

ESTTA Tracking number: **ESTTA836213**

Filing date: **07/28/2017**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91228092
Party	Plaintiff Intuit, Inc.
Correspondence Address	KATHERINE M BASILE REED SMITH LLP PO BOX 488 PITTSBURGH, PA 15230 UNITED STATES Email: ptoipinbox@reedsmith.com, kbasile@reedsmith.com, kkershner@reedsmith.com, karmellino@reedsmith.com
Submission	Testimony For Plaintiff
Filer's Name	Katherine M. Basile
Filer's email	alevad@reedsmith.com, kbasile@reedsmith.com, sherring@reedsmith.com, kkershner@reedsmith.com, PTOIPINBOX@reedsmith.com
Signature	/Katherine M. Basile/
Date	07/28/2017
Attachments	Todd Santos Depo Exhibits - Batch 1 Exhs. 086-092.pdf(5303865 bytes ) Todd Santos Depo Exhibits - Batch 1 Exhs. 093-106.pdf(5630484 bytes )

# **EXHIBIT 86**



NEW: Check out Cosmos, the internet of blockchains powered by Tendermint.

# Tendermint

BLOCKCHAIN CONSENSUS

Byzantine fault-tolerant replicated state machines in any programming language

**Install Tendermint**

**Learn More**

[View source code on GitHub](#)



## Byzantine Fault-Tolerant

Tendermint tolerates up to one third of your machines failing arbitrarily. This includes explicitly malicious behaviour.



## State Machine Replication

Tendermint can replicate deterministic state machines written in any programming language.



## Secure P2P

Gossip protocols and peer discovery are secured via Tendermint's authenticated encryption system.



## Lightning Fast

Tendermint supports thousands of transaction per second at 1000ms latencies.



## Easy to Deploy

Use mintnet to deploy your app



## 100% Open Source

All of Tendermint's source code





## Byzantine fault-tolerant

Tendermint tolerates up to one third of your machines failing arbitrarily. This includes explicitly malicious behaviour.



## State machine replication

Tendermint can replicate deterministic state machines written in any programming language.



## Secure P2P

Gossip protocols and peer discovery are secured via Tendermint's authenticated encryption system.



## Lightning Fast

Tendermint supports thousands of transaction per second at 1000ms latencies.



## Easy to Deploy

Use mintnet to deploy your app to any cloud provider supported by docker-machine.



## 100% Open Source

All of Tendermint's source code is licensed under Apache 2.0. Check it out on [GitHub](#).

## Get Started

[Install Tendermint](#)

## Get Newsletter

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# **EXHIBIT 87**



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@tendermint

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Bringing simplicity, security, and speed to the world's blockchains.

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Internet Company



Tendermint

September 23, 2016

https://twitter.com/jaekwon/status/779454709513936896



jae kwon on Twitter

"We won the 'Most Innovative' award at the International Blockchain Week demo day in Shanghai! https://t.co/jaelGzfHaq @tendermint\_team"

TWITTER.COM | BY JAE KWON

Like Comment Share

James Clayton, Andrew Badr, Tendermint and 6 others like this.



Tendermint

June 8, 2016

Announcing GnuClear, the first Tendermint-powered proof-of-stake blockchain!

Tendermint on Twitter

"Announcing the first #Tendermint powered #proofofstake blockchain, #GnuClear! https://t.co/zdun43ptZN . @tendermint\_team @gnu\_clear"

TWITTER.COM

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The Enterprise Blockchain Platform

205 people like this and 206 people follow this

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www.tendermint.com/

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205 likes

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Joshua Davis

February 24, 2016 at 5:00pm

I can't wait for your newsletter. I really hope that it has some in... See More

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Opposer's Exhibit

87

Todd Santos

Wednesday, June 14, 2017

Cammi R. Bowen, CSR #13492

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Ethereum Classic Software



Etherparty Product/Service



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Tendermint

March 24, 2016

"What's amazing about blockchains - visa security, immutability, and scale... all at your fingertips," Jae Kwon.



Bitcoin vs Blockchain

YOUTUBE.COM

Like Comment Share

Tendermint and 3 others like this

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Blockchains with Speed, Security



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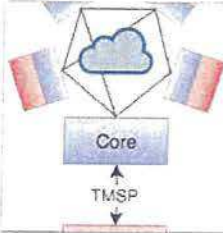
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March 14, 2016

Interview with Tendermint Founder & CEO Jae Kwon on powering #Blockchains with speed, security, and scalability.



Tendermint CEO on Powering Blockchains with Speed, Security, Scalability | allcoinsnews.com

HomeBlockchain DAppsTendermint CEO on Powering Blockchains with Speed, Security...

ALCOINSNEWS.COM

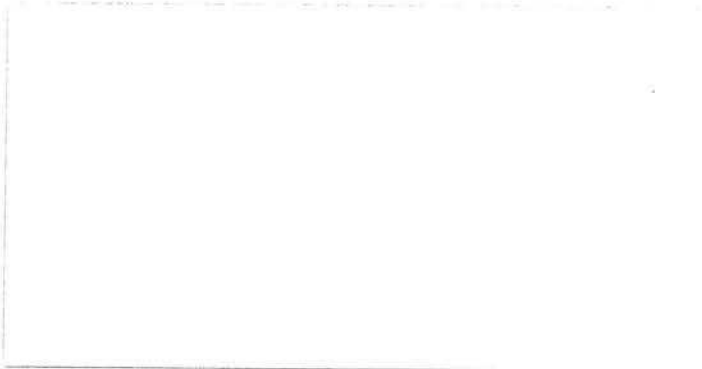
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John Saeyong Ra, Tendermint, Buchmanster H. Fuller and 3 others like this.

1 share

Tendermint March 6, 2016

See Tendermint's Jae Kwon discuss ledger security without mining on the Bitcoin vs Blockchain panel - Monday 945am.



Blockchain SF Event to Be Hosted at Nasdaq Center - Bitcoinist.net

Blockchain SF will be hosted at the Nasdaq Entrepreneurial Center on March 7, 2016, featuring a wide range of blockchain discussions.

BITCOINIST.NET

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Tendermint likes this.

Tendermint updated their cover photo February 18, 2016

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Tendermint updated their profile picture.

February 18, 2016



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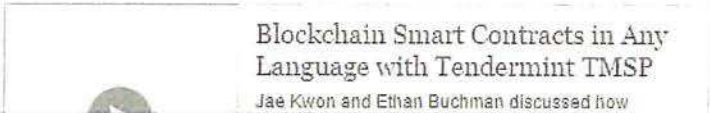
David Gardner, Vasya Vasyn and 2 others like this.



