



May 1, 2020

Via E-mail: shareholderproposals@sec.gov

Securities and Exchange Commission
Division of Corporation Finance
Office of Chief Counsel
100 F Street, N.E.,
Washington, D.C. 20549

Re: NIKE, Inc.
Request to Omit Shareholder Proposal of Cirque LLC

Ladies and Gentlemen:

Pursuant to Rule 14a-8(j) under the Securities Exchange Act of 1934, as amended (the “Exchange Act”), NIKE, Inc., an Oregon corporation (the “Company”), hereby gives notice of its intention to omit from the proxy statement and form of proxy for the Company’s 2020 Annual Meeting of Shareholders (together, the “2020 Proxy Materials”) a shareholder proposal (including its supporting statement, the “Proposal”) received from Cirque LLC (the “Proponent”). The full text of the Proposal is attached as Exhibit A.

The Company believes it may properly omit the Proposal from the 2020 Proxy Materials for the reasons discussed below. The Company respectfully requests confirmation that the Staff of the Division of Corporation Finance (the “Staff”) of the Securities and Exchange Commission (the “Commission”) will not recommend enforcement action to the Commission if the Company excludes the Proposal from the 2020 Proxy Materials.

This letter, including the exhibits hereto, is being submitted electronically to the Staff at shareholderproposals@sec.gov. Pursuant to Rule 14a-8(j), the Company has filed this letter with the Commission no later than 80 calendar days before the Company intends to file its definitive 2020 Proxy Materials with the Commission. A copy of this letter is being sent simultaneously to the Proponent as notification of the Company’s intention to omit the Proposal from the 2020 Proxy Materials.

I. THE PROPOSAL

The resolution included in the Proposal reads as follows:

BE IT RESOLVED – That NIKE seriously and professionally investigate and research the market potential of creating a shoe and apparel line of products, that is geared to the needs and wants of the over 40 years of age customers, that were athletes or wan-a-be athletes. Incorporating the theme of “STILL DOING IT”, will establish a new bond with NIKE and its customers that are past athletic period of their buying habits. That NIKE report back to shareholders their findings and conclusions, prior to the 2021 meeting.”

II. BASIS FOR EXCLUSION

The Company believes that the Proposal may be properly excluded from the 2020 Proxy Materials pursuant to Rule 14a-8(i)(7) because the Proposal relates to the Company’s ordinary business operations and Rule 14a-8(i)(4) because the Proposal is designed to further the Proponent’s personal interest.

III. ANALYSIS

A. The Proposal may be omitted Rule 14a-8(i)(7) because it relates to the Company’s ordinary business operations.

Rule 14a-8(i)(7) permits the exclusion of a shareholder proposal that deals with a “matter relating to the company’s ordinary business operations.” According to the Commission, the term “ordinary business” in this context “refers to matters that are not necessarily ‘ordinary’ in the common meaning of the word,” but instead “is rooted in the corporate law concept providing management with flexibility in directing certain core matters involving the company’s business and operations.” Exchange Act Release No. 40018 (May 21, 1998) (the “1998 Release”). In the 1998 Release, the Commission outlined two central considerations for determining whether the ordinary business exclusion applies: (1) whether the subject matter of the proposal relates to a task “so fundamental to management’s ability to run a company on a day-to-day basis that [it] could not, as a practical matter, be subject to direct shareholder oversight”; and (2) “the degree to which the proposal seeks to ‘micro-manage’ the company by probing too deeply into matters of a complex nature upon which shareholders, as a group, would not be in a position to make an informed judgment.” In seeking to dictate the types of products developed and sold by the Company and the manner in which those products are distributed and marketed, the Proposal implicates both of these central considerations.

1. *The subject matter of the Proposal relates to the development, sale and marketing of particular products, which is a matter that is fundamental to management's ability to run the Company on a daily basis.*

The Proposal requests that the Company “seriously investigate and professionally research the market potential of creating a shoe and apparel line of products, that is geared to the needs and wants of the over 40 years of age customers, that were athletes or wan-a-be athletes.” The Company is the largest seller of athletic footwear and apparel in the world and the core of its business is the design, development and worldwide marketing and selling of athletic footwear, apparel and equipment. Thus, as further discussed below, there is no question that the Proposal goes to the very heart of the Company’s ordinary business operations. As a result, the Proposal may be excluded pursuant to Rule 14a-8(i)(7).

The Staff has consistently taken the position that decisions by companies as to the products that they sell and the manner in which those products are designed, developed, distributed and marketed are a fundamental part of a company’s ordinary business operations and exactly the types of operational matters that the ordinary business operations exception was designed to cover. *See, e.g., Eli Lilly and Co.* (Feb. 8, 1990) (permitting exclusion of a proposal encouraging the company to study and report on the possibility and potential profitability of manufacturing, distributing and marketing a particular drug because “decisions involving the choice of products to develop, manufacture and distribute” are part of a company’s ordinary business operations); *McDonald’s Corp.* (Mar. 9, 1990) (permitting exclusion of a proposal requesting that the company develop and market a vegetarian menu item because “decision[s] to develop and market a new menu item” are part of a company’s ordinary business operations); *Pepco Holdings, Inc.* (Feb. 18, 2011) (permitting exclusion of a proposal encouraging the company to “aggressively study, implement and pursue” the market for solar technology as a way to increase profits because the proposal related to the company’s ordinary business operations, specifically “the products and services offered for sale by the company”); *Papa John’s International Inc.* (Feb. 13, 2015) (permitting exclusion under Rule 14a-8(i)(7) of a proposal encouraging the company to expand its menu offerings to include vegan options to, in part, meet growing demand for plant-based foods because the proposal related to “the products offered for sale by the company”); *Procter & Gamble Co.* (July 15, 2009) (permitting exclusion under Rule 14a-8(i)(7) of a proposal to requesting that the company cease making cat-kibble, encourage consumers to buy and suppliers to stock certain types of low carbohydrate pet food and consider what opportunities exist to develop its own non-carbohydrate pet food because it related to the “sale of a particular product”); *International Business Machines Corp.* (Jan. 6, 2005) (permitting the exclusion of a proposal requesting that the company take steps to offer

customers software technology that has greater simplicity because the proposal related to “the design and development of [the company]’s products,” which is part of a company’s ordinary business operations); *American Telephone and Telegraph Co.* (Dec. 19, 1986) (permitting exclusion of a proposal requesting that the company produce telephone sets standardized for persons having diminished hearing because it related to “product development,” which is part of a company’s ordinary business operations); *International Business Machines Corp.* (Dec. 22, 1997) (permitting the exclusion of a proposal urging the company to implement a policy to increase its market share in two particular markets because it related to “product marketing,” which is part of a company’s ordinary business operations).

Like the proposals described above, this Proposal addresses matters clearly within the scope of the Company’s ordinary business operations, particularly decisions as to the development, sale and marketing of its athletic products. By calling on the Company to assess the market potential of developing, selling and marketing a product line geared towards individuals over 40 years of age while utilizing the theme “STILL DOING IT,” the Proposal directly relates to the Company’s decision as to whether it should develop and sell that particular product line and, if so, how it should be distributed and marketed. As a worldwide seller of athletic products, such decisions are “so fundamental to management’s ability to run [the C]ompany on a day-to-day basis that they [can] not, as a practical matter, be subject to direct shareholder oversight.” *See* 1998 Release. Accordingly, because the Proposal relates to management’s decisions regarding the development, sale and marketing of the products offered by the Company, the Proposal may be excluded pursuant to Rule 14a-8(i)(7) as relating to the Company’s ordinary business operations.

2. *The Proposal seeks to micro-manage the Company’s business by calling on the Company to undertake specific research, development and marketing activities.*

The Proposal is also excludable under Rule 14a-8(i)(7) because it seeks to “micromanage” the Company’s decisions with respect to the research, development and marketing of its products “by probing too deeply into matters of a complex nature upon which shareholders, as a group, [are not] in a position to make an informed judgment.” *See* 1998 Release. In Staff Legal Bulletin 14K, the Staff explained that the micromanagement prong of Rule 14a-8(i)(7) “rests on an evaluation of the manner in which a proposal seeks to address the subject matter raised, rather than the subject matter itself” and that the Staff “look[s] to whether the proposal seeks intricate detail or imposes a specific strategy, method, action, outcome or timeline for addressing an issue, thereby supplanting the judgment of management and the board.” The Proposal requests that the

Company undertake a complex analysis regarding the feasibility and potential profitability of a highly specific product line and marketing campaign, namely, a product line “of shoes and apparel that are styled, age appropriate, have ease of use, are color themed and comfortable” in a way that would appeal to a market of athletic individuals over 40 years of age, and which incorporates the theme of “STILL DOING IT.” In so doing, the Proposal seeks to dictate the outcome of fundamental business decisions without a full understanding of the complexity of these decisions.

The Company’s management invests a significant amount of time and resources on a day-to-day basis in determining which products the Company should develop and sell, how those products should be designed and the manner in which they should be marketed and sold. These decisions require a deep understanding of the Company’s business, strategy, risk profile and operating environment as well as an assessment of a variety of complex factors, including demand in various domestic and international markets, competitor products, economic trends, supplier availability and costs, product design, the complexity and feasibility of development and manufacture, company branding and compatibility and overlap with the Company’s existing product lines, among others. The ability of management to successfully weigh these considerations and reach an appropriate decision is critical to the operation of the Company’s business and requires input from both internal and external specialists and experts in fields such as biomechanics, chemistry, exercise physiology, industrial design and sustainability.¹ Yet, this Proposal seeks to short-circuit this deliberative process and substitute a shareholder’s directive for the expert judgment of the Company’s management as to these fundamental business decisions in a way that the Staff has repeatedly deemed to qualify as inappropriate micromanagement. *See, e.g., RH* (May 11, 2018) (permitting exclusion for micromanagement of a proposal encouraging the company to enact a policy prohibiting the sale of a particular product at the company’s stores because it sought to dictate the company’s ordinary business decisions with respect to the types of products it sells); *JPMorgan Chase & Co.* (Mar. 30, 2018) (permitting exclusion for micromanagement of a proposal requesting that the company report on the

¹ For example, according to the Company’s most recent 10-K (filed with the Commission on July 23, 2019), when making decisions regarding product research, design and development, the Company not only consults with its “own staff of specialists in the areas of biomechanics, chemistry, exercise physiology, engineering, industrial design, sustainability and related fields,” but it also utilizes “research committees and advisory boards made up of athletes, coaches, trainers, equipment managers, orthopedists, podiatrists and other experts who consult with [the Company] and review designs, materials, concepts for product and manufacturing process improvements and compliance with product safety regulations around the world.” Moreover, “[e]mployee athletes, athletes engaged under sports marketing contracts and other athletes wear-test and evaluate products during the design and development process.”

risks associated with providing financing for certain kinds of projects because it sought to impose shareholder judgment into the company's fundamental business decisions about the types of customers it extends its services to); *SeaWorld Entertainment, Inc.* (Apr. 23, 2018) (permitting exclusion for micromanagement of a proposal urging the company to ban all captive breeding in its parks because it sought to dictate the company's fundamental business decisions regarding the care and breeding of its animals); *The Wendy's Company* (Mar. 2, 2017) (permitting exclusion due to micromanagement of a proposal seeking to impact the company's decisions as to its suppliers and produce purchasing practices).

