
- US22) **Brand Development and Expansion Strategies** on request
Services include: identification of primary and secondary classifications of use; assisting client extension into new areas of business: goods, services and geographical markets. Liaising and negotiating with vendor manufacturers in specific product development areas and places to create and extend sales of licensed product.
- US23) **Trade Secret Protection** on request
Services include: auditing and advising on employee agreements and confidentiality and non-disclosure policies and procedures for businesses. Advising on options in the event of public disclosure or unauthorized third party use.
- US24) **Internet Domain Registration, Disputes, Transfers and ICAAN Arbitration** on request

A&A assists its international clients in developing Internet strategies that: **promote** trademarks and brands in more than 180 countries through domain name registrations. We **protect** against cybersquatting, dilution, and “meta tag” infringement, and we **prevent** confusion from occurring online.

Watch Services include: regular research on the International WHOIS indexes to research usage by name and to locate web page owners in nearly 200 countries worldwide;

Registration Services include: confidential purchase, reservation and parking of Internet domain names at more than 50 domain name registries worldwide and in several languages, including Chinese, Japanese and Korean.

Domain Dispute Resolution Services include: cease and desist demands, UDRP complaints for cancellation and suspension of abusive registrations or meta-tag infringement, domain name transfers by agreement, domain transfer and escrow, ICAAN arbitrations and court actions.

NOTES (U.S. TRADEMARK/SERVICEMARK)

* Before any U.S. Registration will issue, the applicant must show that he or she has made commercial use of the proposed mark in the United States. (Unless the mark is applied for on the basis of priority from a foreign registration, in which case the registration can only issue after proof of the foreign registration is submitted.)

† You must file a Section 8 declaration, specimen of use, and fee on a date that falls on or between the fifth and sixth anniversaries of the registration. You must also file a Section 8 declaration, specimen of use, renewal application and fee on date that falls on or between the ninth and tenth anniversaries of the registration, and each successive ten-year period thereafter. For an extra fee, you may file within the six-month grace period following the registration expiration date. **FAILURE TO FILE A SECTION 8 DECLARATION WILL RESULT IN CANCELLATION OF THE EXISTING REGISTRATION.**

‡ To claim that a mark registered on the Principal Register is now incontestable, you must file a Section 15 declaration once the mark has been in continuous use in commerce for a period of five (5) years after the date of registration, or date of publication under § 12(c), and the mark is still in use in commerce.

§ You may file a Combined Declaration of Use & Incontestability under Sections 8 & 15 only if you have continuously used a mark registered on the Principal Register in commerce for five (5) consecutive years after the date of registration. You must file the Combined Declaration,

specimen, and fee on a date that falls on or between the fifth and sixth anniversaries of the registration (or, for an extra fee of \$100.00 per class, you may file within the six-month grace period following the sixth anniversary date). If you have NOT continuously used the mark in commerce for five (5) consecutive years, you must still file a Section 8 Declaration. You must subsequently file a Section 8 declaration, specimen, and fee on a date that falls on or between the ninth (9th) and tenth (10th) anniversaries of the registration, and each successive ten-year period thereafter (or, for an extra fee of \$100.00 per class, you may file within the six-month grace period). ***FAILURE TO FILE THE SECTION 8 DECLARATION WILL RESULT IN CANCELLATION OF THE REGISTRATION.***

^{**} Every application and document submitted to the United States Patent and Trademark Office and most other official agencies must usually be in English or translated into English. Any document or wording in any language other than English should be accompanied by an English translation. Alternatively, A&A offers Translation and Transliteration Services, prices on request.

^{††} SPECIAL NOTE FOR FOREIGN APPLICANTS AND AGENTS: Under 15 U.S.C. 1051(e), an applicant not domiciled in the United States must designate a domestic representative on whom notices or process in proceedings affecting the mark may be served. To assist our foreign clients in complying with all requirements of the relevant laws, A&A may, in its discretion and under certain additional terms, agree to serve as the applicant's Domestic Service Representative. However, in so doing, unless otherwise stated, the scope of this service shall be limited to promptly notifying the foreign applicant of the general nature of the matter concerned and to forward copies of any such documents or notices. A&A shall undertake no duties to provide advice or represent any party in any legal matter unless a separate agreement to undertake such relationship exists.

