## <u>AFFIDAVIT</u>

## STATE OF CONNECTICUT)

) ss.: COUNTY OF FAIRFIELD ) Danbury, Connecticut

CHANE CULLENS, being duly sworn, deposes and says the following under penalty of perjury:

- 1. I am the President of Bristol Technology, Inc. ("BRISTOL"), the Delaware Corporation that has applied for registration of its trademark "ESLEUTH" under serial number 75/863713 before the United States Patent and Trademark Office ("USPTO").
- 2. I submit this affidavit in support of my Company's May 16, 2001 response to the USPTO's Examining Attorney's Office Action letter of May 7, 2001, and make the statements set forth herein of my own personal knowledge and belief.
- 3. The three (3) specimens being submitted with BRISTOL's Office Action reply are of a type that was in use in commerce with the mark "ESLEUTH" prior to the expiration of the time allowed to the applicant for filing a statement of use.
- 4. The date of first use and date of first use in commerce for BRISTOL's ESLEUTH trademark in International Class 42 are December 27, 2000 and February 28, 2001 respectively, as stated in the Amendment to Allege Use dated April 2, 2001.
- 5. I make this affidavit in order to satisfy the Examining Attorney's requirements in her Office Action letter, and in order to comply with 37 C.F.R. Sections 2.20.

Dated: May 16, 2001

Sworn to before me This 16th day of May, 2001

Wale D. Kente

Mladen D. Kresic, Esq. Commissioner of the Superior Court State of Connecticut