Similar to the proposals described above, the Proposal attempts to impose on the Company a specific decision with respect to the Company's determinations as to which research opportunities to explore, which business opportunities to pursue, and how product research, development and marketing should be conducted. It even goes so far as to propose a marketing slogan for this initiative. As a result, it invites shareholders to second-guess management decisions concerning the Company's fundamental business operations, thereby interfering with complex business and operational decisions upon which the Company's shareholders are not in a position to make an informed judgment "due to their lack of business expertise and their lack of intimate knowledge of the [Company]'s business." Exchange Act Release No. 34-12999 (Nov. 22, 1976). Accordingly, because the Proposal seeks to micromanage the Company's decisions regarding product research, development and marketing, the Proposal may be excluded under Rule 14a-8(i)(7).

3. *The Proposal does not raise a significant social policy issue for purposes of Rule 14a-8(i)(7).*

In the past, the Staff has made limited exceptions to the ordinary business exclusion rule for proposals that "focus[ed] on sufficiently significant social policy issues" that "transcend the day-to-day business matters." See 1998 Release; Staff Legal Bulletin No. 14C (June 28, 2005). However, this exclusionary rule does not apply in this case because the Proposal does not raise, and the Proponent does not suggest that the Proposal is intended to raise, any significant social policy issue. In fact, the only mention of a broader policy issue in the Proposal is a brief reference in its title and in the supporting statement that it is aimed at creating athletic footwear and apparel for a "currently under served market" of former and aspiring athletes over 40 years of age. However, when compared to the other social policy issues that the Staff has considered significant enough to "transcend ordinary business operations" (e.g., global warming, animal cruelty, gun violence, nuclear power and safety etc.), it is clear that this purpose fails to qualify as a "sufficiently significant social policy" to warrant shareholder action.

Moreover, the Staff's decisions make clear that the mere mention of a social policy issue is not enough for a proposal to avoid exclusion under Rule 14a-8(i)(7) – rather, the social policy issue must be the focus of the proposal. *See, e.g., Papa John's International, Inc.* (Fen. 13, 2015) (permitting exclusion of a proposal encouraging the company to add vegan options to its menu, which touched on significant policy issues such as animal welfare and sustainability, because the proposal related to the company's ordinary business and "[did] not *focus* on a significant policy issue") (emphasis added); *McDonald's Corp.* (Mar. 22, 2019) (permitting exclusion of a proposal that touched on concerns about animal cruelty because the proposal was "focuse[d] primarily on" the company's ordinary business operations). Accordingly, because the text of the Proposal makes clear that it is primarily focused on the Company's ordinary business operations (specifically, the products offered for sale by the Company and the manner in which those products are developed, designed and marketed), with the goal of helping the Company increase its profits by expanding into an underserved market, the Proposal may be excluded under Rule 14a-8(i)(7).

B. The Proposal may be omitted under Rule 14a-8(i)(4) because it is designed to result in a benefit to the Proponent, or to further the Proponent's personal interest, which is not shared by the Company's other shareholders at large.

Rule 14a-8(i)(4) permits the exclusion of shareholder proposals that are designed to further the personal interest of a proponent where such interest is not shared with other shareholders at large. The policy underlying Rule 14a-8(i)(4) is to ensure that the shareholder proposal process is not "abused by proponents attempting to achieve personal ends that are not necessarily in the common interest of the [company's] shareholders generally." Exchange Act Release No. 34-20091 (Aug. 16, 1983).

A proponent's particular objectives need not be apparent from a proposal's plain language in order to be excludable under Rule 14a-8(i)(4). Rather, proposals phrased in broad terms that "might relate to matters which may be of general interest to all security holders" may be omitted from a company's proxy materials "if it is clear from the facts presented by the issuer that the proponent is using the proposal as a tactic designed to . . . further a personal interest." Exchange Act Release No. 19135 (Oct. 14, 1982). For example, the Staff has consistently concurred in the exclusion of proposals that included facially neutral resolutions that arguably may be of interest to shareholders generally when the facts demonstrated that the proposal's true intent was to further a personal interest. *See, e.g., State Street Corp.* (Jan. 5, 2007) (permitting exclusion under Rule 14a-8(i)(4) of a proposal requesting that the company separate the positions of CEO and chairman when brought by a former employee after the employee was ejected from the company's previous annual meeting for disruptive conduct and

engaged in a lengthy campaign of public harassment against the company and its CEO/chairman); *International Business Machines Corp.* (Jan. 31, 1995) (permitting exclusion under the predecessor to Rule 14a-8(i)(4) of a proposal requesting that the company institute an arbitration mechanism to settle customer complaints when brought by a customer who had an ongoing complaint against the company).

In the Proposal, the Proponent specifically requests that the Company use the phrase “STILL DOING IT” when marketing the new product line as a way to “establish a new bond with NIKE and its customers that are past [the] athletic period of their buying habits.” Although not disclosed in the materials provided by the Proponent with the Proposal, the Company discovered through independent research that in 2014, the Proponent filed a trademark application at the U.S. Patent and Trademark Office for the phrase “STILL DOING IT” to be used in connection with shoes and clothing.² For the specimen of use attached to the application, the Proponent included a picture of a t-shirt with a tag attached that included the phrases “STILL DOING IT IS A TRADEMARK OF CIRQUE LLC” and “USED UNDER LICENSE. Distributed by CIRQUE LLC.” A copy of the Proponent’s trademark application and related materials is attached hereto as Exhibit B. Although the trademark application was ultimately abandoned in 2016 after the Proponent failed to respond to an inquiry about the relationship between Cirque LLC, as the mark owner, and the name of the applicant (Kenneth W. Guenther), the Proponent’s efforts to trademark the phrase “STILL DOING IT” prior to the filing of the Proposal demonstrate that the Proponent has tried to develop a personal interest in the “STILL DOING IT” mark. And then, by requesting that the Company use this phrase to market the Proponent’s suggested product line as part of the Proposal, the Proponent is attempting to “further [this] personal interest.” For example, not only could the Proponent reapply for the trademark prior to the Company’s 2020 annual meeting and then, if the Proposal is approved by the Company’s shareholders, force the Company to license the trademark from it with a license of the type contemplated by the specimen for use in the Proponent’s trademark application, but including the Proposal in the Company’s 2020 Proxy Materials would also help publicize the Proponent’s trademark and product idea, resulting in a personal benefit to the Proponent not enjoyed by any other shareholders. As a result, the Proponent is clearly using the shareholder proposal process as a way to further a personal interest that is “not necessarily in the common interest of the [Company’s] shareholders generally” and thus, the Company believes the Proposal may be excluded under Rule 14a-8(i)(4).

² See U.S. Patent and Trademark Office, Trademark Application Serial No. 86260860.

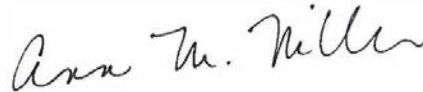
IV. CONCLUSION

The Company respectfully requests that the Staff concur that the Proposal may be excluded from the 2020 Proxy Materials as for the reasons described above.

* * * * *

Should you have any questions or if you would like any additional information regarding the foregoing, please do not hesitate to contact Ann Miller, VP, Corporate Secretary and Chief Ethics and Compliance Officer of NIKE, Inc. at (503) 532-1298. Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Ann M. Miller". The signature is fluid and cursive, written on a light-colored background.

Ann M. Miller, VP, Corporate Secretary and
Chief Ethics and Compliance Officer

Attachments

cc: Cirque LLC

EXHIBIT A
THE PROPOSAL

NIKE SHAREHOLDER PROPOSAL---FOR UPCOMING 2020 ANNUAL REPORT

FOR NIKE—TO CREATE PRODUCTS GEARED TO A CURRENTLY UNDER SERVED MARKET

SUPPORTING STATEMENT

NIKE targets and dominates the athletic and wan-a- be athletic market in shoes and apparel for the under 40 years of age customers. The, "JUST DO IT" theme speaks to that market, underpinning sales. NIKE customers eventually, "age out" of that under 40 years of age, "athlete" bracket. Thereby reducing or eliminating purchasing of NIKE products.

SOLUTION-----create specific product lines of shoes and apparel that are styled, age appropriate, have ease of use, are color themed and comfortable and that would hence appeal to that underserved market of over 40 years of age potential customers. Marketing of this new line of products could be Consumer Direct. A new parallel theme of, "STILL DOING IT", speaks to that over 40 years of age group. Why not be the go-to source for shoes and apparel for aging NIKE customers and non-customers.

US Census Bureau—United States both gender population estimates for 2017 are as follows:

- 1] age group 0-85 + years of age = 323,405,935 = [100 %]
- 2] age group 10-39 years of age = 129,754,815 = [40 %]
- 3] age group 40-59 years of age = 84,538,821 = [26 %]

BE IT RESOLVED—

That NIKE seriously and professionally investigate and research the market potential of creating a shoe and apparel line of products, that is geared to the needs and wants of the over 40 years of age customers, that were athletes or wan-a-be athletes. Incorporating the theme of "STILL DOING IT", will establish a new bond with NIKE and its customers that are past athletic period of their buying habits.

That NIKE report back to shareholders their findings and conclusions, prior to the 2021 meeting.

EXHIBIT B

PROPONENT'S TRADEMARK APPLICATION

Generated on: This page was generated by TSDR on 2020-04-20 19:11:33 EDT

Mark: STILL DOING IT

STILL DOING IT

US Serial Number: 86260860

Application Filing Date: Apr. 23, 2014

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



DEAD/APPLICATION/Refused/Dismissed or Invalidated

This trademark application was refused, dismissed, or invalidated by the Office and this application is no longer active.

Status: Abandoned because the applicant failed to respond or filed a late response to an Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Nov. 10, 2016

Publication Date: Sep. 16, 2014

Notice of Allowance Date: Nov. 11, 2014

Date Abandoned: Oct. 13, 2016

Mark Information

Mark Literal Elements: STILL DOING IT

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *...* identify additional (new) wording in the goods/services.

For: Shoes and clothing namely, shoes, socks, shorts, pants, pajamas, t-shirts, long sleeved shirts, jackets, hats, and gloves

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(b)

First Use: Jun. 04, 2014

Use in Commerce: Feb. 10, 2016

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Filed ITU: Yes

Currently ITU: Yes

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: Guenther, Kenneth W.