[§] Our competitive hourly rates range between \$350.00 and \$455.00 per hour for attorney time depending on the complexity of the matter, the need for expedited services and the location in which the services are performed.

TRADEMARK FILING CHECKLIST

1) **TRADEMARK:** Words and/or design.

If the mark consists of anything more than words, (e.g., stylized lettering, a logo, or any design elements) please forward the mark as a separate .jpg image file. The .jpg file should be 300 – 350 dpi and within the pixel range suggested by the USPTO, namely, a length and width of no less than 250 pixels and no more than 944 pixels; e.g., a valid pixel dimension is 640 X 480 pixels. If the client wishes to apply for the mark in color, you **must** submit a color image; otherwise, the image must be clear black and white.

If the mark consists of words and/or punctuation, does the mark or any portion of the words in the mark have any particular meaning or significance as to the goods or services?

If any words are not in English or Roman characters, please describe:

-- the language used

-- a translation of the mark (meaning of words)

(e.g., ESPRIT in French, means SPIRIT in English.)

-- the transliteration of the mark (phonetic)

(e.g., Chinese Characters pronounced as KO-KA KO-LA)

2) **Applicant/Owner Information:** (Name, entity type, address and citizenship).

Please identify the Applicant/Owner of the Trademark including their complete name, address, telephone, e-mail and URL.

For individuals, please identify their country of citizenship. For entities, please provide the name and type of entity. If the entity is not a corporation or LLC, please provide the name(s) of all partners/directors, the name of the managing director and the state or country of the incorporation / formation.

3) **Goods and/or Services:**

Please identify any goods and/or services which the application is intended to cover by International Class and described in the [USPTO's Acceptable Identification of Goods and Services Manual](http://tess2.uspto.gov/netahtml/tidm.html).

<http://tess2.uspto.gov/netahtml/tidm.html>

4) **FILING BASIS**

For each class of goods/services, please identify the Filing Basis: Either use in commerce, intent to use, or as is based on a proper prior foreign application/registration.

-For Applications based on USE IN UNITED STATES COMMERCE:

-If the mark has been used in U.S. Commerce, please provide the Date(s) of First Use.

Date of first use of the Trademark anywhere in the world: (mm/dd/yyyy)

Date of first use in the USA: (mm/dd/yyyy)

-Please include a SPECIMEN of USE which clearly shows the trademark on at least one of the goods in each class (catalog, photograph; label, hang tag, in .jpg or .pdf format). For services, please send a brochure, advertisement, photograph or flyer which shows the mark as being used in the provision of the services.

-For Applications based on a bona fide INTENT TO USE the mark in U.S. Commerce.

The application can be filed which will provide the Applicant with a constructive priority date, however prior to registration, the application must be AMENDED to show USE of the mark in commerce, and is subject to applicable AMENDMENT fees.

-For Applications based on foreign Applications or Registrations for the same exact mark and covering the same goods or services, please identify the date and Country of Application and/or Registration and please attach a copy of the foreign registration certificate(in .pdf format) and if the registration is not in English, please include a translation thereof signed by the translator.

5) **FEES:**

(Single class application = \$777; Two classes = \$1277; Three classes = \$1777; Four classes = \$2277 USD)

We accept all major credit cards. However, any payments made by wire transfer are subject to a minimum additional charge of \$50 USD per wire.

UNITED STATES COPYRIGHT

	Official Fee (US\$)	Attorney Fee (US\$)
US©1) Application for Copyright Registration		
E-filed Application	45	277
Surcharge for Software, Motion Pictures or Recordings on CD-ROM		77

Basic Application for literary works, visual arts, performing arts, sound recordings and serial works.^① Fees include preparation of one application form for up to two authors or contributors and initial filing of deposit material delivered to the United States Register of Copyrights. Notifying client of official correspondence, periodic reporting, publication and transmission of Registration certificate.