Tendermint

February 16, 2016

Tendermint = Simple. Jae Kwon explains how you can use Tendermint to program your app any language and stay focused on business logic @SFBitcoinDevs.



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Blockchains = Trust-as-a-Service. Governance an interesting using case



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Tendermint

February 16, 2016

Blockchains = Trust-as-a-Service. Governance an interesting using case.  
>>GovernMint<< coming soon!



Dustin Byington - Block Chain Conference - theCUBE

Dustin Byington talks with Jeff Frick at the Block Chain Conference in San Francisco

YOUTUBE.COM

Like Comment Share

Buchmanster H. Fuller likes this.



Tendermint

February 16, 2016

Jae Kwon defines the 3 key characteristics of Tendermint's security model and explains why a hash-chain of blocks contributes to both speed and security.

Tendermint founder here. What we're doing with Tendermint "is" creating a new p... | Hacker News

<http://tendermint.com/posts/tendermint-socket-protocol/>

NEWS.YCOMBINATOR.COM

Like Comment Share



Tendermint updated their profile picture

January 15, 2016



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Chronological

Kyle Kemper Great logo!  
July 26, 2016 at 1:27pm

Tendermint shared Epicenter's post  
January 11, 2016

First 3 person team to be interviewed on Epicenter Bitcoin. So many polygons!

Epicenter  
January 11, 2016

NEW! Tendermint co-founders, Jae Kwon, Dustin Byington and Ethan Buchman, join us to talk about their promising new blockchain protocol and how it is different from other projects we've seen so far.



EB113 – Jae Kwon, Dustin Byington & Ethan Buchman: Tendermint - Private Modularized Blockchains  
Support the show, consider donating...  
YOUTUBE.COM

Like Comment Share

Lisa Cheng and Dustin Byington like this.

Tendermint  
December 29, 2016

We already announced TMSP, but in case you haven't seen it yet, check it out here: <http://tendermint.com/posts/tendermint-socket-protocol/>. We're already seeing developments from the community!

p.s. Ask for a Slack invite to get in touch with our latest in development. We're brewing an interesting TMSP app.

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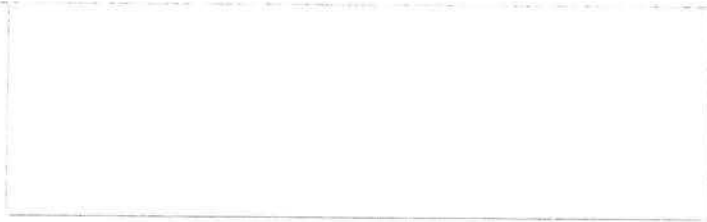
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### The Tendermint Socket Protocol (TMSP) - Tendermint: The Enterprise Blockchain Platform

Thus far, all blockchains "stacks" (such as Bitcoin) have had a monolithic design. That is, each blockchain stack is a single program that handles all the concerns...

TENDERMINT.COM

Like Comment Share

Andreas Antonopoulos and Tendermint like this.



Tendermint

November 6, 2015

Tendermint for Fast Settlement:

tendermint.com

TENDERMINT.COM

Like Comment Share

Sebuh Sebdude likes this.



Tendermint

November 6, 2015

Tendermint vs PBFT:

tendermint.com

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November 6, 2015

Sidechains without Pegging:

tendermint.com

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November 6, 2015

The Security of Cryptocurrency Protocols:

tendermint.com

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# **EXHIBIT 88**





**jae kwon** @jaekwon · Jan 12  
1/ Tendermint is sponsoring HackCity, a hackathon event hosted by Draper University. [draperuniversity.com/hack-city/](http://draperuniversity.com/hack-city/)

1 6 16



**jae kwon**  
@jaekwon

Follow

2/ There, Jae will help developers their own blockchain application with Tendermint, in particular cryptocurrency apps, e.g. w/ Basecoin.

1 3



11:51 AM · 12 Jan 2017

1 2



**jae kwon** @jaekwon · Jan 12  
3/ Hope to see you there tomorrow!

1 2



**Rhett Creighton** @HeyRhett · Jan 13  
[@jaekwon](#) starts at 6pm? I'm interested in working with a Tendermint app team.

1

Opposer's Exhibit  
**88**  
Todd Santos  
Wednesday, June 14, 2017  
Cammi R. Bowen, CSR #13492

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jae kwon

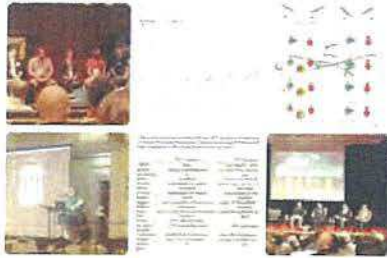
@jaekwon

Wild about Proof-of-Stake powered by Tendermint

San Francisco, California

Joined August 2007

9 Photos and videos



New to Twitter?

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You may also like

- List of suggested users: Ethan Buchman, Vlad Zamfir, Meher Roy, Andrew Miller, Arthur B.

Worldwide Trends

#ALGTUN 41.9K Tweets

Tweets Tweets & replies Media



jae kwon @jaekwon · 16h

Feature request for Android/Desktop #Signal: Ability to filter notifications by keyword, so I can use Signal for all comms. @moxie @liliakai

Retweet Like Reply

jae kwon Retweeted



Levente Szabo @levente\_sz · Jan 18

Exciting concept @Cosmos\_hq has there: replacing exchanges for seamless #cryptocurrency trading - checkit >>



The Cosmos Network Video

This is "The Cosmos Network Video" by chakravarthy on Vimeo, the home for high quality videos and the people who love them.

vimeo.com

Retweet Like Reply

jae kwon Retweeted



Cosmos Network @cosmos\_hq · Jan 17

Cosmos: Creating Interoperable Blockchains, Part 1 by @jaekwon medium.com/@jaekwon/cosmo... #InternetOfBlockchains #IoB



Cosmos: Creating Interoperable Blockchains — Pa..

A series on Cosmos, the internet of blockchains powered by the Tendermint consensus engine.

medium.com

Retweet Like Reply



jae kwon @jaekwon · Jan 16

& the ability to suggest more-correct / less-biased titles, and the ability to hold people accountable for misleading and misrepresenting.



 **jae kwon**  
@jaekwon

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24.7K Tweets
- #WatchHEAVENonVEVO  
6,547 Tweets
- Power Rangers  
43.4K Tweets
- Logan  
121K Tweets
- #INDvENG  
130K Tweets
- Aylin Nazhata  
14.7K Tweets
- Hallelujah Money  
6,272 Tweets
- Rick Perry  
97.7K Tweets

misrepresenting.