Owner Address: ***

Legal Entity Type: INDIVIDUAL

Citizenship: UNITED STATES

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Mark S. Hubert

Attorney Primary markhubert@pacifier.com

Email Address:

Attorney Email Yes

Authorized:

Correspondent

Correspondent Name/Address: MARK S. HUBERT

MARK S. HUBERT PC
2300 SW FIRST AVE STE 101
PORTLAND, OREGON UNITED STATES 97201-5047

Phone: 503-234-7711

Correspondent e-mail: markhubert@pacifier.com nicoleh@pacifier.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Nov. 10, 2016	ABANDONMENT NOTICE MAILED - FAILURE TO RESPOND	
Nov. 10, 2016	ABANDONMENT - FAILURE TO RESPOND OR LATE RESPONSE	
Apr. 12, 2016	NOTIFICATION OF NON-FINAL ACTION E-MAILED	
Apr. 12, 2016	NON-FINAL ACTION E-MAILED	
Apr. 12, 2016	SU - NON-FINAL ACTION - WRITTEN	92839
Mar. 23, 2016	ASSIGNED TO EXAMINER	92839
Mar. 17, 2016	STATEMENT OF USE PROCESSING COMPLETE	71906
Feb. 17, 2016	USE AMENDMENT FILED	71906
Feb. 17, 2016	TEAS STATEMENT OF USE RECEIVED	
Nov. 07, 2015	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Nov. 06, 2015	EXTENSION 2 GRANTED	71906
Oct. 27, 2015	EXTENSION 2 FILED	71906
Nov. 05, 2015	CASE ASSIGNED TO INTENT TO USE PARALEGAL	71906
Oct. 27, 2015	TEAS EXTENSION RECEIVED	
Jun. 09, 2015	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jun. 06, 2015	EXTENSION 1 GRANTED	70458
May 07, 2015	EXTENSION 1 FILED	70458
Jun. 06, 2015	CASE ASSIGNED TO INTENT TO USE PARALEGAL	70458
May 07, 2015	TEAS EXTENSION RECEIVED	
Dec. 01, 2014	ASSIGNED TO EXAMINER	81860
Nov. 11, 2014	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Sep. 16, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Sep. 16, 2014	PUBLISHED FOR OPPOSITION	
Aug. 27, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Aug. 11, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 04, 2014	ASSIGNED TO EXAMINER	78428
May 07, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Apr. 26, 2014	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: CALIENDO, COURTNEY MIC

Law Office LAW OFFICE 121

Assigned:

File Location

Current Location: TMO LAW OFFICE 121 - EXAMINING
ATTORNEY ASSIGNED

Date in Location: Nov. 10, 2016

Side - 1



NOTICE OF ABANDONMENT
MAILING DATE: Nov 10, 2016

The trademark application identified below was abandoned in full because a response to the Office Action mailed on Apr 12, 2016 was not received within the 6-month response period.

If the delay in filing a response was unintentional, you may file a petition to revive the application with a fee. If the abandonment of this application was due to USPTO error, you may file a request for reinstatement. Please note that a petition to revive or request for reinstatement **must be received within two months from the mailing date of this notice.**

For additional information, go to <http://www.uspto.gov/teas/petinfo.htm>. If you are unable to get the information you need from the website, call the Trademark Assistance Center at 1-800-786-9199.

SERIAL NUMBER: 86260860
MARK: STILL DOING IT
OWNER: Guenther, Kenneth W.

Side - 2

UNITED STATES PATENT AND TRADEMARK OFFICE
COMMISSIONER FOR TRADEMARKS
P.O. BOX 1451
ALEXANDRIA, VA 22313-1451

FIRST-CLASS MAIL
U.S POSTAGE
PAID

MARK S. HUBERT
MARK S. HUBERT PC
2300 SW FIRST AVE STE 101
PORTLAND , OR 97201-5047

To: Guenther, Kenneth W. (markhubert@pacifier.com)
Subject: U.S. TRADEMARK APPLICATION NO. 86260860 - STILL DOING IT - N/A
Sent: 4/12/2016 4:15:52 PM
Sent As: ECOM121@USPTO.GOV
Attachments:

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

U.S. APPLICATION SERIAL NO. 86260860

MARK: STILL DOING IT

86260860

CORRESPONDENT ADDRESS:

MARK S. HUBERT
MARK S. HUBERT PC
2300 SW FIRST AVE STE 101
PORTLAND, OR 97201-5047

CLICK HERE TO RESPOND TO THIS LETTER:

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

[VIEW YOUR APPLICATION FILE](#)

APPLICANT: Guenther, Kenneth W.

CORRESPONDENT'S REFERENCE/DOCKET NO :

N/A

CORRESPONDENT E-MAIL ADDRESS:

markhubert@pacifier.com

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW.

ISSUE/MAILING DATE: 4/12/2016

The statement of use has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

On February 17, 2016, Applicant submitted a statement of use that states that the applied-for mark "IS A TRADEMARK OF CIRQUE LLC USED UNDER LICENSE"; however, applicant is not listed as CIRQUE LLC and has not provided a reason for this discrepancy, or provided or recorded ownership transfer documentation. The name of the original applicant and of the applicant who submitted the specimen is "Guenther, Kenneth W." an individual. This specimen discrepancy of the owner name raises a question regarding whether the proper party filed the original application and the statement of use. Therefore, in order to permit proper examination of the application, applicant must submit additional information about the statement of use and proper ownership of the mark. *See* 37 C.F.R. § 2.61(b).

Specifically, the applicant must submit information clarifying the ownership and licensing issues presented in the statement of use filed on February 17, 2016 and answer the following questions:

1. Please explain the discrepancy in the ownership name and licensing entities listed on the specimen submitted February 17, 2016.
2. Did the proper party file the original application?
3. Was there an assignment of the intent-to-use application?
4. Was the intent-to-use application assigned to CIRQUE LLC from applicant, Guenther, Kenneth W.?
5. If the application was assigned, please state when the assignment was executed and who were the parties involved in the assignment?
Please list the roles of each party involved.
6. Is the assignee a successor to applicant's business?

Failure to comply with a request for information can be grounds for refusing registration. *In re AOP LLC*, 107 USPQ2d 1644, 1651 (TTAB 2013); *In re DTI P'ship LLP*, 67 USPQ2d 1699, 1701-02 (TTAB 2003); TMEP §814.

Applicant should note that an intent-to-use application is void if it was filed in the name of a party who was not entitled to use the mark on the application filing date. 37 C.F.R. §2.71(d); *see Am. Forests v. Sanders*, 54 USPQ2d 1860, 1863 (TTAB 1999); TMEP §§803.06, 1201.02(b). In addition, an intent-to-use application is void if, prior to filing an allegation of use (i.e., either an amendment to allege use under 15 U.S.C. §1051(c) or a statement of use under 15 U.S.C. §1051(d)), the application is assigned to a party other than either a successor to the applicant's business or to a portion of the applicant's business to which the mark pertains, if that business is ongoing and existing. Section 10 of the Trademark Act, 15 U.S.C. §1060; 37 C.F.R. §3.16.; TMEP §501.01(a); *see Cent. Garden & Pet Co. v. Doskocil Mfg. Co.*, 108 USPQ2d 1134, 1146 (TTAB 2013); *Clorox Co. v. Chem. Bank*, 40 USPQ2d 1098, 1105-06 (TTAB 1996).

The assignment of an intent-to-use application to someone who is not the successor to the applicant's business before filing an allegation of use renders the application void, and any resulting registration must be cancelled. *Cent. Garden & Pet Co. v. Doskocil Mfg. Co.*, 108 USPQ2d 1134, 1146 (TTAB 2013); *Clorox Co. v. Chem. Bank*, 40 USPQ2d 1098, 1105-06 (TTAB 1996); cf. *Amazon Techs., Inc. v. Wax*, 95 USPQ2d 1865, 1872 (TTAB 2010) (finding "the assignment from one joint applicant to another, where the assignee joint applicant was and remains an owner of the application is more in the nature of 'relinquishment' of ownership rights by one joint owner than a true 'assignment' to a different legal entity, and, thus, it is not prohibited under §10 of the Trademark Act").

A void application cannot be cured by amendment or assignment. TMEP §§803.06, 1201.02(b); *see* 37 C.F.R. §2.71(d). In such cases, the true owner may only file a new application. TMEP §803.06.

To amend the owner name in an application, the new owner must file documentation to establish its ownership of the application as follows:

- (1) The new owner must (a) record an assignment, name change, or other documentation affecting title with the USPTO's Assignment Recordation Branch showing a clear chain of title to the mark in the new owner; and (b) promptly notify the trademark examining attorney that the documentation has been recorded.
- (2) The new owner must file either (a) a written statement, verified with an affidavit or signed declaration under 37 C.F.R. §2.20, explaining in detail the chain of title to the new owner; or (b) documentation showing transfer of title to the new owner. However, the registration will not issue in the name of the new owner without recording chain of title documentation with the USPTO and notifying the trademark examining attorney, as specified in (1) above.

TMEP §502.01; *see* 15 U.S.C. §1060; 37 C.F.R. §§2.193(e)(1), 3.73(b)(1); TMEP §502.02(a).

Assignments and other documents affecting title can be filed electronically at <http://etas.uspto.gov/>. To record a change in ownership and/or name, applicant must submit the ownership transfer or name change documents along with a cover sheet and the required fees. 37 C.F.R. §§3.28, 3.41(a); *see* TMEP §§503.03 *et seq.* The recordal fees are \$40.00 for the first mark in a document and \$25.00 for each additional mark in the same document. 37 C.F.R. §2.6(b)(6).

The Office will accept for recording a copy of an original document, a copy of an extract from the document evidencing the effect on title, or a statement signed by both the party conveying the interest and the party receiving the interest explaining how the conveyance affects title. 37 C.F.R. §3.25(a), (c); TMEP §503.03(b). Applicant should not submit original documents for recording; the Office does not return recorded documents. 37 C.F.R. §3.25(c)(2); TMEP §503.03(b).

RESPONSE GUIDELINES

If applicant has questions regarding this Office action, please telephone or e-mail the assigned trademark examining attorney. All relevant e-mail communications will be placed in the official application record; however, an e-mail communication will not be accepted as a response to this Office action and will not extend the deadline for filing a proper response. *See* 37 C.F.R. §§2.62(c), 2.191; TMEP §§304.01-.02, 709.04-.05. Further, although the trademark examining attorney may provide additional explanation pertaining to the refusal(s) and/or requirement(s) in this Office action, the trademark examining attorney may not provide legal advice or statements about applicant's rights. *See* TMEP §§705.02, 709.06.

/Courtney M. Caliendo/
Courtney M. Caliendo
Examining Attorney

Law Office 121
571-270-1871
courtney.caliendo@uspto.gov

TO RESPOND TO THIS LETTER: Go to http://www.uspto.gov/trademarks/teas/response_forms.jsp. Please wait 48-72 hours from the issue/ mailing date before using the Trademark Electronic Application System (TEAS), to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned trademark examining attorney. **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 application will be placed in the official application record.