US©2) Recordal of Documents with the U.S. Copyright Office - Basic Recording of changes to the information listed on Original Registration Certificate, e.g., Assignments or Transfer of Copyright; Security Interest; License; Will; Change of Name of Owner; Termination of Transfer; Shareware; Life Identity, Death Statement; Transfer of Mask Works; etc. may be recorded. The basic fees include the filing and recordal of a document of any length containing one title. Any number of additional titles may be recorded with the Copyright office. When completed, the submitted documents are returned with a certificate of recordation bearing the Copyright Office seal.

-first document title	95	H/R ^{\$}
-each additional title (up to a maximum of 10)	25	H/R ^{\$}

US©3) Renewal of Copyright Registration

Standard Renewal Registrations	75	250
Addendum to Renewal Registrations	220	H/R ^{\$}

ADVICE, ENFORCEMENT, LITIGATION AND TRANSACTIONAL SERVICES H/R^{\$}

US©4) Litigation services may include: infringement investigations; cease and desist letters; preparing complaints, answers and other pleadings in State and Federal Court. We also handle preliminary injunctions, pre-trial Orders for writs, seizures and impoundments, discovery matters, protective Orders, trials, appeals, and other intellectual property proceedings.

US©5) Advising, preparing and reviewing licensing and/or assignment contracts, advertising copy, promotional/point of sale materials. Drafting and negotiating licenses, consents, confidentiality, nondisclosure, work-for-hire, vendor and marketing agreements, employment policies, joint-ventures, security interests in, and transfers of copyright ownership. Performing legal research, reviewing and commenting on legal pleadings, license agreements, or other documents.

US©6) SPECIAL FORMS, SPECIAL REQUESTS AND RECORDALS

Requests for Full term Retention of Copyright Deposits[*]	425	150
Special Handling and/or Expedited Processing[†]	685	
Searches[✓]		on request

Services include researching Copyright Office for records for information on copyright registrations, renewals, and transfer and other documents. A written report is sent for each search conducted.

Certified Copies or Duplicate Registration Certificates on request

Expedited Certifications and Document Services[‡] 240/H/R H/R^{\$}

Online Service Provider Designations as Agent to Receive Notification of Claimed Infringement for Internet Service Providers and Web Hosts only [§]	80	50
Amendments to Designation of Agent	80	50
(WGA) Registration of a Script, Screenplay or Treatment at the Writers Guild of America, Intellectual Property Registry	+wga fee	277

NOTES (UNITED STATES COPYRIGHT)

® **Literary works** normally includes: fiction, non-fiction, poetry, prose, textbooks, cookbooks, catalogs, advertising copy, speeches, software codes and computer programs;

Visual arts includes paintings, drawings, photographs, sculpture, maps, graphical designs, art reproductions, cartoons, unique package designs, technical drawings, architectural works;

Sound Recording protection should be used to protect published and unpublished musical, dramatic, or literary works to protect the sound recording itself, in addition to any copyright in the underlying work;

Performing arts includes musical compositions, dramatic works, scripts, choreography, motion pictures, and other audiovisual works).

* A published deposit is generally retained by the Copyright Office for at least 5 years. Aside from the visual arts category, a specific request must be made to ensure that the Office will keep a published deposit for the full length of the copyright term. Unpublished deposits and published works of visual arts are usually kept for the full copyright term.

† Under certain circumstances, the Office will consider requests to process an application for registration or recordal on an expedited basis. Situations where such special requests are approved include pending or prospective litigation, cases involving customs, contractual matters and publishing deadlines.

✓ Searches are not made (and are not necessary under the law) to determine whether a similar work has already been registered. Such searches are not possible because the Copyright Office does not index by subject.

‡ Anyone may request an certificate of registration, copies of the application or other documents. Copies of the deposit material may also be obtained when requested by the copyright claimant or owner of record or by a designated agent of the owner of any of the exclusive rights or by an attorney or authorized representative in connection with actual or prospective litigation. Services may be performed on an expedited basis.