**Andrew Miller** @socrates1024  
research direction: Improve governance/deliberation by building new discussion platform that combines upvoting, peer review, blockchains


**jae kwon** @jaekwon · Jan 16  
I fear that the bifurcation will continue til both sides are convinced that suppression, censorship, and violence are acceptable solutions.



**jae kwon** @jaekwon · Jan 16  
Our mediums & algos are failing us on political debate & discourse, & is accelerating the dissolution of our social fabric and institutions.

**jae kwon** @jaekwon · Jan 16  
I meant, it's about the coordination of \*simultaneous\* attack.

**jae kwon** @jaekwon · Jan 16  
If you want to Zerg rush the enemy's base, you need to coordinate a simultaneous attack. Revealing the future time of attack may not matter.

**jae kwon** @jaekwon · Jan 15  
[tendermint.com/static/docs/fe...](https://tendermint.com/static/docs/fe...)

**jae kwon** @jaekwon · Jan 15  
The gist from 2014: BFT to agree on a block (2-phase) and validators commit (3rd-phase). Plus bonding & weak subjectivity. Instant finality.

**jae kwon** Retweeted **WikiLeaks** @wikileaks · Jan 12  
If Obama grants Manning clemency Assange will agree to US extradition despite clear unconstitutionality of DoJ case

**WikiLeaks** @wikileaks  
WikiLeaks lawyers to Loretta Lynch: 'Clinton precedent' requires closing DoJ case against WikiLeaks docdroid.net/1CJRtOg/201608...

# **EXHIBIT 89**





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jae kwon @jaekwon Jan 12  
3/ Hope to see you there tomorrow!

jae kwon @jaekwon Jan 12  
2/ There, Jae will help developers their own blockchain application with Tendermint, in particular cryptocurrency apps, e.g. w/ Basecoin.

jae kwon @jaekwon Jan 12  
1/ Tendermint is sponsoring HackCity, a hackathon event hosted by Draper University. [draperuniversity.com/hack-city/](http://draperuniversity.com/hack-city/)

jae kwon followed lilia, WikiLeaks, Marina Brojdo and Dawn



**lilia**  
@lilakai  
le'le-e kai

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**WikiLeaks**  
@wikileaks  
We open governments. Contact: [wikileaks.org/#submit](http://wikileaks.org/#submit) PGP: A04C 5E09 ED02 6328 03EB 6116 93ED 732E 9231 8DBA Also: @WLTaskForce...

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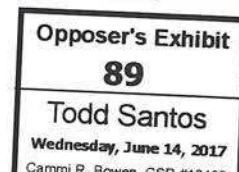
jae kwon @jaekwon Jan 6  
I voted the opposite of what I feel in case the CIA has Sesame Score.

**John Harwood** @JohnJHarwood  
Who do you believe America?

1 1

jae kwon Retweeted

**CoinFund** @coinfund\_io Jan 5  
"Each [blockchain is] a unique experiment in the intersection between



INTUIT\_000282

**jae kwon**  
@jaekwon

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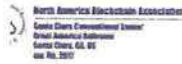
**CoinFund** @coinfund\_io · Jan 5  
"Each [blockchain is] a unique experiment in the intersection between governance, culture and economics." [cosmos.network/blog/purpose-0](https://cosmos.network/blog/purpose-0)

1 3 3

**Cosmos Network** @cosmos\_hq · Jan 5  
Come chat with team Cosmos at the NABA event this Saturday Jan 7th, 2017 in Santa Clara! [eventbrite.com/e/the-blockchain-fintech-summit-of-silicon-valley](https://eventbrite.com/e/the-blockchain-fintech-summit-of-silicon-valley)  
#InternetofBlockchains #IoB

**The Blockchain Fintech Summit of Silicon Valley**

**The Blockchain Fintech Summit of Silicon Valley**  
About the Summit This one-day conference seeks to bring together government, industry leaders, financial institutions, investors and academia to discuss innova...  
[eventbrite.com](https://eventbrite.com)



10 5

**Cosmos Network** @cosmos\_hq · Jan 5  
Why We Are Building the Internet of Blockchains by @jaekwon and @buchmanster [cosmos.network/blog/purpose-0](https://cosmos.network/blog/purpose-0) #IoB

1 28 35

**jae kwon** @jaekwon · Jan 2  
I'll be at [edcon.io](https://edcon.io) to talk about #Ethereum, BFT PoS, and the Cosmos Network project. See you in Paris, Feb 17th!

1 1 11

**jae kwon** @jaekwon · 28 Dec 2016  
Criticism of Piketty and methods used (bracketed quantile contributions) is interesting.



**Inequality and Skin in the Game**

The Static and the Dynamic — How to go bankrupt and be loved by the many — Piketty's equals



 **jae kwon**  
@jaekwon

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**Inequality and Skin in the Game**

The Static and the Dynamic — How to go bankrupt and be loved by the many —Piketty's equals.


medium.com



**jae kwon** @jaekwon · 15 Dec 2016

While we're at it, lets switch to the metric system, so we can sell globally.

 jae kwon Retweeted

**Cosmos Network** @cosmos\_hq · 7 Dec 2016

More issues w/ #Swift... casts a spotlight on operational risks at one of WS's largest custody & #clearing banks...



**Bank of New York Lost Ability to Process Payments for 19 Hours**

Bank of New York Mellon was unable to process client payment instructions sent over the Swift network for several hours earlier this week, a rare o...

wsj.com

 jae kwon Retweeted



**artificialdeath.flac** @hyped\_resonance · 4 Dec 2016

"Protesting doesn't work."

"You're wasting your time."

"Do something more productive."



**Army Corps of Engineers blocks Dakota Access Pipeline**

Social Action

The Obama administration and the Army Corps of Engineers have refused to grant an easement for the construction of the Dakota Access Pipeline. Thousands of protestors are reportedly celebrating .

**jae kwon**  
@jaekwon

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profesiors are reportedly celebrating ...

Moments

29 4.8K 7.0K

jae kwon Retweeted

**Cosmos Network** @cosmos\_net · 1 Dec 2016

Cosmos, the Internet of Blockchains solves long-standing problems:  
[vimeo.com/183530279](https://vimeo.com/183530279) #InternetOfBlockchains #blockchain #tendermint



**The Cosmos Network Video**

This is "The Cosmos Network Video" by chakravarthy on Vimeo, the home for high quality videos and the people who love them.