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

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at TrademarkAssistanceCenter@uspto.gov or call 1-800-786-9199. 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>.

To: Guenther, Kenneth W. (markhubert@pacifier.com)
Subject: U.S. TRADEMARK APPLICATION NO. 86260860 - STILL DOING IT - N/A
Sent: 4/12/2016 4:15:54 PM
Sent As: ECOM121@USPTO.GOV
Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

**IMPORTANT NOTICE REGARDING YOUR
U.S. TRADEMARK APPLICATION**

USPTO OFFICE ACTION (OFFICIAL LETTER) HAS ISSUED
ON **4/12/2016** FOR U.S. APPLICATION SERIAL NO. 86260860

Please follow the instructions below:

(1) TO READ THE LETTER: Click on this [link](#) or go to <http://tsdr.uspto.gov>, enter the U.S. application serial number, and click on "Documents."

The Office action may not be immediately viewable, to allow for necessary system updates of the application, but will be available within 24 hours of this e-mail notification.

(2) TIMELY RESPONSE IS REQUIRED: Please carefully review the Office action to determine (1) how to respond, and (2) the applicable response time period. Your response deadline will be calculated from **4/12/2016** (or sooner if specified in the Office action). For information regarding response time periods, see <http://www.uspto.gov/trademarks/process/status/responsetime.jsp>.

Do NOT hit "Reply" to this e-mail notification, or otherwise e-mail your response because the USPTO does NOT accept e-mails as responses to Office actions. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System (TEAS) response form located at http://www.uspto.gov/trademarks/teas/response_forms.jsp.

(3) QUESTIONS: For questions about the contents of the Office action itself, please contact the assigned trademark examining attorney. For technical assistance in accessing or viewing the Office action in the Trademark Status and Document Retrieval (TSDR) system, please e-mail TSDR@uspto.gov.

WARNING

Failure to file the required response by the applicable response deadline will result in the ABANDONMENT of your application. For more information regarding abandonment, see <http://www.uspto.gov/trademarks/basics/abandon.jsp>.

PRIVATE COMPANY SOLICITATIONS REGARDING YOUR APPLICATION: Private companies **not** associated with the USPTO are using information provided in trademark applications to mail or e-mail trademark-related solicitations. These companies often use names that closely resemble the USPTO and their solicitations may look like an official government document. Many solicitations require that you pay "fees."

Please carefully review all correspondence you receive regarding this application to make sure that you are responding to an official document from the USPTO rather than a private company solicitation. All official USPTO correspondence will be mailed only from the "United States Patent and Trademark Office" in Alexandria, VA; or sent by e-mail from the domain "@uspto.gov." For more information on how to handle private company solicitations, see http://www.uspto.gov/trademarks/solicitation_warnings.jsp.

Trademark Snap Shot ITU Unit Action
(Table presents the data on ITU Unit Action)

OVERVIEW

SERIAL NUMBER	86260860	FILING DATE	04/23/2014
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	STEEL, ALYSSA PALADINO	L.O. ASSIGNED	N30-NOT FOUND

PUB INFORMATION

RUN DATE	03/18/2016		
PUB DATE	09/16/2014		
STATUS	748-STATEMENT OF USE - TO EXAMINER		
STATUS DATE	03/17/2016		
LITERAL MARK ELEMENT	STILL DOING IT		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	STILL DOING IT
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	20-OWNER AT PUBLICATION
------------	-------------------------

NAME	Guenther, Kenneth W.
ADDRESS	***
ENTITY	01-INDIVIDUAL
CITIZENSHIP	United States of America
GOODS AND SERVICES	
INTERNATIONAL CLASS	025
DESCRIPTION TEXT	Shoes and clothing namely, shoes, socks, shorts, pants, pajamas, t-shirts, long sleeved shirts, jackets, hats, and gloves

GOODS AND SERVICES CLASSIFICATION							
INTERNATIONAL CLASS	025	FIRST USE DATE	06/04/2014	FIRST USE IN COMMERCE DATE	02/10/2016	CLASS STATUS	6-ACTIVE

MISCELLANEOUS INFORMATION/STATEMENTS	
CHANGE IN REGISTRATION	NO

PROSECUTION HISTORY				
DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
03/17/2016	SUPC	I	STATEMENT OF USE PROCESSING COMPLETE	022
02/17/2016	IUAF	S	USE AMENDMENT FILED	021
02/17/2016	EISU	I	TEAS STATEMENT OF USE RECEIVED	020
11/07/2015	EXRA	E	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	019
11/06/2015	EX2G	S	EXTENSION 2 GRANTED	018
10/27/2015	EXT2	S	EXTENSION 2 FILED	017
11/05/2015	AITU	A	CASE ASSIGNED TO INTENT TO USE PARALEGAL	016
10/27/2015	EEXT	I	TEAS EXTENSION RECEIVED	015
06/09/2015	EXRA	E	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	014
06/06/2015	EX1G	S	EXTENSION 1 GRANTED	013
05/07/2015	EXT1	S	EXTENSION 1 FILED	012
06/06/2015	AITU	A	CASE ASSIGNED TO INTENT TO USE PARALEGAL	011
05/07/2015	EEXT	I	TEAS EXTENSION RECEIVED	010
12/01/2014	DOCK	D	ASSIGNED TO EXAMINER	009
11/11/2014	NOAM	E	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	008
09/16/2014	NPUB	E	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	007
09/16/2014	PUBO	A	PUBLISHED FOR OPPOSITION	006
08/27/2014	NONP	E	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	005
08/11/2014	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	004
08/04/2014	DOCK	D	ASSIGNED TO EXAMINER	003
05/07/2014	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
04/26/2014	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

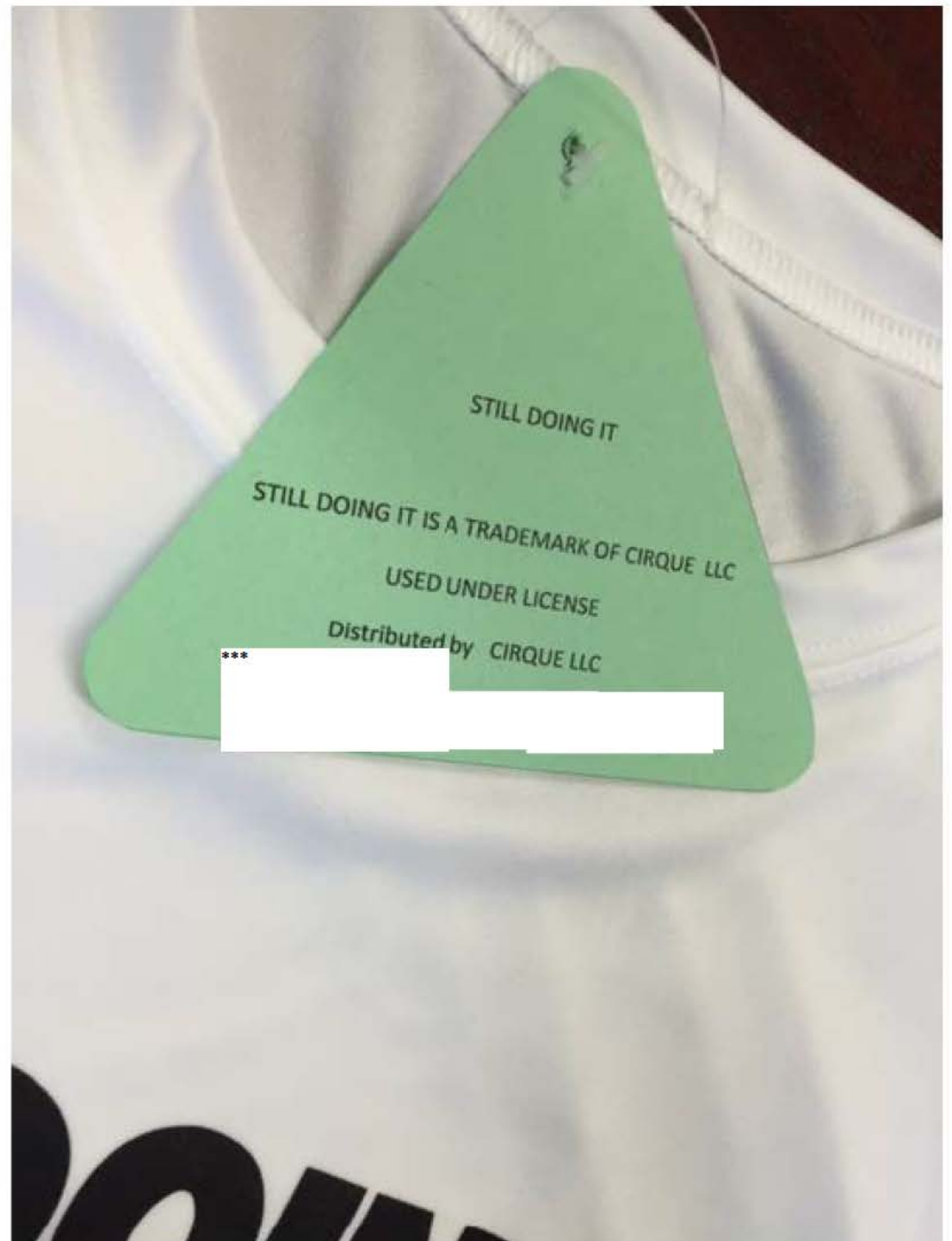
CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	Mark S. Hubert
CORRESPONDENCE ADDRESS	MARK S. HUBERT MARK S. HUBERT PC 2300 SW FIRST AVE STE 101 PORTLAND, OR 97201-5047
DOMESTIC REPRESENTATIVE	NONE

PRIOR OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Guenther, Kenneth W.
ADDRESS	***
ENTITY	01-INDIVIDUAL
CITIZENSHIP	United States of America

STILL DOING IT



STILL DOING IT

STILL DOING IT IS A TRADEMARK OF CIRQUE LLC

USED UNDER LICENSE

Distributed by CIRQUE LLC

Trademark/Service Mark Statement of Use (15 U.S.C. Section 1051(d))

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86260860
LAW OFFICE ASSIGNED	LAW OFFICE 121
EXTENSION OF USE	NO
MARK SECTION	
MARK	http://tmng-al.uspto.gov/resting2/api/img/86260860/large
LITERAL ELEMENT	STILL DOING IT
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
OWNER SECTION	
NAME	Guenther, Kenneth W.
STREET	***
CITY	***
STATE	***
ZIP/POSTAL CODE	***
COUNTRY	United States
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	025
CURRENT IDENTIFICATION	Shoes and clothing namely, shoes, socks, shorts, pants, pajamas, t-shirts, long sleeved shirts, jackets, hats, and gloves
GOODS OR SERVICES	KEEP ALL LISTED
FIRST USE ANYWHERE DATE	06/04/2014
FIRST USE IN COMMERCE DATE	02/10/2016
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT16\IMAGEOUT 16\862\608\86260860\xml14\SOU0002.JPG
SPECIMEN DESCRIPTION	A hang tag affixed to collar of t-shirts that registrant has begun selling
REQUEST TO DIVIDE	NO
PAYMENT SECTION	
NUMBER OF CLASSES IN USE	1
SUBTOTAL AMOUNT [ALLEGATION OF USE FEE]	100

