

## Trademark/Service Mark Application, Principal Register

Serial Number: 88499509

Filing Date: 07/03/2019

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	88499509
<b>MARK INFORMATION</b>	
*MARK	<a href="#">AFFECT X</a>
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	AFFECT X
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size, or color.
REGISTER	Principal
<b>APPLICANT INFORMATION</b>	
*OWNER OF MARK	CloudMode Analytics Corp.
INTERNAL ADDRESS	c/o Labarge Weinstein LLP
*STREET	501-321 Water Street
*CITY	Vancouver, BC
*COUNTRY	Canada
*ZIP/POSTAL CODE (Required for U.S. and certain international addresses)	V6B1B8
<b>LEGAL ENTITY INFORMATION</b>	
TYPE	corporation
STATE/COUNTRY OF INCORPORATION	Canada
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	
INTERNATIONAL CLASS	009
*IDENTIFICATION	Downloadable software for mobile devices for use with an oral vaporizer for smoking purposes, namely, software for wireless data communication for receiving, processing, transmitting and displaying information related to an oral vaporizer and user habits; software application for managing information regarding tracking, prior and historical patterns of setting selected by users; software to control and adjust vaporizer settings; downloadable software for data analysis, management, and reporting related to an oral vaporizer and user habits
FILING BASIS	SECTION 1(b)
INTERNATIONAL CLASS	034

<b>*IDENTIFICATION</b>	Vaping devices, namely, Electronic cigarettes; Electronic smoking devices, namely, electric vaporizers; Oral vaporizers for smokers and parts and fittings therefor, namely, replacement cartridges, replacement batteries and replacement coils; vape pens; vape pen parts and fittings, namely, replacement cartridges, replacement batteries and replacement coils
<b>FILING BASIS</b>	SECTION 1(b)
<b>INTERNATIONAL CLASS</b>	038
<b>*IDENTIFICATION</b>	Business data analysis
<b>FILING BASIS</b>	SECTION 1(b)
<b>INTERNATIONAL CLASS</b>	042
<b>*IDENTIFICATION</b>	Non-downloadable software for use with an oral vaporizer for smoking purposes, namely, software for wireless data communication for receiving, processing, transmitting and displaying information related to an oral vaporizer and user habits; software application for managing information regarding tracking, prior and historical patterns of setting selected by users; software to control and adjust vaporizer settings; downloadable software for data analysis, management, and reporting related to an oral vaporizer and user habits
<b>FILING BASIS</b>	SECTION 1(b)
<b>ATTORNEY INFORMATION</b>	
<b>NAME</b>	Justin D. Swindells
<b>ATTORNEY DOCKET NUMBER</b>	080080-7USTM
<b>FIRM NAME</b>	Nixon Peabody LLP
<b>STREET</b>	70 W. Madison Street, 35th Floor
<b>CITY</b>	Chicago
<b>STATE</b>	Illinois
<b>COUNTRY</b>	United States
<b>ZIP/POSTAL CODE</b>	60602
<b>PHONE</b>	312-977-4400
<b>FAX</b>	312-977-4405
<b>EMAIL ADDRESS</b>	chitm@nixonpeabody.com
<b>AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>OTHER APPOINTED ATTORNEY</b>	Lauren J. Arnold, Jennette E. Psihoules, Alexis P. Grilli, Davide L. May, Elizabeth Baio, Janet M. Garetto.
<b>CORRESPONDENCE INFORMATION</b>	
<b>NAME</b>	Justin D. Swindells
<b>FIRM NAME</b>	Nixon Peabody LLP
<b>STREET</b>	70 W. Madison Street, 35th Floor
<b>CITY</b>	Chicago
<b>STATE</b>	Illinois

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<b>*EMAIL ADDRESS</b>	chitm@nixonpeabody.com
<b>*AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>FEE INFORMATION</b>	
<b>APPLICATION FILING OPTION</b>	TEAS RF
<b>NUMBER OF CLASSES</b>	4
<b>APPLICATION FOR REGISTRATION PER CLASS</b>	275
<b>*TOTAL FEE DUE</b>	1100
<b>*TOTAL FEE PAID</b>	1100
<b>SIGNATURE INFORMATION</b>	
<b>SIGNATURE</b>	/John Wellehan/
<b>SIGNATORY'S NAME</b>	John Wellehan
<b>SIGNATORY'S POSITION</b>	CEO
<b>SIGNATORY'S PHONE NUMBER</b>	312-649-9950
<b>DATE SIGNED</b>	07/03/2019

## Trademark/Service Mark Application, Principal Register

**Serial Number: 88499509**

**Filing Date: 07/03/2019**

### To the Commissioner for Trademarks:

**MARK:** AFFECT X (Standard Characters, see [mark](#))

The literal element of the mark consists of AFFECT X.