§ On October 28, 1999, the Digital Millennium Copyright Act (subtitled the Online Copyright Infringement Liability Limitation Act) amended the copyright law to provide for limitations for service provider liability relating to material online. The Act serves to limit the liability of service providers for claims of infringement caused by material residing, at the direction of a user, on a system or network that the service provider operates. The limitations on liability apply to a service provider **only** if the service provider has designated an agent to receive notifications of claimed infringement to the Copyright Office and through the service provider's publicly accessible website. A&A can prepare the required forms and for an additional fee, serve as a designated agent on behalf of a qualified online service provider.

~ Nominal disbursements for postage, reproductions and telecommunications may apply.

**CALIFORNIA STATE REGISTRATIONS OF
TRADEMARK/SERVICE MARK, TRADE NAME, BUSINESS NAMES & INCORPORATIONS**

	Official Fee (US\$)	Attorney Fee (US\$)
CA1) Application for California State Trademark/Service Mark Registration		
- in 1 st class of goods and services	70	277
- for each additional class	70	177
CA2) Application to Register Specific Brand Descriptions		
Description of Brand on Returnable Containers	30	177
Description of Brand (Equipment/Supplies)	30	177
Laundry Supply Description	10	177
Name of a Farm, Ranch, Estate or Villa	10	177
CA3) Application to Renew a California State Trademark	70	177
CA4) Recording Assignments of California State Trademark/Service Mark		
- for first document title	30	H/R ^{\$}
- for second and subsequent marks in the same document	25	H/R ^{\$}
CA5) Amendments to Proprietor's Name and Address	---	H/R ^{\$}
CA6) California Corporate Name Reservation¹	nom.	150~
CA7) Fictitious Business Name (DBA) Registration² County Clerk/Registrar	nom.	277~
CA8) Designation for Agent of Service of Process³ for non-resident Foreign Corporations conducting business in California (Section 1505) California Corporations Code	TBD	177/ for 2 years renewable biannually

CA9) California Business Incorporation Service

2777 inclusive:

DRAFT ARTICLES. We will prepare a draft of your Articles of Incorporation for your pre-filing review and approval.

5-DAY FILING After you approve your Articles of Incorporation, we will file same with the California Secretary of State within 10 business days

PERIODIC REPORTING - We will send you via e-mail, periodic progress reports concerning the status of your filing(s).

ACTION BY INCORPORATOR. We will prepare, and sign as the incorporator, an Action appointing the initial corporate director(s), agents, and officers.

CORPORATION MINUTE BOOK / KIT. Deluxe three-ring corporation minute book with your corporation or LLC name gold stamped on the spine.

SHARE CERTIFICATES. Twenty (20) custom share certificates with proper securities law legend.

OFFICIAL SEAL. An official custom-made corporation lead-press type seal with corporation or LLC name gold stamped on pouch.

FIRST MINUTES. We will prepare, to signature ready condition, your first corporate minutes.

BYLAWS. We will prepare your corporate bylaws for signature by your Corporate Secretary.

STATEMENT OF INFORMATION. We will prepare, sign as your Attorney, and file, your corporation's initial Statement of Information with the California Secretary of State, including the \$25 official filing fee.

IRS EIN APPLICATION – Form SS-4. We will assist you in preparing your corporation's IRS application for Federal employer identification number.

S CORP ELECTION – IRS Form 2553 – On request, we will assist you and prepare your corporation's IRS application for "S" corporation status.

S CORP ELECTION - STATE. On request, we will assist with your corporation's California Franchise Tax Board application for "S" corporation status.

AGENT FOR SERVICE OF PROCESS - We will serve, at your option, as your agent for service of process for one year. There is no extra charge or fee for the first year. Beyond the first year, the fee is \$120 for 2 additional years, renewable, biennially.

DELIVERY OF YOUR DOCUMENTS. Your complete corporation package will be sent via standard postal mail or via courier ground service.

UNITED STATES PATENT FEES

The following are the legal fees to write and file the category of application indicated below. This fee does not include the above noted government filing fees, cost for patent drawings, or costs for any international courier/overnight delivery services, if needed. Typically, one half of the legal fees are paid when the signed retainer agreement is returned and the second half of the legal fees are due and payable at the time the application is filed.