TOTAL AMOUNT	100
SIGNATURE SECTION	
DECLARATION SIGNATURE	/Mark S Hubert/
SIGNATORY'S NAME	Mark S Hubert
SIGNATORY'S POSITION	Attorney of record, Oregon bar member
DATE SIGNED	02/17/2016
SIGNATORY'S PHONE NUMBER	5032347711
FILING INFORMATION	
SUBMIT DATE	Wed Feb 17 20:21:37 EST 2016
TEAS STAMP	USPTO/SOU-XX.XX.XXX.XXX-2 0160217202137836464-86260 860-55024b9f9fec9defcaaa0 6e1e167391b3369de15e8b453 d2522d43551d7f571b3-CC-93 73-20160217201201788887

Trademark/Service Mark Statement of Use (15 U.S.C. Section 1051(d))

To the Commissioner for Trademarks:

MARK: STILL DOING IT(Standard Characters, see <http://tmng-al.uspto.gov/resting2/api/img/86260860/large>)

SERIAL NUMBER: 86260860

The applicant, Guenther, Kenneth W., having an address of

United States

is submitting the following allegation of use information:

For International Class 025:

Current identification: Shoes and clothing namely, shoes, socks, shorts, pants, pajamas, t-shirts, long sleeved shirts, jackets, hats, and gloves

The mark is in use in commerce on or in connection with all of the goods/services, or to indicate membership in the collective organization listed in the application or Notice of Allowance or as subsequently modified for this specific class.

The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 06/04/2014, and first used in commerce at least as early as 02/10/2016, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) A hang tag affixed to collar of t-shirts that registrant has begun selling.

[Specimen File1](#)

The applicant is not filing a Request to Divide with this Allegation of Use form.

A fee payment in the amount of \$100 will be submitted with the form, representing payment for the allegation of use for 1 class.

Declaration

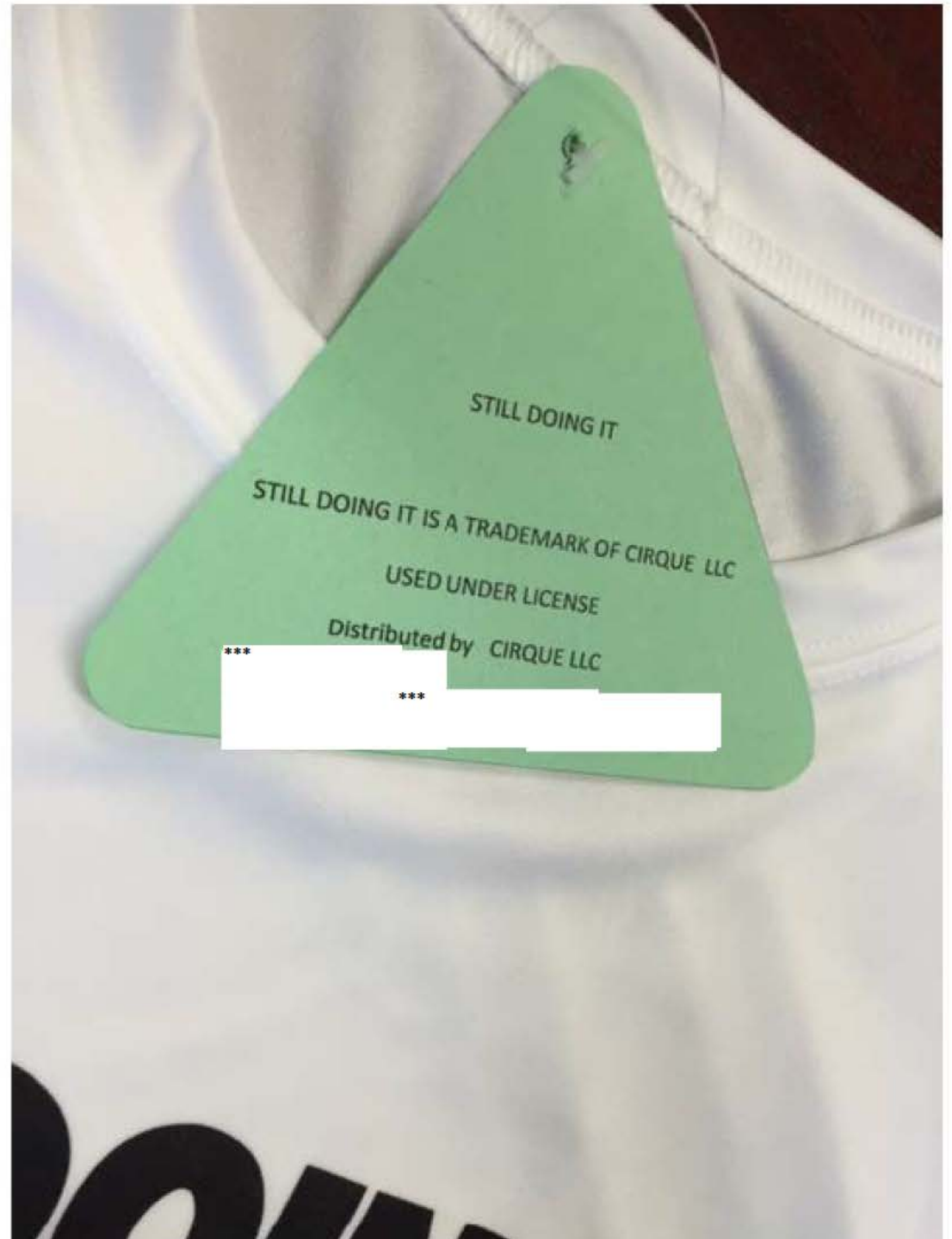
STATEMENTS: The signatory believes that: if the applicant is filing the amendment to allege use under 15 U.S.C. §1051(c) or a statement of use under 15 U.S.C. §1051(d), the applicant is the owner of the mark sought to be registered; the mark is in use in commerce; **for a trademark or service mark application**, the applicant is using the mark in commerce on or in connection with all the goods/services in the application or notice of allowance, or as subsequently modified; **for a collective trademark, collective service mark, collective membership mark application**, the applicant is exercising legitimate control over the use of the mark in commerce by members on or in connection with all the goods/services/collective membership organization in the application or notice of allowance, or as subsequently modified; **for a certification mark application**, the applicant is exercising legitimate control over the use of the mark in commerce by authorized users on or in connection with the all goods/services in the application or notice of allowance, or as subsequently modified, and the applicant is not engaged in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant; that to the best of the signatory's knowledge and belief, no other persons, except, if applicable, authorized users, members, and/or concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services/collective membership organization of such other persons, to cause confusion or mistake, or to deceive; and the specimen(s) shows the mark as used on or in connection with the goods/services/collective membership organization in commerce.

DECLARATION: 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 the application or submission or any registration resulting therefrom, declares that 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: /Mark S Hubert/ Date Signed: 02/17/2016
Signatory's Name: Mark S Hubert
Signatory's Position: Attorney of record, Oregon bar member
Signatory's Phone: 5032347711

RAM Sale Number: 86260860
RAM Accounting Date: 02/18/2016

Serial Number: 86260860
Internet Transmission Date: Wed Feb 17 20:21:37 EST 2016
TEAS Stamp: USPTO/SOU-XX.XX.XXX.XXX-2016021720213783
6464-86260860-55024b9f9fec9defcaaa06e1e1
67391b3369de15e8b453d2522d43551d7f571b3-
CC-9373-20160217201201788887



STILL DOING IT

STILL DOING IT IS A TRADEMARK OF CIRQUE LLC

USED UNDER LICENSE

Distributed by CIRQUE LLC

FEE RECORD SHEET

Serial Number: 86260860

RAM Sale Number: 86260860

Total Fees: \$100

RAM Accounting Date: 20160218

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Total Fee</u>
Statement of Use (SOU)	7003	20160217	\$100	1	\$100

Transaction Date: 20160217

From: TMOOfficialNotices@USPTO.GOV
Sent: Saturday, November 7, 2015 00:12 AM
To: markhubert@pacifier.com
Cc: nicoleh@pacifier.com
Subject: Official USPTO Notice of Approval of Extension Request: U.S. Trademark SN 86260860: STILL DOING IT

NOTICE OF APPROVAL OF EXTENSION REQUEST

U.S. Serial Number: 86260860
Mark: STILL DOING IT
Owner: Guenther, Kenneth W.
Extension Request Number: 2
Docket/Reference Number:
Notice of Allowance Date: Nov 11, 2014

The USPTO issued a Notice of Allowance on **Nov 11, 2014** for the trademark application identified above. Applicant's **SECOND** request for Extension of Time to File a Statement of Use has been **GRANTED**. If you are currently using the mark in commerce, please visit http://www.uspto.gov/trademarks/teas/intent_to_use.jsp and select form number 1 ("Statement of Use/Amendment to Allege Use for Intent-to-Use Application") to file your statement of use and complete the registration process.

PLEASE NOTE:

1. Applicant must continue to file extension requests every six (6) months calculated from the date the Notice of Allowance was issued until a Statement of Use is filed, or the USPTO will abandon the application.
2. Applicant may only request a total of five (5) extensions of time.
3. Applicant may **NOT** file a Statement of Use more than thirty-six (36) months from the date the Notice of Allowance was issued.

To check the status of the application, go to http://tsdr.uspto.gov/#caseNumber=86260860&caseType=SERIAL_NO&searchType=statusSearch or contact the Trademark Assistance Center at 1-800-786-9199. Please check the status of the application at least every three (3) months after the application filing date.

To view this notice and other documents for this application on-line, go to http://tsdr.uspto.gov/#caseNumber=86260860&caseType=SERIAL_NO&searchType=documentSearch. NOTE: This notice will only become available on-line the next business day after receipt of this e-mail.

For further information on filing a Statement of Use or an additional extension request, if applicable, please consult the USPTO website at <http://www.uspto.gov/trademarks/>, view the video on the USPTO website entitled "Statement of Use" (click on "TMIN Trademark Information Network" to view a list of available videos), or contact the Trademark Assistance Center at 1-800-786-9199.