[vimeo.com](https://vimeo.com)

14 13

**jae kwon** @jaekwon · 1 Dec 2016

Of course I'm assuming a token-heterogenous world. Competition among them will incentivize soundness, and provide a buffer during failures.

1 2

**jae kwon** @jaekwon · 1 Dec 2016

Prior to the creation of central banking in the US, I don't think people had many alternatives. Today, we can trade altcoins so easily.

1 3

jae kwon Retweeted

**Nikolajs** @GreatNikolajs · 30 Nov 2016

@wikileaks Compromised

4 16 125

**jae kwon** @jaekwon · 27 Nov 2016

Glen Greenwald about the "fake news" conspiracy  
[theintercept.com/2016/11/26/was/](https://theintercept.com/2016/11/26/was/) . #fakenews



**jae kwon**  
@jaekwon

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**Washington Post Disgracefully Promotes a McCarthyite Blacklist Fr...**

With the help of uncritical journalists, a story about "fake news" ended up disseminating far more than it exposed.

[theintercept.com](http://theintercept.com)

Retweet 1 Like

jae kwon Retweeted



**Tendermint** @tendermint\_team · 16 Nov 2016

Announcing Ethermint - GoEthereum powered by Tendermint!

[tendermint.com/blog/announcin](http://tendermint.com/blog/announcin) @jaekwon @buchmanster

@kobigurk

Retweet 26 Like 31

jae kwon Retweeted



**Robert Schwentker** @schwentker · 22 Oct 2016

Cosmos network consists of many independent parallel blockchains powered by Byzantine faults tolerant consensus protocols

@jaekwon - at Visa Inc.



Retweet 2 Like 5

jae kwon Retweeted



**Fin Tech Silicon Valley** @fintechsv · 17 Oct 2016

What is future of cryptocurrencies? Oct24 @jaekwon @jeremyalmond



**jae kwon**  
@jaekwon

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**FinTech Silicon Valley** @fintechsv · 17 Oct 2016

What is future of cryptocurrencies? Oct24 @jaekwon @jeremyalmond @token\_io @psalami @connectexecs @martabelcher



**BitCoin Panel**

Bitcoin is a digital asset and a payment system created by an unidentified programmer, or group of programmers, under the name of Satoshi Nakamoto...

fintechsv.ticketleap.com

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**jae kwon** @jaekwon · 19 Oct 2016

I think we just haven't tried it yet because it hadn't been practical until the advent of internet-connected personal pocket supercomputers.

Retweet 1 Like 3



**jae kwon** @jaekwon · 19 Oct 2016

Whats the point of the EU? Why would anyone want a single currency when we could have many?



**ECB urges EU to curb virtual money on fear of losing control**

The European Central Bank wants EU lawmakers to tighten proposed new rules on digital currencies such as bitcoin, fearing they might one day w...  
mobile.reuters.com

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**jae kwon** @jaekwon · 17 Oct 2016

New Adam Curtis film, [youtube.com/watch?v=zFtsnj...](https://www.youtube.com/watch?v=zFtsnj...) Monetizing anger via clicks because angry people click more.

Retweet 2 Like 1



**jae kwon** @jaekwon · 11 Oct 2016

Isn't that what managers/labels do? How much of your voice can you sign away? What if my investor and I have a falling out?

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 **jae kwon**  
@jaekwon

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**Ethan Buchman** @buchmanster · 11 Oct 2016

big ErisDB release out today! [github.com/eris-td/eris](https://github.com/eris-td/eris). @monaxHQ nice work @BenjaminBollen and team!



**eris-td/eris-db**

Eris Platform Blockchain Client. Contribute to eris-db development by creating an account on GitHub. [github.com](https://github.com)

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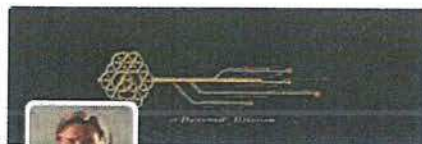


**jae kwon** @jaekwon · 4 Oct 2016

Wherein Patrick finds an exploit when software used incorrectly: [security7218.org/en/sub\\_2.html](http://security7218.org/en/sub_2.html) BTW, "alpha" for us means it's full of sec holes.

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 **jae kwon** @jaekwon · 3 Oct 2016  
Ok, maybe I should be qualifying my statements better :)

 **jae kwon** @jaekwon · 3 Oct 2016  
A pubsub protocol based on non-Byzantine fault-tolerant algos like Paxos/Raft/Zab would make a pretty terrible consortium/public blockchain.

 **jae kwon** @jaekwon · 27 Sep 2016  
No, I cant.

 **jae kwon** @jaekwon · 27 Sep 2016  
Awesome time in Korea with Trustfam, Ashgreen, Ruben, and others.

 **trustfam** @trustfam  
#Cosmos.#atom #tendermint korea meetup after party. Start with Soju, Beer. 막걸리(mag-gully), chicken 🍗🍗 @jaekwon @buchmanster

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Todd Santos  
Wednesday, June 14, 2017  
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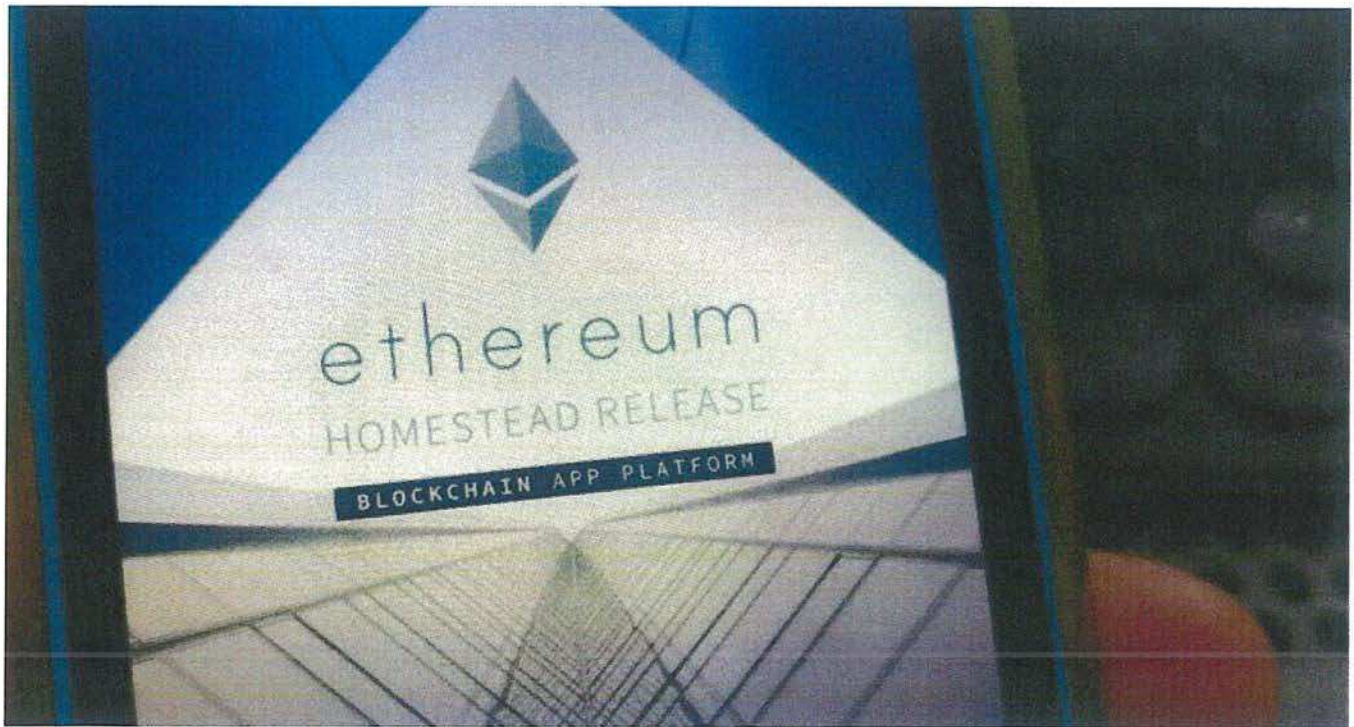
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COMMERCE