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

The applicant, CloudMode Analytics Corp., a corporation of Canada, having an address of  
c/o Labarge Weinstein LLP  
501-321 Water Street  
Vancouver, BC V6B1B8  
Canada

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 009: Downloadable software for mobile devices for use with an oral vaporizer for smoking purposes, namely, software for wireless data communication for receiving, processing, transmitting and displaying information related to an oral vaporizer and user habits; software application for managing information regarding tracking, prior and historical patterns of setting selected by users; software to control and adjust vaporizer settings; downloadable software for data analysis, management, and reporting related to an oral vaporizer and user habits  
Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services.

International Class 034: Vaping devices, namely, Electronic cigarettes; Electronic smoking devices, namely, electric vaporizers; Oral vaporizers for smokers and parts and fittings therefor, namely, replacement cartridges, replacement batteries and replacement coils; vape pens; vape pen parts and fittings, namely, replacement cartridges, replacement batteries and replacement coils  
Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services.

International Class 038: Business data analysis  
Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services.

International Class 042: Non-downloadable software for use with an oral vaporizer for smoking purposes, namely, software for wireless data communication for receiving, processing, transmitting and displaying information related to an oral vaporizer and user habits; software application for managing information regarding tracking, prior and historical patterns of setting selected by users; software to control and adjust vaporizer settings; downloadable software for data analysis, management, and reporting related to an oral vaporizer and user habits  
Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services.

### The applicant's current Attorney Information:

Justin D. Swindells and Lauren J. Arnold, Jennette E. Psihoules, Alexis P. Grilli, Davide L. May, Elizabeth Baio, Janet M. Garetto. of Nixon Peabody LLP 70 W. Madison Street, 35th Floor  
Chicago, Illinois 60602  
United States  
312-977-4400(phone)  
312-977-4405(fax)  
chitm@nixonpeabody.com (authorized)

The attorney docket/reference number is 080080-7USTM.

### The applicant's current Correspondence Information:

Justin D. Swindells

Nixon Peabody LLP  
70 W. Madison Street, 35th Floor  
Chicago, Illinois 60602  
312-977-4400(phone)  
312-977-4405(fax)

chitm@nixonpeabody.com (authorized)

**E-mail Authorization:** I authorize the USPTO to send e-mail correspondence concerning the application to the applicant, the applicant's attorney, or the applicant's domestic representative at the e-mail address provided in this application. I understand that a valid e-mail address must be maintained and that the applicant or the applicant's attorney must file the relevant subsequent application-related submissions via the Trademark Electronic Application System (TEAS). Failure to do so will result in the loss of TEAS Reduced Fee status and a requirement to submit an additional processing fee of \$125 per international class of goods/services.

A fee payment in the amount of \$1100 has been submitted with the application, representing payment for 4 class(es).

### Declaration

**Basis:**

**If the applicant is filing the application based on use in commerce under 15 U.S.C. § 1051(a):**

- The signatory believes that the applicant is the owner of the trademark/service mark sought to be registered;
- The mark is in use in commerce on or in connection with the goods/services in the application;
- The specimen(s) shows the mark as used on or in connection with the goods/services in the application; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

**And/Or**

**If the applicant is filing the application based on an intent to use the mark in commerce under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e):**

- The signatory believes that the applicant is entitled to use the mark in commerce;
- The applicant has a bona fide intention to use the mark in commerce on or in connection with the goods/services in the application; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

To the best of the signatory's knowledge and belief, no other persons, except, if applicable, 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 of such other persons, to cause confusion or mistake, or to deceive.

To the best of the signatory's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the allegations and other factual contentions made above have evidentiary support.

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 all statements made on information and belief are believed to be true.

### Declaration Signature

Signature: /John Wellehan/ Date: 07/03/2019  
Signatory's Name: John Wellehan  
Signatory's Position: CEO  
Payment Sale Number: 88499509  
Payment Accounting Date: 07/05/2019

Serial Number: 88499509  
Internet Transmission Date: Wed Jul 03 12:53:35 EDT 2019  
TEAS Stamp: USPTO/BAS-XXX.XXX.XX.XXX-201907031253353  
41362-88499509-6206db549babbee481de8c714  
fa6a78d151ce85279462d3d9bbd67c38c11e10f9  
d8-DA-156-20190703104136327609

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