Trademark Snap Shot ITU Unit Action
(Table presents the data on ITU Unit Action)

OVERVIEW

SERIAL NUMBER	86260860	FILING DATE	04/23/2014
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	STEEL, ALYSSA PALADINO	L.O. ASSIGNED	N30-NOT FOUND

PUB INFORMATION

RUN DATE	11/07/2015
PUB DATE	09/16/2014
STATUS	731-SECOND EXTENSION - GRANTED
STATUS DATE	11/06/2015
LITERAL MARK ELEMENT	STILL DOING IT

DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	STILL DOING IT
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	20-OWNER AT PUBLICATION
------------	-------------------------

NAME	Guenther, Kenneth W.
ADDRESS	***
ENTITY	01-INDIVIDUAL
CITIZENSHIP	United States of America
GOODS AND SERVICES	
INTERNATIONAL CLASS	025
DESCRIPTION TEXT	Shoes and clothing namely, shoes, socks, shorts, pants, pajamas, t-shirts, long sleeved shirts, jackets, hats, and gloves

GOODS AND SERVICES CLASSIFICATION							
INTERNATIONAL CLASS	025	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE

MISCELLANEOUS INFORMATION/STATEMENTS	
CHANGE IN REGISTRATION	NO

PROSECUTION HISTORY				
DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
11/07/2015	EXRA	E	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	019
11/06/2015	EX2G	S	EXTENSION 2 GRANTED	018
10/27/2015	EXT2	S	EXTENSION 2 FILED	017
11/05/2015	AITU	A	CASE ASSIGNED TO INTENT TO USE PARALEGAL	016
10/27/2015	EEXT	I	TEAS EXTENSION RECEIVED	015
06/09/2015	EXRA	E	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	014
06/06/2015	EX1G	S	EXTENSION 1 GRANTED	013
05/07/2015	EXT1	S	EXTENSION 1 FILED	012
06/06/2015	AITU	A	CASE ASSIGNED TO INTENT TO USE PARALEGAL	011
05/07/2015	EEXT	I	TEAS EXTENSION RECEIVED	010
12/01/2014	DOCK	D	ASSIGNED TO EXAMINER	009
11/11/2014	NOAM	E	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	008
09/16/2014	NPUB	E	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	007
09/16/2014	PUBO	A	PUBLISHED FOR OPPOSITION	006
08/27/2014	NONP	E	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	005
08/11/2014	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	004
08/04/2014	DOCK	D	ASSIGNED TO EXAMINER	003
05/07/2014	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
04/26/2014	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION	
ATTORNEY	Mark S. Hubert

CORRESPONDENCE ADDRESS	MARK S. HUBERT MARK S. HUBERT PC 2300 SW FIRST AVE STE 101 PORTLAND, OR 97201-5047
DOMESTIC REPRESENTATIVE	NONE

PRIOR OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Guenther, Kenneth W.
ADDRESS	***
ENTITY	01-INDIVIDUAL
CITIZENSHIP	United States of America

STILL DOING IT

Request for Extension of Time to File a Statement of Use (15 U.S.C. Section 1051(d))

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86260860
LAW OFFICE ASSIGNED	LAW OFFICE 107
MARK SECTION	
MARK	STILL DOING IT
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	STILL DOING IT
OWNER SECTION	
NAME	Guenther, Kenneth W.
STREET	***
CITY	***
STATE	***
ZIP/POSTAL CODE	***
COUNTRY	United States
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	025
CURRENT IDENTIFICATION	Shoes and clothing namely, shoes, socks, shorts, pants, pajamas, t-shirts, long sleeved shirts, jackets, hats, and gloves
GOODS OR SERVICES	KEEP ALL LISTED
EXTENSION SECTION	
EXTENSION NUMBER	2
ONGOING EFFORT	product or service research or development ; market research ; The Applicant believes that out has made use of the mark in commerce and is in the process of preparing a Statement of Use but that if the USPTO finds the SOU to be fatally defective, the applicant will need additional time to file a newSOU.
ALLOWANCE MAIL DATE	11/11/2014
STATEMENT OF USE	NO
PAYMENT SECTION	
NUMBER OF CLASSES	1
SUBTOTAL AMOUNT	150
TOTAL AMOUNT	150

SIGNATURE SECTION	
SIGNATURE	/Mark S Hubert/
SIGNATORY'S NAME	Mark S Hubert
SIGNATORY'S POSITION	Attorney Of Record Oregon state bar member
DATE SIGNED	10/27/2015
SIGNATORY'S PHONE NUMBER	5032347711
FILING INFORMATION	
SUBMIT DATE	Tue Oct 27 18:35:13 EDT 2015
TEAS STAMP	USPTO/ESU-XX.XX.XXX.XXX-2 0151027183513838745-86260 860-5408fca3462fb2f24c87b 736c2dfdb3587b4399b01bcd6 8f27bfeb34e65956c89-CC-51 52-20151027181940595463

**SOU Extension Request
(15 U.S.C. Section 1051(d))**

To the Commissioner for Trademarks:

MARK: STILL DOING IT
SERIAL NUMBER: 86260860

The applicant, Guenther, Kenneth W., having an address of

United States

requests a six-month extension of time to file the Statement of Use under 37 C.F.R. Section 2.89 in this application. The Notice of Allowance mailing date was 11/11/2014.

For International Class 025:

Current identification: Shoes and clothing namely, shoes, socks, shorts, pants, pajamas, t-shirts, long sleeved shirts, jackets, hats, and gloves

For a trademark/service mark: The applicant has a continued bona fide intention, and is entitled, to use the mark in commerce on or in connection with all of the goods/services listed in the Notice of Allowance or as subsequently modified for this specific class; for a collective/certification mark: the applicant has a continued bona fide intention, and is entitled, to exercise legitimate control over the use of the mark in commerce on or in connection with the goods/services/collective membership organization listed in the Notice of Allowance, or as subsequently modified for this specific class.

This is the second extension request. The applicant has made the following ongoing efforts to use the mark in commerce on or in connection with each of those goods/services covered by the extension request: product or service research or development ; market research ; The Applicant believes that out has made use of the mark in commerce and is in the process of preparing a Statement of Use but that if the USPTO finds the SOU to be fatally defective, the applicant will need additional time to file a newSOU.

A fee payment in the amount of \$150 will be submitted with the form, representing payment for 1 class.

Declaration

STATEMENTS: The signatory believes that: the applicant has a continued bona fide intention, and is entitled, to use the mark in commerce on or in connection with all the goods/services under Section 1(b) in the notice of allowance or as subsequently modified, or, if applicable, the applicant has a continued bona fide intention, and is entitled, to exercise legitimate control over the use of the mark in commerce on or in connection with all the goods/services/collective membership organization under Section 1(b) in the notice of allowance or as subsequently modified; and that to the best of the signatory's knowledge and belief, no other persons, except, if applicable, members and concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services/collective membership organization of such other persons, to cause confusion or mistake, or to deceive.

DECLARATION: 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 the application or submission or any resulting registration, declares that 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: /Mark S Hubert/ Date Signed: 10/27/2015
Signatory's Name: Mark S Hubert
Signatory's Position: Attorney Of Record Oregon state bar member
Signatory's Phone: 5032347711

RAM Sale Number: 86260860

RAM Accounting Date: 10/28/2015

Serial Number: 86260860

Internet Transmission Date: Tue Oct 27 18:35:13 EDT 2015

TEAS Stamp: USPTO/ESU-XX.XX.XXX.XXX-2015102718351383

8745-86260860-5408fca3462fb2f24c87b736c2

dfdb3587b4399b01bcd68f27bfeb34e65956c89-

CC-5152-20151027181940595463

TEAS ROUTING SHEET

To: INTENT TO USE UNIT

Work Loc: INTENT TO USE SECTION

Doc Type: Extension Request for SOU

Serial Number: 86260860

Mark: STILL DOING IT

Mail Date: 2015/10/27

Examiner Number: 81860

Examiner Name:
STEEL, ALYSSA PALADINO

L.O. Assigned: LAW OFFICE 107

Special Instruction(s):

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Total Fee</u>
Extension Request for SOU	7004	20151027	\$150	1	\$150

From: TMOfficialNotices@USPTO.GOV
Sent: Tuesday, June 9, 2015 00:15 AM
To: markhubert@pacifier.com
Cc: nicoleh@pacifier.com
Subject: Official USPTO Notice of Approval of Extension Request: U.S. Trademark SN 86260860: STILL DOING IT

NOTICE OF APPROVAL OF EXTENSION REQUEST

U.S. Serial Number: 86260860
Mark: STILL DOING IT
Owner: Guenther, Kenneth W.
Extension Request Number: 1
Docket/Reference Number:
Notice of Allowance Date: Nov 11, 2014

The USPTO issued a Notice of Allowance on **Nov 11, 2014** for the trademark application identified above. Applicant's **FIRST** request for Extension of Time to File a Statement of Use has been **GRANTED**. If you are currently using the mark in commerce, please visit http://www.uspto.gov/trademarks/teas/intent_to_use.jsp and select form number 1 ("Statement of Use/Amendment to Allege Use for Intent-to-Use Application") to file your statement of use and complete the registration process.

PLEASE NOTE:

1. Applicant must continue to file extension requests every six (6) months calculated from the date the Notice of Allowance was issued until a Statement of Use is filed, or the USPTO will abandon the application.
2. Applicant may only request a total of five (5) extensions of time.
3. Applicant may **NOT** file a Statement of Use more than thirty-six (36) months from the date the Notice of Allowance was issued.

To check the status of the application, go to http://tsdr.uspto.gov/#caseNumber=86260860&caseType=SERIAL_NO&searchType=statusSearch or contact the Trademark Assistance Center at 1-800-786-9199. Please check the status of the application at least every three (3) months after the application filing date.

To view this notice and other documents for this application on-line, go to http://tsdr.uspto.gov/#caseNumber=86260860&caseType=SERIAL_NO&searchType=documentSearch. NOTE: This notice will only become available on-line the next business day after receipt of this e-mail.

For further information on filing a Statement of Use or an additional extension request, if applicable, please consult the USPTO website at <http://www.uspto.gov/trademarks/>, view the video on the USPTO website entitled "Statement of Use" (click on "TMIN Trademark Information Network" to view a list of available videos), or contact the Trademark Assistance Center at 1-800-786-9199.