# Big banks and tech giants are backing Bitcoin rival Ethereum

ROBERT HACKETT, FORTUNE FEBRUARY 28, 2017 6:36 AM



Thirty big banks, tech giants, and other organizations — including J.P. Morgan Chase, Microsoft, and Intel — are uniting to build business-ready versions of the software behind Ethereum, a decentralized computing network based on digital currency.

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Thirty big banks, tech giants, and other organizations — including [J.P. Morgan Chase](#), [Microsoft](#), and [Intel](#) — are uniting to build business-ready versions of the software behind Ethereum, a decentralized computing network based on digital currency.

Above: Ethereum

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The group, called the Enterprise Ethereum Alliance, is set to debut at a summit in Brooklyn, New York on Tuesday, during which members J.P. Morgan Chase and Banco Santander are scheduled to demonstrate a pilot of the financial technology as it exists today. The pair plan to show off a “spot trade” on the foreign exchange market for global currencies using an adaptation of Ethereum as the settlement layer.

Ethereum uses a blockchain, often referred to as a distributed ledger, to record and execute transactions without the need of a middleman. Instead of a centrally managed database, copies of the cryptographic balance book are spread across the network and automatically updated as any payment takes place.

Satoshi Nakamoto, the mysterious inventor of Bitcoin, first introduced the concept of a blockchain to the world in a foundational white paper nearly a decade ago. (You can read more about Ethereum, a more flexible and developer-friendly alternative to Bitcoin with Ether as its native cryptocurrency, in [this Fortune feature](#).)

The Ethereum alliance arrives as a challenger to several other extant blockchain ventures. The R3 consortium, for example, counts scores of partnering banks among its members, despite [recent high-profile departures by Goldman Sachs, Santander, and Morgan Stanley](#). It has created “Corda,” its own take on a blockchain.

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IBM, meanwhile, has spearheaded another initiative known as the Hyperledger Project, part of the non-profit Linux Foundation. That group maintains the “fabric” blockchain codebase, which has been used in supply chain trials with Wal-Mart.

Much of the interest to date from traditional financial firms involves “private” blockchains, meaning permission from an authority is required before a party can join the network. The original versions of Bitcoin and Ethereum have public networks that anyone can join. (At press time, the market caps of their cryptocurrencies were approximately \$19 billion and \$1.4 billion, respectively.)

Alex Batlin, blockchain lead at Bank of New York Mellon, said that while the Ethereum alliance will focus on the development of private blockchains, the hope is that these will one day link up with the public Ethereum blockchain, which is open to all.

“That interconnection of public and private chains actually creates a very strong network,” Batlin said on a call with *Fortune*. “Each chain strengthens the other at an exponential level.”

In the view of its proponents, Ethereum’s public and private networks will become analogous to intranets versus internets; they will share standard protocols, but have different configurations for privacy and security, depending on each organization’s needs.

Members of the Ethereum alliance include Accenture, BBVA, BNY Mellon, BNP Paribas, BP, Cisco, Credit Suisse, ING, Thomson Reuters, and UBS. Also joining is IC3, or the Initiative for Cryptocurrencies and Contracts, an academic group consisting of researchers from universities such as Cornell University, UC Berkeley, and Israel’s Technion.

Several representatives from alliance firms cited the energy surrounding Devcon2, Ethereum’s fall developer conference in Shanghai, as the focal point that led to their collaboration on this effort. Despite multiple hacks on Ethereum-based applications and a controversial splitting of the Ethereum

Berkeley, and Israel's Technion.



Several representatives from alliance firms cited the energy surrounding Devcon2, Ethereum's fall developer conference in Shanghai, as the focal point that led to their collaboration on this effort. Despite multiple hacks on Ethereum-based applications and a controversial splitting of the Ethereum network, enthusiasm in the network has apparently not diminished.

J.P. Morgan is responsible for developing the basis of the blockchain tech for the alliance. Called "Quorum," the bank's code has been designed to add privacy protections into the mix, among other tweaks.

The partners will help each other develop the foundations for different use cases, such as post-trade settlement, payments between banks, and supply chain tracking, while competing on applications and services built atop the networks. The top priorities for the alliance now include ensuring scalability and security.

The other founding members of the alliance are BlockApps, Nuco, AMIS, Andui, CME Group, ConsenSys, Fubon Financial, brainbot technologies, Chronicled, Cryptape, The Institutes, Monax, String Labs, Telindus, Tendermint, VidRoll, and Wipro.

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# **EXHIBIT 91**

# Tendermint Gets Ready for Launch, Partners With Vanbex Group

Source: The Vanbex Group

PRESS RELEASE



CA, January 18, 2016 at 13:21 GMT

Blockchain Development Platform Tendermint Partners With The Vanbex Group

Vancouver, CAN - Tendermint, an open source blockchain development project, is moving into deployment phase with the help of top Bitcoin 2.0 marketing and public relations firm, The Vanbex Group. Tendermint removes the previous complexities associated with blockchain development so that large institutions, as well as smaller, independent programmers can create their own blockchain technologies easily and efficiently.