Provisional Utility Application

Simple Application	Starting at	\$2,050.00
Moderately Complicated Application	Starting at	\$4,000.00
Electronic/Biochemical/Chemical Applications	Starting at	\$5,000.00

Non-Provisional Utility Application

Simple Application	Starting at	\$5,000.00
Moderately Complicated Application	Starting at	\$7,000.00
Electronic/Biochemical/Chemical Applications	Starting at	\$8,050.00

Design Patent Application

Starting at \$1200.00

US National Stage Filing of an an already filed PCT application

Starting at \$1,200.00

(assumes application is provided in English and without any specification or claim modifications)

General Information on United States Design Patents

1. What does a design patent cover?

“The design for an article consists of the visual characteristics or aspect displayed by the article. It is the appearance presented by the article which creates an impression through the eye upon the mind of the observer.”

USPTO Manual of Patent Examining Procedure § 1502

A design patent does not cover any functional mechanical, electrical or chemical aspects of an article, machine or composition of matter.

IMPORTANT

The design must meet the general requirements of novelty and non-obviousness in order to issue as a granted design patent. In the United States, obtaining a design patent is not just a registration process, but the application is carefully examined for patentability just like a utility patent application.

2. What are the government fees associated with a design patent?

There are three filing/processing fees required to file a design patent application:

	Large Entity*	Small Entity*	Micro Entity
Filing Fee	\$180	\$90	\$45
Search Fee	\$120	\$60	\$30
Examination Fee	\$460	\$230	\$115
Total	\$760	\$380	\$190

If the application is patentable, either as filed or as the consequence of being amended, the fee to issue the patent is:

	Large Entity*	Small Entity*	Micro Entity
Issue Fee	\$560	\$280	\$140

The above fees are current as of 5-June-2014.

Issued design patents have **no** after-issue maintenance fees, annuities or taxes, as there are for utility patents. A design patent has a life of 14 years from the date of issue.

* As a working guide, a "Large Entity" is a business entity that has more than 500 employees and a "Small Entity" has less than 500 employees. "Micro entity" is a relatively new classification and generally requires that the inventor has applied for less than about 4 United States patent applications and less than a certain annual income as well as qualifying as a small entity. There are other aspects of these definitions should be discussed with the attorney as part of the preparation of the design patent application.

3. What is the process for obtaining a Design Patent?

The first step is filing a design patent application with the USPTO. The application includes one or more drawings showing the ornamental features of the design. Not all of physical features of an article need to be considered as part of the claimed ornamental design. Those features of the drawing that show ornamental aspects of the designs that the applicant wishes to claim as his invention are drawn in solid lines and those aspect that are **not** part of the claimed design are drawn in broken lines.

The application will be reviewed by a patent examiner. If the examiner thinks the design as shown is patentable, a Notice of Allowance will be mailed to the applicant. If the examiner doesn't think the design is patentable, he will mail a letter called an Office Action, which will describe in detail the reasons that support his belief that the design is not patentable. The applicant, through his attorney of record will respond to the objections raised by the Examiner.

If the Examiner is not persuaded by the Applicant's arguments, a final rejection will be issued. The Applicant then may appeal to an internal administrative USPTO appeal board and ultimately file a court action in a United States Federal Court. Other options may be available.

Please note that there is no pre-issuance publication of design patent applications.

4. What are the legal fees for obtaining a Design Patent?

Typical charges are \$1000.00 for preparing and filing a design patent. This does not cover government filing fees (see paragraph 2 above) or costs for a commercial draftsman to prepare formal drawings necessary for the design patent application.

The above typical charge is for a design with a single embodiment. If there are multiple embodiments then additional charges will be incurred which will be discussed with the client prior to starting any work.

Additional legal fees will likely be incurred in order to respond to office actions from USPTO and preparing papers for issuance of the patent (assuming the patent will ultimately be placed in condition for allowance).

