



JOHN B. ATKINS  
Phone: 806.379.0376  
Fax: 806.242.0521  
www.uwlaw.com  
John.Atkins@uwlaw.com

ADDRESS:  
500 S. Taylor Street  
Suite 1200, LB 233  
Amarillo, TX 79101-2446  
MAILING ADDRESS:  
P.O. Box 9158  
Amarillo, TX 79105-9158

March 7, 2016

Matt Underwood, Superintendent  
Stephenville Independent School District  
2655 W. Overhill Dr.  
Stephenville, TX 76401

Via email: [matt.underwood@sவில்.us](mailto:matt.underwood@sவில்.us)

Re: Engagement Agreement - Trademark

Dear Mr. Underwood:

We write this letter to confirm the engagement agreement Stephenville Independent School District has with Underwood Law Firm. This engagement agreement will govern the trademark registration work we have been requested to perform.

Underwood's trademark filing fee for a generic word mark in one international class is \$1,500, plus filing fees. The initial filing fee is between \$225 and \$325, depending. The standard flat rate covers basic trademark searches by us (subject to the terms of this letter), the filing of the application, and any "light" responses to the USPTO to their official office action letters regarding the application.

Extraordinary work relating to the application or in response to serious challenges to the registration of the mark will be billed at hourly rates. My current hourly rate is \$275. The \$1,500 flat fee and the filing fee will be invoiced to you when the trademark application is filed. The \$1,500 filing fee and any costs previously advanced (to the extent actually incurred) are non-refundable.

The following terms will apply to our representation in this matter:

**Registration Not Guaranteed.** Regardless of the results of our trademark searches, registration of any given mark is never guaranteed. The USPTO has many examining procedures and guidelines and our filing your trademark application is not our guarantee that the mark will be registered or even that registration is likely.

**Third Party Search Service is Recommended.** Underwood will search for conflicting marks at the USPTO and the Texas trademark office. While we strive to search for identical

marks as well as confusingly or substantially similar marks, our searches are in no way tantamount to the searches that will be performed by the USPTO examining attorneys to determine whether the mark is precluded from registration due to prior registrations or even common law rights that may have arisen without registration. There are third party search companies offering search services and that may give you a better indication of the likelihood of the registration of your mark. These third party services also have databases of all 50 states' trademark registration systems. Attached is an informational flyer from Thomson Reuters regarding their trademark search services along with their contact information.

The USPTO will be searching all of those databases in addition to general internet searches to determine whether a previously used mark might prevent registration of your mark. While we do perform general internet searches as well, you should do the same and let us know if you find any identical or substantially or confusingly similar uses of the mark you are seeking to register.

**Corporate Name Searches are Excluded.** Registration of a company name (for instance, "ABC Company, LLC") is an entirely different matter from trademark registration. The Secretaries of State of the various states do not search for conflicting trademarks (whether registered or unregistered) in deciding to allow or disallow an entity's name. So, nothing about the results of any trademark searches can provide any indication of whether a corporate name might be available using all or part of the mark.

**Common Law Rights.** Prior uses of an identical or substantially or confusingly similar mark, even if unregistered, can give rise to common law trademark protection. While this protection usually only applies in the geographic service or trade area of the business with the prior use, a trade area could be rather large and could severely restrict where and how you can offer your product using the mark you intend to register.

**Use of "TM" or "SM" Prior to Registration.** Until your mark is registered, you may use "TM" or "SM" around all uses of the mark in order to help put the world on notice that you claim intellectual property rights in the mark. Only once the mark is registered may you use the register trademark symbol ("®"). While there is no hard and fast rule about where to put "SM" or "TM", it would be a good idea to put it in superscript immediately after each use of the mark you intend to register. "TM" refers to trademarks and "SM" refers to service marks. So if your mark is related to a good or product, then use "TM" and if your mark relates to a service, use "SM."

**Registration is Not a Guaranty of Non-Infringement.** The registration of your mark or even our filing of your mark is no indication whether or not the mark actually infringes any other mark, whether registered or not. Further, our filing the application and even the registration of the mark by the USPTO is no guaranty that you will never be involved in an intellectual property infringement dispute.

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We appreciate being asked to represent you in this matter and we look forward to working with you. If you have any questions about this engagement letter, please feel free to call me.

Sincerely,

John B. Atkins

Cc: Melissa B. Kates