

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Doctor's Associates Inc.)
)
Serial No.: 77/324,328)
)
Filing Date: November 8, 2007)
)
Mark: FOOTLONG) (Atty. Docket No. 1151-0006)

Affidavit Claiming Trademark Act §2(f) Acquired Distinctiveness
Filed Under 15 U.S.C. §1052(f), TMEP §1212 et seq.

Applicant, Doctor's Associates Inc., of 300 South Pine Island Road, Plantation Florida, 33324, requests registration of the FOOTLONG mark on the Principal Register based on the acquired distinctiveness of the mark pursuant to §2(f) of the Trademark Act, 15 U.S.C. §1052(f). In support of this request, Applicant submits the following declaration of facts.

1. I, Valerie Pochron, am Attorney of Applicant, Doctor's Associates Inc., and am properly authorized to execute this Affidavit on behalf of Applicant;

2. Applicant is the owner of the FOOTLONG mark, and I believe Applicant to be entitled to use the mark in commerce; and

3. The FOOTLONG mark has become distinctive of sandwiches through Applicant's substantially exclusive and continuous use in commerce for at least the five years immediately before the date of this statement, and based on:

a) Extensive sales of FOOTLONG brand sandwiches in the United States, for example the following table lists the number of sandwiches sold in each of the years 2000 to 2008:

Year	Number of Sandwiches Sold
2008	935,978,395
2007	540,806,011
2006	540,838,834
2005	542,585,552
2004	478,937,178
2003	485,948,859
2002	474,299,707
2001	432,092,174
2000	371,885,718

b) Extensive advertising (See Exhibit 1); and
c) Unsolicited media coverage (See Exhibit 2).

All statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C §1001, and that such willful false statements may jeopardize the validity of the application or any registration issuing thereon.

Valerie Pochron

Valerie Pochron

Date: April 9, 2009

Sworn to and subscribed before me, a Commissioner of the Superior Court/Notary, by the person known by me to be, and further identified to me as, Valerie Pochron, this 9th day of April, 2009.

Danielle M. Duplessis

Commissioner of the Superior Court/Notary Public

Date Commission Expires 2-28-2013
(SEAL)