The project uses an in-house deployment tool, referred to as mintnet, to allow blockchain creation through Amazon Web Services, Google Cloud Platform, Microsoft Azure, or Digital Ocean in under 3 minutes.

With Tendermint, users can write smart-contracts in any programming language as well as leverage existing codebases, workflows, and development ecosystems to build complex & production-quality applications. Designed for accountability and regulatory compliance, Tendermint offers the ability to create bearer assets, operate as a clearinghouse and can settle contracts in seconds.

The Vanbex Group, a leading Bitcoin 2.0 marketing and public relations firm, has been brought on to establish Tendermint as a leader in next generation architectures. This partnership will allow Tendermint to reach blockchain developers, entrepreneurs and enthusiasts, as well as mainstream media, large institutions and independent programmers and coders.

For more information on Tendermint please visit: [www.Tendermint.com](http://www.Tendermint.com)

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About Tendermint

Tendermint is a next generation architecture protocol that allows for the creation of

## Press Contact

**Name**  
Kevin Hobbs  
**Email address**  
[k@vanbex.com](mailto:k@vanbex.com)  
**Phone number**  
6043799032

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Tendermint is a next generation architecture protocol that allows for the creation of blockchain technologies through their simple and intuitive platform. It is built with speed, scalability and security in mind.

<http://report.vanbex.com/tendermint-gets-ready-for-launch/>

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**Name**

Kevin Hobbs

**Email address**

[k@vanbex.com](mailto:k@vanbex.com)

**Phone number**

6643799032







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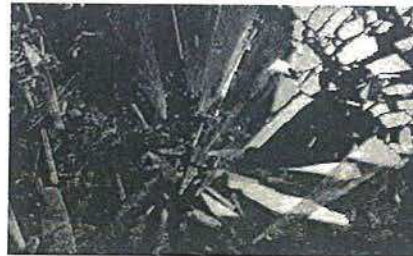
# Tendermint Exploring Possible Public Blockchain Launch

Pete Rizzo (@pete\_rizzo\_) Published on May 17, 2016 at 16:45 GMT

NEWS



Blockchain app specialist Tendermint is in the early stages of preparing to launch a public blockchain that could find it issuing tokens in a bid to create a platform comparable to bitcoin or Ethereum with alternative capabilities.



First proposed in an ambitious white paper in 2014, Tendermint grew into a project centered on exploring how consensus could be achieved in blockchain systems without relying on electricity-intensive processes like mining. The startup's tech is now used as a consensus layer by blockchain development platforms like Eris, and due to its construction and goals, has often been associated with private blockchain projects.

In interview, Tendermint co-founder Ethan Buchman acknowledged that the move from the team may seem surprising, and that the business plan for the effort remains in formative stages.

Still, the decision comes after months of what Buchman said has been work to separate Tendermint's consensus algorithm from top-level applications. The public blockchain, he continued, would attempt to highlight this work to a wider audience.

As part of this effort, he said, Tendermint may seek to become the first public blockchain to implement sharding, a proposed solution to blockchain scalability that is also on the roadmap for Ethereum.

Buchman told CoinDesk:

*"We've created an interface for writing an application in any programming language running on Tendermint. The main centerpiece will manage all the shards. You can*

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implement sharding, a proposed solution to blockchain scalability that is also on the roadmap for Ethereum.

Buchman told CoinDesk:

*"We've created an interface for writing an application in any programming language running on Tendermint. The main centerpiece will manage all the shards. You can have a bitcoin shard, an Ethereum shard, you have enormous flexibility."*

As far as how its previous target market of enterprise firms would interact with a public blockchain, Buchman said this value proposition has yet to be fully defined.

In this light, Buchman said the public blockchain effort could serve as a way to bolster the technology it makes available for private solutions.

"We're hoping to get 20,000 to 200,000 transactions per second on many different applications and have a baseline security model in place," Buchman said.

## Implementing sharding

In remarks, Buchman sought to position Ethereum and its still in-development Casper protocol as taking an approach that is more complex than the one sought by Tendermint.

Still, the goals of the functionality are the same. Sharding would allow for multiple blockchains to exist within the same network so that businesses could run the equivalent of a private blockchain (with separate validators) but on a platform that leverages the security of a public platform.

Buchman compared this effort to sidechains, the still in-development project from Blockstream that seeks to allow for a similar goal: that private and public blockchains could become interoperable, with assets moving freely between them.

"The idea here is each shard is a sidechain off of a main chain. The difference is because we have many of them, we factor this into the design," he said.

As an additional value-add, Tendermint's public offering, he said, will seek to have logic for new shards, as well as validator shards that could have a freely defined application state.

This means users could elect to use or not use bitcoin's UTXO transaction model, the merits of which have been debated by the participants of the Hyperledger project, for example.

## Crowdsale possible

With a large-scale public blockchain, Buchman acknowledged that Tendermint would still need a method of distributing tokens as a way to secure and popularize the network.

But, Buchman said it remains to be seen if Tendermint would pursue a crowdsale as the original Ethereum team did, ultimately raising upwards of \$18m in bitcoins in 2014.

Such a distribution model, though, could have downsides. For one, Buchman pointed out that the crowdsale model tends to attract speculators, not necessarily individuals who are interested in furthering a technology.

Overall, Buchman stressed that Tendermint wants to find a model that perhaps better lets it identify individuals who are interested only in the technology and who are not motivated by quick financial gains.

"We want to be a little more responsible in a sense. We might encourage people to give a training

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Overall, Buchman stressed that Tendermint wants to find a model that perhaps better lets it identify individuals who are interested only in the technology and who are not motivated by quick financial gains.

"We want to be a little more responsible in a sense. We might encourage people to give a training session or seminar, and then you would distribute the coins to everyone who attends," he explained, adding:

"We're trying to avoid drumming up blind euphoria."

Shards of glass via Shutterstock

Crowdsales Ethereum Tendermint



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### About Tendermint

Tendermint is a next generation blockchain architecture protocol that allows for the creation of blockchain technologies through their simple and intuitive platform. It is built for optimal speed, scalability and security.