The time to respond to Office Actions will be billed at the then current hourly charge (\$300.00/hr as of the date of this notice). Because each application and each Office Action present unique legal issues, there is no way to determine ahead of time the costs to respond to an Office Action. After having received each Office Action, the client will be informed of the maximum charge to respond to that particular Office Action and we will proceed only after having been authorized to do so by the Client. The actual costs to respond may be less than the maximum provided, but regardless of the time it takes, the Client will not be charged more than the maximum charge provided.

There is a fixed legal fee of \$500.00 to prepare an allowed application for issuance (does not include government issue fees) which includes all standard post-issuance processing.

Please note that the fees cited in this paragraph are for design patent applications submitted with standard drawings. If the inventive design needs to be represented by color or by photographs (see paragraph 8 below), then a specific quote for legal fees will be submitted for Client's approval before work begins.

5. Are there other legal or administrative fees?

If communications can be handled via e-mail, then there generally isn't any additional charges for communication. If faxes are required, particularly to recipients outside of the United States, then actual costs for the long distance phone call will be charged, but there is no standard per page facsimile transmission charge.

There is no charge for simply handling and/or administrative processing of incoming communications.

There is no charge for routine mailings. However, if overnight or overseas delivery is required, the client will be billed only for the actual cost of the service. Such overnight/overseas delivery can be charged to Client's courier account number if the client wishes to provide us with that information.

6. How long will it take for the design patent to issue?

As of July 2012, the design patent examination group in the USPTO is taking 9 months to send the first office action. A sampling of the design patents that issued on 24 July 2012 indicated that the shortest period between filing and issuance was 12 months and the longest time was 2 years 5 months.

Each application is unique and there is no way to predict how long any particular application will take to process. **Because each design patent is carefully examined and compared to existing**

prior art design, there is no way to determine ahead of time if any particular application will be granted.

7. What documents or information is needed from the inventor or applicant to file a design patent application?

Inventors will need to sign a declaration and a power of attorney. In addition, drawings, which meet the formal requirement of the United States Patent and Trademark Office will need to be filed along with the application.

Because the drawings in a design patent are the critical part of the application, it is recommended that we arrange for the drawings to be prepared by a professional third party draftsman. Ideally, the Client would provide actual samples of the product containing the design, if practicable, or detailed photographs can be used as the basis for generating the drawings. Sometimes computer CAD files can be used by the patent draftsman to prepare the drawings.

8. Can the design be represented by photographs?

“Photographs are acceptable only in applications in which the invention is not capable of being illustrated in an ink drawing or where the invention is shown more clearly in a photograph (e.g., photographs of ornamental effects are acceptable).” MPEP 1500-10.

“If the photographs are not of sufficient quality so that all details in the photographs are reproducible, this will form the basis of subsequent objection to the quality of the photographic disclosure.” MPEP § 1503.02.

Color photographs should only be used if color is an integral part of the design. Color photographs can only be used after a petition has been filed and granted by the USPTO. The charges to prepare and file a petition to use colored photographs is not covered in the standard design patent preparation and filing fee discussed in paragraph 3.

In ink drawings, only the ornamental aspects that are being claimed as the patentable design are drawn in solid lines. Other parts of the product, which might not contain patentable ornamentation, are drawn in dashed lines. Such distinction is not possible with photographs. In a photograph, everything shown in the photograph is considered to be claimed subject matter, which may result in a weaker patent.

9. Additional Information

You may find the following information from the United States Patent and Trademark Office to be useful:

<http://www.uspto.gov/web/offices/pac/design/definition.html#title>

10. Example Design Patent Drawing

The drawing below shows most of the lamp in broken line form. It is only the small band near the top of the hanging portion that is being claimed in this design patent and is therefore drawn in solid lines. The arrow points to the claimed portion of the drawing.



