

## Combined Declaration of Use and Incontestability under Sections 8 & 15

### Handwritten Signature

#### To the Commissioner for Trademarks:

**REGISTRATION NUMBER:** 3356862

**REGISTRATION DATE:** 12/18/2007

**MARK:** NEXTACT

The owner, Employment Learning Innovations, Inc., a corporation of Georgia, having an address of

2675 Paces Ferry Road, Suite 470

Atlanta, Georgia 30339

United States

is filing a Combined Declaration of Use and Incontestability under Sections 8 & 15.

For International Class 009, the mark is in use in commerce on or in connection with **all** of the goods or services listed in the existing registration for this specific class: Computer software for providing training in the field of employment law available on CD-ROM; pre-recorded video tapes in the field of employment law; **and** the mark has been continuously used in commerce for five (5) consecutive years after the date of registration, or the date of publication under Section 12(c), and is still in use in commerce on or in connection with **all** goods or services listed in the existing registration for this class. Also, no final decision adverse to the owner's claim of ownership of such mark for those goods or services exists, or to the owner's right to register the same or to keep the same on the register; and, no proceeding involving said rights pending and not disposed of in either the U.S. Patent and Trademark Office or the courts exists.

The owner is submitting one(or more) specimen(s) for this class showing the mark as used in commerce on or in connection with any item in this class, consisting of a(n) photographs of a cd-rom and a cd-rom cover showing the mark as used.

[Specimen-1](#) [SPN0-12141226-120130937\_.\_NEXTACT\_9\_1.jpg ]

[Specimen-2](#) [SPN0-12141226-120130937\_.\_NEXTACT\_9\_2.jpg ]

For International Class 016, the mark is in use in commerce on or in connection with **all** of the goods or services listed in the existing registration for this specific class: Printed instructional, educational, and teaching materials in the field of employment law; **and** the mark has been continuously used in commerce for five (5) consecutive years after the date of registration, or the date of publication under Section 12(c), and is still in use in commerce on or in connection with **all** goods or services listed in the existing registration for this class. Also, no final decision

adverse to the owner's claim of ownership of such mark for those goods or services exists, or to the owner's right to register the same or to keep the same on the register; and, no proceeding involving said rights pending and not disposed of in either the U.S. Patent and Trademark Office or the courts exists.

The owner is submitting one(or more) specimen(s) for this class showing the mark as used in commerce on or in connection with any item in this class, consisting of a(n) photograph of a copy of the cover of the Participant Manual showing the mark as used.

[Specimen-1](#) [SPN1-12141226-120130937\_.\_NEXTACT\_ - \_16.jpg ]

For International Class 041, the mark is in use in commerce on or in connection with **all** of the goods or services listed in the existing registration for this specific class: Educational services, namely, conducting classes, seminars and workshops in the field of employment law; **and** the mark has been continuously used in commerce for five (5) consecutive years after the date of registration, or the date of publication under Section 12(c), and is still in use in commerce on or in connection with **all** goods or services listed in the existing registration for this class. Also, no final decision adverse to the owner's claim of ownership of such mark for those goods or services exists, or to the owner's right to register the same or to keep the same on the register; and, no proceeding involving said rights pending and not disposed of in either the U.S. Patent and Trademark Office or the courts exists.

The owner is submitting one(or more) specimen(s) for this class showing the mark as used in commerce on or in connection with any item in this class, consisting of a(n) screen shots from Registrant's website showing the mark as used.

[Specimen-1](#) [SPN2-12141226-120130937\_.\_NEXTACT\_ - \_41\_-1.pdf ]

[Specimen-2](#) [SPN2-12141226-120130937\_.\_NEXTACT\_ - \_41\_-2.pdf ]

The registrant's current Attorney Information: William H. Brewster of KILPATRICK STOCKTON LLP

SUITE 2800

1100 PEACHTREE STREET, NE

ATLANTA, Georgia (GA) 30309-4530

United States

The docket/reference number is 40610-334888.

The registrant's proposed Attorney Information: William H. Brewster of KILPATRICK TOWNSEND & STOCKTON LLP

1100 PEACHTREE STREET, SUITE 2800

ATLANTA, Georgia (GA) 30309-4530

United States

The docket/reference number is 40610-334888.

The phone number is 404-815-6500.

The fax number is 404-815-6555.

The email address is tadmin@kiltown.com.

The registrant's current Correspondence Information: WILLIAM H. BREWSTER of  
KILPATRICK STOCKTON LLP

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1100 PEACHTREE STREET, NE

ATLANTA, Georgia (GA) 30309-4530

United States

The docket/reference number is 40610-334888.

The registrant's proposed Correspondence Information: WILLIAM H. BREWSTER of  
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A fee payment in the amount of \$900 will be submitted with the form, representing payment for 3 class(es), plus any additional grace period fee, if necessary.

#### **Declaration**

*The mark is in use in commerce on or in connection with the goods and/or services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce. The mark has been in continuous use in commerce for five (5) consecutive years after the date of registration, or the date of publication under Section 12(c), and is still in use in commerce. There has been no final decision adverse to the owner's claim of ownership of such mark, or to the owner's right to register the same or to keep the same on the register; and there is no proceeding involving said rights pending and not disposed of either in the U.S. Patent and Trademark Office or in the courts.*

The undersigned being hereby 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 this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and 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 Section**

Signature: \_\_\_\_\_



Date: December 13, 2013

Signatory's Name: Stephen M. Paskoff

Signatory's Position: President and Chief Executive Officer