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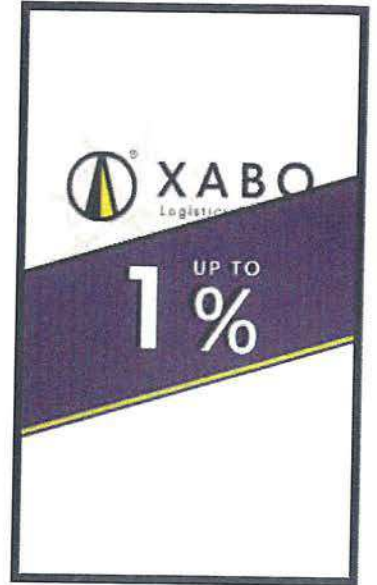
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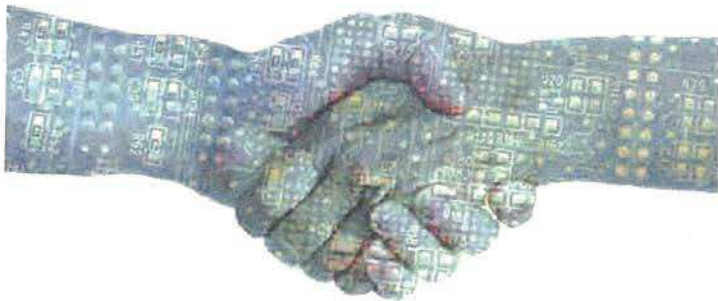
# Tendermint talks about consensus and the 'internet of blockchains'

Tendermint founder Jae Kwon and CTO Ethan Buchman recently launched Cosmos, a hub to connect blockchains.



By Ian Allison

November 3, 2016 08:38 GMT



Jae Kwon, founder and CEO, Tendermint, has been studying the properties of consensus systems since he first became interested in Bitcoin. In a 1988 paper entitled, Consensus in the Presence of Partial Synchrony, Kwon saw the blueprint for the Tendermint proof of stake algorithm he would go on to build.

"I dropped everything and started working on it, and that was March of 2014," says Kwon. "The algorithm has evolved and gone

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Practical Byzantine Fault Tolerance (PBFT) is practical because it works in asynchronous environments like the internet. Previous algorithms assumed a synchronous system or were too slow to be used in practice. For example, Bitcoin assumes a synchronous network model; if you wait long enough eventually a blockheader will be propagated across the globe. PBFT incorporates several optimisations to improve response time, and Tendermint is similar because these systems are dealing in theoretical optimums.

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Tendermint nodes participate in the consensus protocol by broadcasting cryptographic signatures, or votes, to agree upon the next block. Validators' voting powers are

determined at genesis, or are changed deterministically by the blockchain, depending on the application. For example, in a proof-of-stake application, the voting power may be determined by the amount of staking tokens bonded as collateral.

Voting for consensus on a block proceeds in rounds: each round has a round-leader, or proposer, who proposes a block. The validators then vote in stages on whether to accept the proposed block or move on to the next round. The proposer for a round is chosen deterministically from the ordered list of validators in

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Kwon calls Tendermint a consensus engine, or a blockchain engine. "It by itself doesn't know anything about what transactions mean or how to process them. It doesn't even know what transactions are valid unless you plug in application logic, or a state machine that can process those transactions.



Jae Kwon, CEO, Tendermint

"You connect Tendermint to that application via a network socket protocol and those two programmes together is a blockchain node. The idea is you get these two programmes and you replicate it across many computers and you have a blockchain."

"The nice thing about our system is that in an ideal scenario you need two rounds of vote communication to achieve consensus. And that's optimal, you can't do any better."

Tendermint core is used to power the latest innovation from the team – Cosmos, a network of many independent blockchains called "zones". The first zone on Cosmos is called the Cosmos Hub, "a multi-asset proof-of-stake cryptocurrency with a simple



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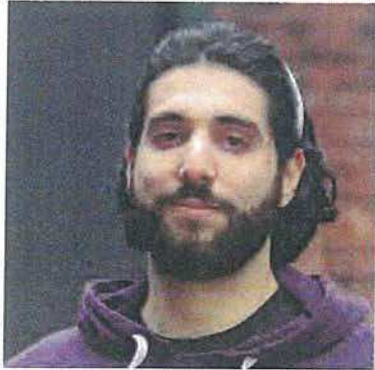


each other via an inter-blockchain communication (IBC) protocol, a kind of virtual UDP or TCP for blockchains. Tokens can be transferred from one zone to another securely and quickly without the need for exchange liquidity between zones. Instead, all inter-zone token transfers go through the Cosmos Hub, which keeps track of the total amount of tokens held by each zone. The hub isolates each zone from the failure of other zones.

Ethan Buchman, CTO, Tendermint, said: "Cosmos is the internet of blockchains. In cosmos all of these blockchains are literally talking to each other; they are directly sending packets of data between each other and it allows for interoperability of tokenised blockchains in a way that we don't see today.

"The cosmos hub is going to be the first blockchain that sits at the centre and many other blockchains can connect to it, and the hub tracks the total amount of tokens in each blockchain. It allows you to send any kind of token from one blockchain to another, through the hub, so the hub is acting as a central depository or a central record of which blockchains have however many tokens."

Kwon added: "There's a lot of advantage of this kind of system. It's fantastic for scalability obviously because you can just launch a new blockchain, attached to the hub, and off you go. Ethereum has a scaling problem and they are working on a scaling solution called Mauve, but Cosmos is a completely different way to solve the Ethereum scaling problem.



Ethan Buchman, CTO, Tendermint

"Another benefit is upgradeability. Ethereum is a good example, but it could be with anything; you can have an Ethereum version one attached to the hub. Then if you design an upgrade to the virtual machine, you can have Ethereum version two attached to the hub as well, and version three. People can move their coins



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Ethan Buchman, CTO, Tendermint

"Another benefit is upgradeability. Ethereum is a good example, but it could be with anything; you can have an Ethereum version one attached to the hub. Then if you design an upgrade to the virtual machine, you can have Ethereum version two attached to the hub as well, and version three. People can move their coins over to these new EVMs whenever they want."

"So you can get upgrades without having to do a hard fork, something that we can't currently do," added Buchman.

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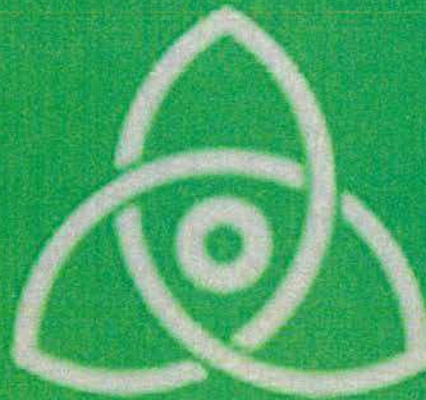
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# TENDERMINT THINKS IT WILL BE BETTER THAN BITCOIN



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EVAN FAGGART · FEBRUARY 27, 2016 · 12:00 PM

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People have argued that the Bitcoin mining process is inefficient, wasting electricity and creating a negative impact on the environment. Some people have even suggested that this inefficiency has put Bitcoin at a great disadvantage, making it vulnerable to more environmentally friendly blockchain projects. Tendermint is one of those projects, and the team behind it believes that they have come up with a blockchain solution that is more effective and efficient than Bitcoin, and even the highly-praised Ethereum.