U.S. Patent

Oct. 4, 2005

Sheet 1 of 4

US D510,454 S

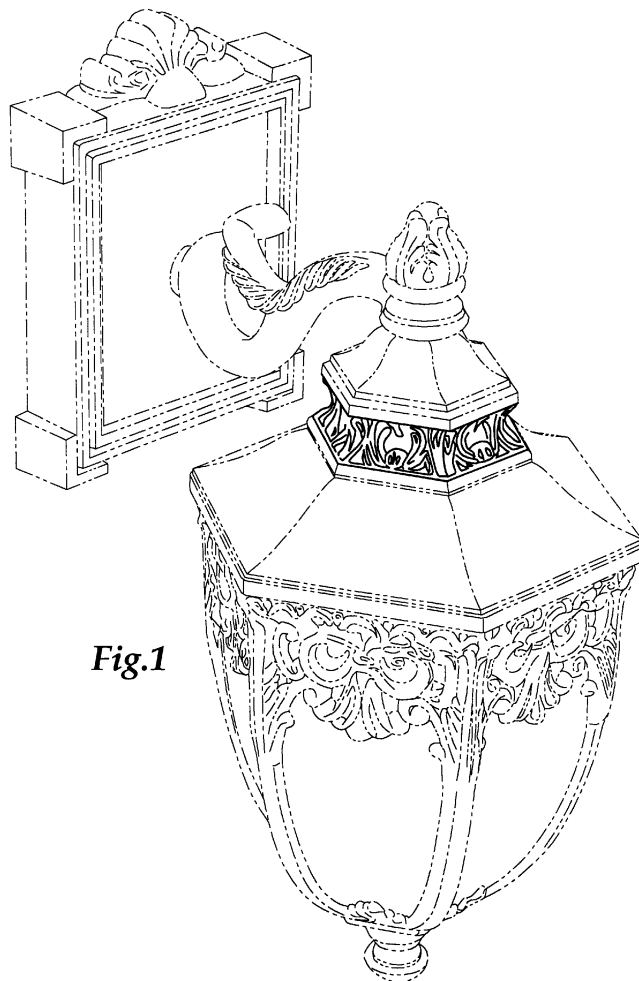


Fig.1

11. Other Considerations

Ornamental aspects of any article of manufacture should always be evaluated in light of possible overlap with other intellectual property rights such as copyright, trade dress, and utility patents. The overlap of these various intellectual property rights can be complicated and should be evaluated and discussed carefully.

Appendix A

These fees go into effect on 19-May-2013

2. What are the government fees associated with a design patent?

There are three filing/processing fees required to file a design patent application:

	Large Entity	Small Entity
Filing Fee	\$180	\$ 90
Search Fee	\$120	\$ 60
Examination Fee	\$460	\$ 230
Total	\$760	\$ 380

If the application is patentable, either as filed or as the consequence of being amended, the fee to issue the patent is:

	Large Entity	Small Entity
Issue Fee	\$1020	\$510

FREQUENTLY ASKED QUESTIONS RE: CALIFORNIA BUSINESS NAMES

¹ *WHY RESERVE A CORPORATE NAME?*

If you are in the beginning phase of forming a new business, and you or your business partners are still not ready to make the investment to file a new corporation but you already have an idea for the desired company name, then it may be a good idea to officially reserve the company name.

Corporate names are filed in California on a first-come, first-serve basis. The first one to file is most likely assured to get the desired name and can even prevent a registered trademark proprietor and others from registering, using or fully exploiting their own corporate names. Moreover, a corporate name registration may prevent similar names from being registered in the name index with the Secretary of State's Office.

When you wish to reserve the name of a corporate or non-profit organization, A&A will search the database indexes of California Corporations, Limited Partnerships and Limited Liability Companies to determine whether any particular name is registered in Secretary of State's corporate name database. If your desired name is available, A&A can arrange an in person delivery of the Name Reservation application to the State government offices. There, the Certificate of Name Reservation can be issued immediately and the proposed name may be reserved for sixty days. Our fee includes payment of the official State reservation fee, and fax or mailed delivery of the Reservation Certificate to you. You can specify, in order of preference, up to 3 potential company names.

Although a name reservation may be renewed, after any 60 day reservation period expires, if the company's incorporation documents are not filed, the reservation is canceled and the name is no longer held. Name reservations can only be done for Corporations and Non-Profit Companies. LLC's and Limited Partnerships cannot reserve a name.