Trademark Snap Shot ITU Unit Action
(Table presents the data on ITU Unit Action)

OVERVIEW

SERIAL NUMBER	86260860	FILING DATE	04/23/2014
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	STEEL, ALYSSA PALADINO	L.O. ASSIGNED	107

PUB INFORMATION

RUN DATE	06/09/2015		
PUB DATE	09/16/2014		
STATUS	730-FIRST EXTENSION - GRANTED		
STATUS DATE	06/06/2015		
LITERAL MARK ELEMENT	STILL DOING IT		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	STILL DOING IT
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	20-OWNER AT PUBLICATION
------------	-------------------------

NAME	Guenther, Kenneth W.
ADDRESS	***
ENTITY	01-INDIVIDUAL
CITIZENSHIP	United States of America
GOODS AND SERVICES	
INTERNATIONAL CLASS	025
DESCRIPTION TEXT	Shoes and clothing namely, shoes, socks, shorts, pants, pajamas, t-shirts, long sleeved shirts, jackets, hats, and gloves

GOODS AND SERVICES CLASSIFICATION							
INTERNATIONAL CLASS	025	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE

MISCELLANEOUS INFORMATION/STATEMENTS	
CHANGE IN REGISTRATION	NO

PROSECUTION HISTORY				
DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
06/09/2015	EXRA	E	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	014
06/06/2015	EX1G	S	EXTENSION 1 GRANTED	013
05/07/2015	EXT1	S	EXTENSION 1 FILED	012
06/06/2015	AITU	A	CASE ASSIGNED TO INTENT TO USE PARALEGAL	011
05/07/2015	EEXT	I	TEAS EXTENSION RECEIVED	010
12/01/2014	DOCK	D	ASSIGNED TO EXAMINER	009
11/11/2014	NOAM	E	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	008
09/16/2014	NPUB	E	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	007
09/16/2014	PUBO	A	PUBLISHED FOR OPPOSITION	006
08/27/2014	NONP	E	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	005
08/11/2014	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	004
08/04/2014	DOCK	D	ASSIGNED TO EXAMINER	003
05/07/2014	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
04/26/2014	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION	
ATTORNEY	Mark S. Hubert
CORRESPONDENCE ADDRESS	MARK S. HUBERT MARK S. HUBERT PC 2300 SW FIRST AVE STE 101 PORTLAND, OR 97201-5047
DOMESTIC REPRESENTATIVE	NONE

PRIOR OWNER INFORMATION	
PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Guenther, Kenneth W.
ADDRESS	***
ENTITY	01-INDIVIDUAL
CITIZENSHIP	United States of America

STILL DOING IT

Request for Extension of Time to File a Statement of Use (15 U.S.C. Section 1051(d))

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86260860
LAW OFFICE ASSIGNED	LAW OFFICE 107
MARK SECTION	
MARK	STILL DOING IT
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	STILL DOING IT
OWNER SECTION (current)	
NAME	Guenther, Kenneth W.
STREET	***
CITY	***
STATE	***
ZIP/POSTAL CODE	***
COUNTRY	United States
OWNER SECTION (proposed)	
NAME	Guenther, Kenneth W.
STREET	***
CITY	***
STATE	***
ZIP/POSTAL CODE	***
COUNTRY	United States
EMAIL	***
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	025
CURRENT IDENTIFICATION	Shoes and clothing namely, shoes, socks, shorts, pants, pajamas, t-shirts, long sleeved shirts, jackets, hats, and gloves
GOODS OR SERVICES	KEEP ALL LISTED
EXTENSION SECTION	
EXTENSION NUMBER	1
ALLOWANCE MAIL DATE	11/11/2014
STATEMENT OF USE	NO

PAYMENT SECTION	
NUMBER OF CLASSES	1
SUBTOTAL AMOUNT	150
TOTAL AMOUNT	150
SIGNATURE SECTION	
SIGNATURE	/Mark S Hubert/
SIGNATORY'S NAME	Mark S Hubert
SIGNATORY'S POSITION	Attorney of record, Oregon 972561
DATE SIGNED	05/07/2015
SIGNATORY'S PHONE NUMBER	5032347711
FILING INFORMATION	
SUBMIT DATE	Thu May 07 18:09:31 EDT 2015
TEAS STAMP	USPTO/ESU-XX.XX.XXX.XXX-2 0150507180931784308-86260 860-53012e08a90fc01e31e4b 8adf68b88e18472906d6c95dc 766768542b187a4a-CC-4245- 20150507174940862670

**SOU Extension Request
(15 U.S.C. Section 1051(d))**

To the Commissioner for Trademarks:

MARK: STILL DOING IT
SERIAL NUMBER: 86260860

The applicant, Guenther, Kenneth W., having an address of

United States

requests a six-month extension of time to file the Statement of Use under 37 C.F.R. Section 2.89 in this application. The Notice of Allowance mailing date was 11/11/2014.

For International Class 025:

Current identification: Shoes and clothing namely, shoes, socks, shorts, pants, pajamas, t-shirts, long sleeved shirts, jackets, hats, and gloves

For a trademark/service mark: The applicant has a continued bona fide intention, and is entitled, to use the mark in commerce on or in connection with all of the goods/services listed in the Notice of Allowance or as subsequently modified for this specific class; for a collective/certification mark: the applicant has a continued bona fide intention, and is entitled, to exercise legitimate control over the use of the mark in commerce on or in connection with the goods/services/collective membership organization listed in the Notice of Allowance, or as subsequently modified for this specific class.

This is the first extension request.

A fee payment in the amount of \$150 will be submitted with the form, representing payment for 1 class.

Declaration

DECLARATION: The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that 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: /Mark S Hubert/ Date Signed: 05/07/2015
Signatory's Name: Mark S Hubert
Signatory's Position: Attorney of record, Oregon 972561
Signatory's Phone: 5032347711

RAM Sale Number: 86260860
RAM Accounting Date: 05/08/2015

Serial Number: 86260860
Internet Transmission Date: Thu May 07 18:09:31 EDT 2015
TEAS Stamp: USPTO/ESU-XX.XX.XXX.XXX-2015050718093178
4308-86260860-53012e08a90fc01e31e4b8adf6
8b88e18472906d6c95dc766768542b187a4a-CC-
4245-20150507174940862670

TEAS ROUTING SHEET

To: INTENT TO USE UNIT

Work Loc: INTENT TO USE SECTION

Doc Type: Extension Request for SOU

Serial Number: 86260860

Mark: STILL DOING IT

Mail Date: 2015/05/07

Examiner Number: 81860

Examiner Name:
STEEL, ALYSSA PALADINO

L.O. Assigned: LAW OFFICE 107

Special Instruction(s):

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Total Fee</u>
Extension Request for SOU	7004	20150507	\$150	1	\$150

From: TMOfficialNotices@USPTO.GOV
Sent: Tuesday, November 11, 2014 00:10 AM
To: markhubert@pacifier.com
Cc: nicoleh@pacifier.com
Subject: Official USPTO Notice of Allowance: U.S. Trademark SN 86260860: STILL DOING IT

NOTICE OF ALLOWANCE (NOA)

ISSUE DATE: Nov 11, 2014

Serial Number: 86260860
Mark: STILL DOING IT
Docket/Reference Number:

No opposition was filed for this published application. The issue date of this NOA establishes the due date for the filing of a Statement of Use (SOU) or a Request for Extension of Time to file a Statement of Use (Extension Request). WARNING: An SOU that meets all legal requirements must be filed before a registration certificate can issue. Please read below for important information regarding the applicant's pending six (6) month deadline.

SIX (6)-MONTH DEADLINE: Applicant has six (6) MONTHS from the NOA issue date to file either:

- An SOU, if the applicant is using the mark in commerce (required even if the applicant was using the mark at the time of filing the application, if use basis was not specified originally); **OR**
- An Extension Request, if the applicant is not yet using the mark in commerce. If an Extension Request is filed, a new request must be filed every six (6) months until the SOU is filed. The applicant may file a total of five (5) extension requests. **WARNING:** An SOU may **not** be filed more than thirty-six (36) months from when the NOA issued. The deadline for filing is always calculated from the issue date of the NOA.

How to file SOU and/or Extension Request:

Use the Trademark Electronic Application System (TEAS). Do **NOT** reply to this e-mail, as e-mailed filings will **NOT** be processed. Both the SOU and Extension Request have many legal requirements, including fees and verified statements; therefore, please use the USPTO forms available online at <http://www.uspto.gov/teas/index.html> (under the "INTENT-TO-USE (ITU) FORMS" category) to avoid the possible omission of required information. If you have questions about this notice, please contact the Trademark Assistance Center at 1-800-786-9199.

For information on how to (1) divide an application; (2) delete goods/services (or entire class) with a Section 1(b) basis; or (3) change filing basis, see http://www.uspto.gov/trademarks/basics/MoreInfo_SOU_EXT.jsp.

FAILURE TO FILE A REQUIRED DOCUMENT OUTLINED ABOVE DURING THE APPROPRIATE TIME PERIOD WILL RESULT IN THE ABANDONMENT OF THIS APPLICATION.

REVIEW APPLICATION INFORMATION FOR ACCURACY

If you believe this NOA should not have issued or correction of the information shown below is needed, you must submit a request to the Intent-to-Use Unit. Please use the "Post-Publication Amendment" form under the "POST-PUBLICATION/POST NOTICE OF ALLOWANCE (NOA) FORMS" category, available at <http://www.uspto.gov/teas/index.html>. Do **NOT** reply to this e-mail, as e-mailed filings will **NOT** be processed.

Serial Number: 86260860
Mark: STILL DOING IT
Docket/Reference Number:
Owner: Guenther, Kenneth W.

Correspondence Address: MARK S. HUBERT
MARK S. HUBERT PC
2300 SW FIRST AVE STE 101
PORTLAND, OR 97201-5047

This application has the following bases, but not necessarily for all listed goods/services:

Section 1(a): NO

Section 1(b): YES

Section 44(e): NO

GOODS/SERVICES BY INTERNATIONAL CLASS

025 - Shoes and clothing namely, shoes, socks, shorts, pants, pajamas, t-shirts, long sleeved shirts, jackets, hats, and gloves -- FIRST USE DATE: NONE; -- USE IN COMMERCE DATE: NONE

ALL OF THE GOODS/SERVICES IN EACH CLASS ARE LISTED.

Fraudulent statements may result in registration being cancelled: Applicants must ensure that statements made in filings to the USPTO are accurate, as inaccuracies may result in the cancellation of any issued trademark registration. The lack of a bona fide intention to use the mark with ALL goods and/or services listed in an application or the lack of actual use on all goods and/or services for which use is claimed could jeopardize the validity of the registration, possibly resulting in its cancellation.

Additional information: For information on filing and maintenance requirements for U.S. trademark applications and registrations and required fees, please consult the USPTO website at www.uspto.gov or call the Trademark Assistance Center at 1-800-786-9199.

Checking status: To check the status of an application, go to <http://tarr.uspto.gov>. Please check the status of any application at least every three (3) months after the application filing date.

To view this notice and other documents for this application on-line, go to <http://tdr.uspto.gov/search.action?sn=86260860>. NOTE: This notice will only be available on-line the next business day after receipt of this e-mail.

From: TMOOfficialNotices@USPTO.GOV
Sent: Tuesday, September 16, 2014 00:34 AM
To: markhubert@pacifier.com
Cc: nicoleh@pacifier.com
Subject: Official USPTO Notice of Publication Confirmation: U.S. Trademark SN 86260860: STILL DOING IT

TRADEMARK OFFICIAL GAZETTE PUBLICATION CONFIRMATION

U.S. Serial Number: 86-260,860
Mark: STILL DOING IT
International Class(es): 025
Owner: Guenther, Kenneth W.
Docket/Reference Number:

The mark identified above has been published in the Trademark Official Gazette (TMOG) on Sep 16, 2014.