² **Fictitious Business Names ("DBAs") in California**

What is a fictitious firm name?

One that does not include the surname of the Operator or one that implies the ownership participation of others such as "Brothers, Associates, Company," or if a corporation owner, a name different from that registered in the Articles of Incorporation. It is called a fictitious name, simply because the person or company is Doing Business As a name other their own.

Who must file for registration?

All individuals, partnerships, trusts, corporations and associations who operate under names which differ from their legal name.

How often must the fictitious name statements be filed?

Every five years or at any time that there is a change of name, ownership, address, or other information.

What is the purpose of this procedure?

The requirements have been in effect in California since 1872 and are designed to protect the consumer by enabling him or her to identify the person or persons who is involved in the business transaction. In addition, most, if not all, banks in California will demand proof of filing and publication prior to opening an account or otherwise honoring a check in the name of the fictitious firm name.

What does a "DBA" not do?

A DBA is not an incorporation or forming any business entity. It is not a Trademark. It does not “give you any exclusive right” to use the fictitious name as related to any senior user of a trademark or trade name.* It merely serves as an official recording of the business's operating name and the identity of the person or company who is doing business under an assumed or fictitious name other than their own.

Though filing a DBA may be a matter of law, in many cases, a DBA filing will not even prevent later users from filing or doing business under the identical or substantially similar business name. DBAs are not always searched against existing government records nor compared against prior and similar names prior to registration. Moreover, because the Secretary of State and each County Registrar maintains their own records in separate databases, for common law trademark purposes, it may often prove much too establish clear title and resolve any potential similarity issues prior to filing. Detailed searches may be well advised.

*If a DBA registration is not a trademark, what are the **trademark benefits** of filing?*

Though a DBA registration does not establish the distinctiveness of a trademark or trade name, a DBA may be used to show conclusive proof of first use by the registrant -- that the name was first used in commerce in California as of a certain date.

In Court, evidentiary proof of priority is established in the event that competitors later use or file under the same name. In an action for trademark infringement or unfair competition against a junior user of a mark, an earlier filed fictitious business name registration is effective to establish priority against all subsequent users.

Although a DBA filing itself may not prove that a name is different in sound, spelling or meaning to earlier traders - - when a fictitious business name is distinctive and unique to others, DBAS may be used effectively to restrict infringement and unfair competition.

A further benefit comes from the direct advertising value through multiple insertions of the name and address of the business, which are published at least four times in subsequent weeks' newspapers usually appearing in bold type and capital letters.

I'm still not convinced, what happens to if I do not file a “DBA”?

If a person or entity has been doing business in California under a name other than their own legal name, in addition to potential monetary penalties, with few exceptions, there is a procedural bar to appearing in court. That is to say: a party cannot entertain, or defend a civil court action in any California court until the law has been complied with.

Can a foreign business ever bring suit for infringement of its trademarks in any California Courts?

Claims based on trademarks registered with United States Patent & Trademark Office are usually heard in Federal, not State Court. However, certain rights protected by the State under the California Unfair Competition Law (Bus. & Professions Code) might not be available to a foreign (out of state or country)

corporation transacting intrastate business in the State of California who has not qualified for business with the Secretary of State's Office.

³ DOMESTIC AGENT FOR SERVICE - California

A foreign (out of state or country) corporation transacting intrastate business in the State of California must qualify to do so with the Secretary of State's Office.

"Transacting intrastate business" is defined as entering into repeated and successive transactions of a corporation's business in this state, other than interstate or foreign commerce. See [Section 191](#) of the California Corporations Code.

What is an "Agent for Service of Process" and who can be such an agent?

An agent for service of process is an individual (or another corporation) designated by a corporation to accept service of process if the corporation is sued. California residency is the only requirement for an individual to be named as an agent for service of process. A corporation named as an agent for service of process must have on file with the California Secretary of State a certificate pursuant to [Section 1505](#) of the California Corporations Code.

- NOTE: A corporation cannot act as its own agent. Approval from a proposed agent should be obtained prior to designation.

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