To View the Mark in the Next Generation TMOG (eOG):

Click on the following link or paste the URL into an internet browser: <https://tmog.uspto.gov/#issueDate=2014-09-16&serialNumber=86260860>

To View the Mark in the Legacy format TMOG:

1. Click on the following link or paste the URL into an internet browser: http://www.uspto.gov/web/trademarks/tmog/20140916_OG.pdf#page=00000876.
2. Locate your mark on the displayed page.

If the TMOG PDF file does not open to the page containing your mark (you must have an Adobe Reader installed on your workstation), click on the following link or paste the URL into an internet browser to review the Frequently Asked Questions about the Trademark Official Gazette: http://www.uspto.gov/trademarks/resources/tm_og_faqs.jsp.

On the publication date or shortly thereafter, the applicant should carefully review the information that appears in the TMOG for accuracy. If any information is incorrect due to USPTO error, the applicant should immediately email the requested correction to TMPostPubQuery@uspto.gov. For applicant corrections or amendments after publication, please file a post publication amendment using the form available at <http://teasroa.uspto.gov/ppa/>. For general information about this notice, please contact the Trademark Assistance Center at 1-800-786-9199.

Significance of Publication for Opposition:

Any party who believes it will be damaged by the registration of the mark may file a notice of opposition (or extension of time therefor) with the Trademark Trial and Appeal Board. If no party files an opposition or extension request within thirty (30) days after the publication date, then eleven (11) weeks after the publication date a notice of allowance (NOA) should issue. (Note: The applicant must file a Statement of Use or Extension Request within six (6) months after the NOA issues.)

To view this notice and other documents for this application on-line, go to <http://tsdr.uspto.gov/search.action?sn=86260860>. NOTE: This notice will only become available on-line the next business day after receipt of this e-mail.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451
www.uspto.gov

Aug 27, 2014

NOTICE OF PUBLICATION

- | | |
|--------------------------------------|---|
| 1. Serial No.:
86-260,860 | 2. Mark:
STILL DOING IT
(STANDARD CHARACTER MARK) |
| 3. International Class(es):
25 | |
| 4. Publication Date:
Sep 16, 2014 | 5. Applicant:
Guenther, Kenneth W. |

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the *Official Gazette* on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filed within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a notice of allowance pursuant to section 13(b) of the Statute.

Copies of the trademark portion of the *Official Gazette* containing the publication of the mark may be obtained from:

The Superintendent of Documents
U.S. Government Printing Office
PO Box 371954
Pittsburgh, PA 15250-7954
Phone: 202-512-1800

By direction of the Commissioner.

Email Address(es):

markhubert@pacifier.com
nicoleh@pacifier.com

From: TMOOfficialNotices@USPTO.GOV
Sent: Wednesday, August 27, 2014 04:54 AM
To: markhubert@pacifier.com
Cc: nicoleh@pacifier.com
Subject: Official USPTO Notification of Notice of Publication: U.S. Trademark SN 86260860: STILL DOING IT

NOTIFICATION OF "NOTICE OF PUBLICATION"

Your trademark application (Serial No. 86260860) is scheduled to publish in the *Official Gazette* on Sep 16, 2014. To preview the Notice of Publication, go to <http://tdr.uspto.gov/search.action?sn=86260860>. If you have difficulty accessing the Notice of Publication, contact TDR@uspto.gov.

PLEASE NOTE:

1. The Notice of Publication may not be immediately available but will be viewable within 24 hours of this e-mail notification.
2. You will receive a second e-mail on the actual "Publication Date," which will include a link to the issue of the *Official Gazette* in which the mark has published.

Do NOT hit "Reply" to this e-mail notification. If you have any questions about the content of the Notice of Publication, contact TMPostPubQuery@uspto.gov.

Trademark Snap Shot Publication Stylesheet
(Table presents the data on Publication Approval)

OVERVIEW

SERIAL NUMBER	86260860	FILING DATE	04/23/2014
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	HAN, DAWN L	L.O. ASSIGNED	107

PUB INFORMATION

RUN DATE	08/12/2014
PUB DATE	N/A
STATUS	681-PUBLICATION/ISSUE REVIEW COMPLETE
STATUS DATE	08/12/2014
LITERAL MARK ELEMENT	STILL DOING IT

DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	STILL DOING IT
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
------------	-----------------------

NAME	Guenther, Kenneth W.
ADDRESS	***
ENTITY	01-INDIVIDUAL
CITIZENSHIP	United States of America

GOODS AND SERVICES

INTERNATIONAL CLASS	025
DESCRIPTION TEXT	Shoes and clothing namely, shoes, socks, shorts, pants, pajamas, t-shirts, long sleeved shirts, jackets, hats, and gloves

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	025	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
---------------------	-----	----------------	------	----------------------------	------	--------------	----------

MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
------------------------	----

PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
08/11/2014	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	004
08/04/2014	DOCK	D	ASSIGNED TO EXAMINER	003
05/07/2014	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
04/26/2014	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	Mark S. Hubert
CORRESPONDENCE ADDRESS	MARK S. HUBERT MARK S. HUBERT PC 2300 SW FIRST AVE STE 101 PORTLAND, OR 97201-5047
DOMESTIC REPRESENTATIVE	NONE

STILL DOING IT

*** User:ghan1 ***

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	20755	N/A	0	0	0:02	*{"SZ"}t{"IY"}l*[bi,ti]
02	1069	N/A	0	0	P/0:02	(({"SZ"}t{"IY"}l {"SZ"}t{"IY"}ll)[bi,ti]
03	827	N/A	0	0	P/0:01	*doing*[bi,ti]
04	18320	N/A	0	0	P/0:02	(doing do does)[bi,ti]
05	633081	N/A	0	0	0:02	*{"IY"}t*[bi,ti]
06	52593	N/A	0	0	P/0:03	{"IY"}t[bi,ti]
07	12	6	6	6	0:01	1 and 3
08	2959	N/A	0	0	0:01	1 and 5
09	330	206	124	122	0:01	1 and 6
10	5588	N/A	0	0	0:01	(3 4) and 5
11	3468	N/A	0	0	0:01	(3 4) and 6
12	3467	N/A	0	0	0:01	4 and 6
13	2138	N/A	0	0	0:01	10 and 025[cc]
14	1589	N/A	0	0	0:01	10 and (025 a b 200 035)[ic]
15	779	520	259	252	0:02	10 and (025 a b 200)[ic]

Session started 8/4/2014 6:21:53 PM

Session finished 8/4/2014 7:32:41 PM

Total search duration 0 minutes 22 seconds

Session duration 70 minutes 48 seconds

Default NEAR limit=1ADJ limit=1

Sent to TIGRS as Serial Number: 86260860

Trademark/Service Mark Application, Principal Register

Serial Number: 86260860

Filing Date: 04/23/2014

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86260860
MARK INFORMATION	
* MARK	STILL DOING IT
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	STILL DOING IT
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
* OWNER OF MARK	Guenther, Kenneth W.
* STREET	***
* CITY	***
* STATE (Required for U.S. applicants)	***
* COUNTRY	United States
* ZIP/POSTAL CODE (Required for U.S. applicants only)	***
LEGAL ENTITY INFORMATION	
TYPE	individual
COUNTRY OF CITIZENSHIP	United States
GOODS AND/OR SERVICES AND BASIS INFORMATION	
INTERNATIONAL CLASS	025
* IDENTIFICATION	Shoes and clothing namely, shoes, socks, shorts, pants, pajamas, t-shirts, long sleeved shirts, jackets, hats, and gloves
FILING BASIS	SECTION 1(b)
ATTORNEY INFORMATION	
NAME	Mark S. Hubert
FIRM NAME	Mark S. Hubert PC
STREET	2300 SW First Avenue, Suite 101
CITY	Portland
STATE	Oregon

COUNTRY	United States
ZIP/POSTAL CODE	97201
PHONE	503-234-7711
EMAIL ADDRESS	markhubert@pacifier.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
CORRESPONDENCE INFORMATION	
NAME	Mark S. Hubert
FIRM NAME	Mark S. Hubert PC
STREET	2300 SW First Avenue, Suite 101
CITY	Portland
STATE	Oregon
COUNTRY	United States
ZIP/POSTAL CODE	97201
PHONE	503-234-7711
EMAIL ADDRESS	markhubert@pacifier.com;nicoleh@pacifier.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	1
FEE PER CLASS	325
*TOTAL FEE DUE	325
*TOTAL FEE PAID	325
SIGNATURE INFORMATION	
SIGNATURE	/Mark S. Hubert/
SIGNATORY'S NAME	Mark S. Hubert
SIGNATORY'S POSITION	Attorney of Record, Oregon State Bar Member
DATE SIGNED	04/23/2014

Trademark/Service Mark Application, Principal Register

Serial Number: 86260860

Filing Date: 04/23/2014

To the Commissioner for Trademarks:

MARK: STILL DOING IT (Standard Characters, see [mark](#))

The literal element of the mark consists of STILL DOING IT.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Kenneth W. Guenther, a citizen of United States, having an address of

United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 025: Shoes and clothing namely, shoes, socks, shorts, pants, pajamas, t-shirts, long sleeved shirts, jackets, hats, and gloves

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

The applicant's current Attorney Information:

Mark S. Hubert of Mark S. Hubert PC
2300 SW First Avenue, Suite 101
Portland, Oregon 97201
United States

The applicant's current Correspondence Information:

Mark S. Hubert
Mark S. Hubert PC
2300 SW First Avenue, Suite 101
Portland, Oregon 97201
503-234-7711(phone)
markhubert@pacifier.com;nicoleh@pacifier.com (authorized)

A fee payment in the amount of \$325 has been submitted with the application, representing payment for 1 class(es).

Declaration

The signatory believes that: if the applicant is filing the application under 15 U.S.C. Section 1051(a), the applicant is the owner of the trademark/service mark sought to be registered; the applicant or the applicant's related company or licensee is using the mark in commerce on or in connection with the goods/services in the application, and such use by the applicant's related company or licensee inures to the benefit of the applicant; the specimen(s) shows the mark as used on or in connection with the goods/services in the application; and/or if the applicant filed an application under 15 U.S.C. Section 1051(b), Section 1126(d), and/or Section 1126(e), the applicant is entitled to use the mark in commerce; the applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the goods/services in the application. The signatory believes that to the best of the signatory's knowledge and belief, no other person has the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion or mistake, or to deceive. The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of the application or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Declaration Signature

Signature: /Mark S. Hubert/ Date: 04/23/2014

Signatory's Name: Mark S. Hubert

Signatory's Position: Attorney of Record, Oregon State Bar Member

RAM Sale Number: 86260860

RAM Accounting Date: 04/24/2014

Serial Number: 86260860

Internet Transmission Date: Wed Apr 23 20:17:23 EDT 2014

TEAS Stamp: USPTO/BAS-XX.XXX.XXX.XX-2014042320172369

7939-86260860-5004b6eea12adcc9a69d90ada5

bdfecfc6d12d3f7d9c93ac9892ad62a5d89722-C

C-7811-20140423200100936495

STILL DOING IT