Also read: Bitcoin Ransomware Targets LA County Health Department

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Jae Kwon.

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Jae Kwon, creator of



Tendermint, got the inspiration for his project from those arguments that Bitcoin mining was inefficient and harmful. While doing research on Byzantine fault tolerance — the ability of the network to prevent the Byzantine Generals' Problem — Kwon came across the 1988 paper, "Consensus in the presence of partial synchrony."

After reading this paper, Kwon says things "started to click." Reading about "classical" Byzantine fault tolerance methods created the early conception of Tendermint in Kwon's mind. Kwon said:

“Everything started to click and I realized that classical BFT algorithms from academia could be adopted to secure blockchains. Not only is it more energy efficient, it turns out it's much faster to commit transactions, it's scalable, you can run parallel blockchains, and it's potentially much more secure. I wanted to create a possible competitor to Bitcoin.”

Ethan Ruchman of Fris Industries joined Kwon

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Ethan Buchman of Eris Industries joined Kwon shortly after Kwon embarked on his project of making a Bitcoin competitor. The pair forked Ethereum's virtual machine and integrated with Tendermint's Byzantine Consensus Algorithm. This algorithm claims to provide:

- 10,000 transactions per second per blockchain day
- 1 second block times
- The most advanced Byzantine fault tolerant consensus algorithm
- Accountability and regulatory compliance.

As a "blockchain 'agnostic' platform," Tendermint has the ability to run "hundreds" of parallel blockchains, which theoretically gives the platform the ability to host applications with features to suit pretty much everyone's needs.

Kwon told Bitcoinist that once Tendermint becomes available to developers:

"I expect some of the Ethereum smart contracts to become standalone TMSP [Tendermint Socket Protocol] applications. As well as existing blockchain stacks will get ported to TMSP, like Bitcoin and gothereum. Besides cryptocurrencies and asset applications, we

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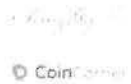
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*existing blockchain stacks will get ported to TMSP, like Bitcoin and gothereum. Besides cryptocurrencies and asset applications, we expect to see new database applications built for the blockchain as well. Applications that involve lightclients like payment applications for mobile phones and nameresolution for browsers are also anticipated."*

Tendermint claims that developers can use this platform to "modularize and specialize multiple parallel blockchains." Through the Tendermint Socket Protocol, developers can code in any language, which the Tendermint team thinks will entice "regular developers" to get interested in building blockchain applications, since they won't have as steep of a learning curve.

One of Tendermint's biggest points of pride is that it can reportedly provide all these services without "all the energy required for PoW consensus," unlike Bitcoin and Ethereum, which they believe is "quite a feat."

The development team also has plans for expansion and new applications on the Tendermint platform. Dustin Byington told Bitcoinist that they are creating a Tendermint application called "GovernMint." This application will reportedly address issues surrounding "management and governance of blockchains and validator sets." Byington gave an example of where GovernMint could be used:

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Byington gave an example of where GovernMint could be used:

“If you have a consortium of 40 banking nodes, how do they decide how to add or remove a node? How do they decide to accept or reject a proposed application?”

According to Byington, Tendermint-based GovernMint “will address [the above] issues and many more.”

But can Tendermint really deliver all that it has promised? They say that “only time will tell,” but time has not been so kind to Ethereum, a distant relative of Tendermint. When the project first launched, Ethereum promised that its conceptual smart contracts platform would make possible functions that we could never dream of doing on the Bitcoin blockchain. A lot of time has passed, though, and Ethereum hasn't achieved much more than releasing its token, Ether, spending a lot of money, and making a lot of promises that haven't been realized yet.

As ambitious as Tendermint sounds, it's easy to assume that the project will end up a lot like Ethereum — a lot of talk and not many results. But maybe Tendermint is right, maybe Proof of Work is holding Bitcoin and Ethereum back, and maybe Tendermint really does have a Bitcoin-killing platform. History may not be on Tendermint's side, but its developers soldier on.

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platform. History may not be on Tendermint's side, but its developers soldier on.

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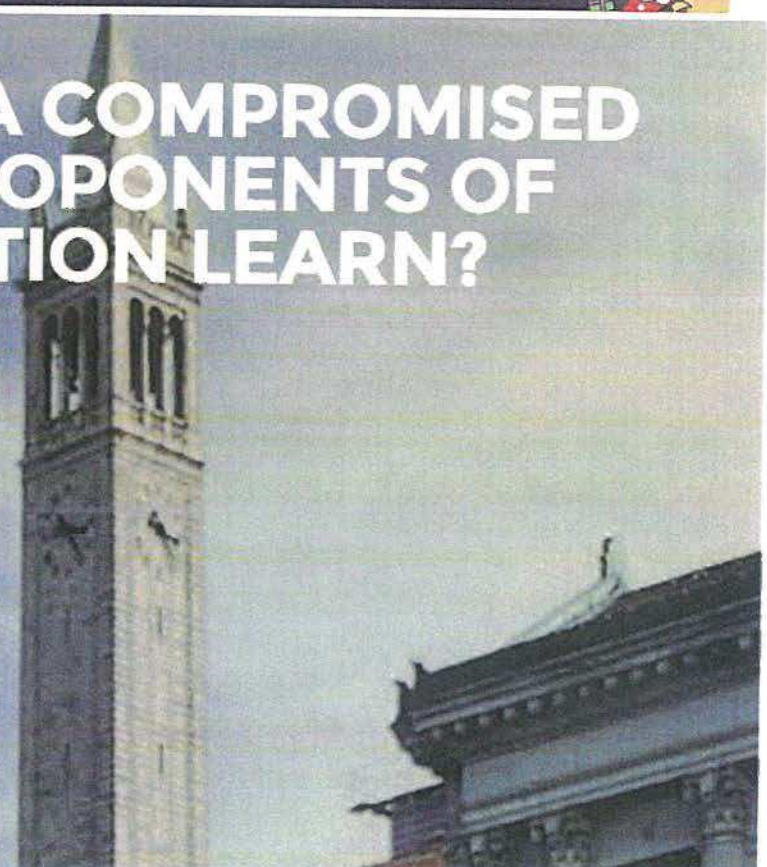
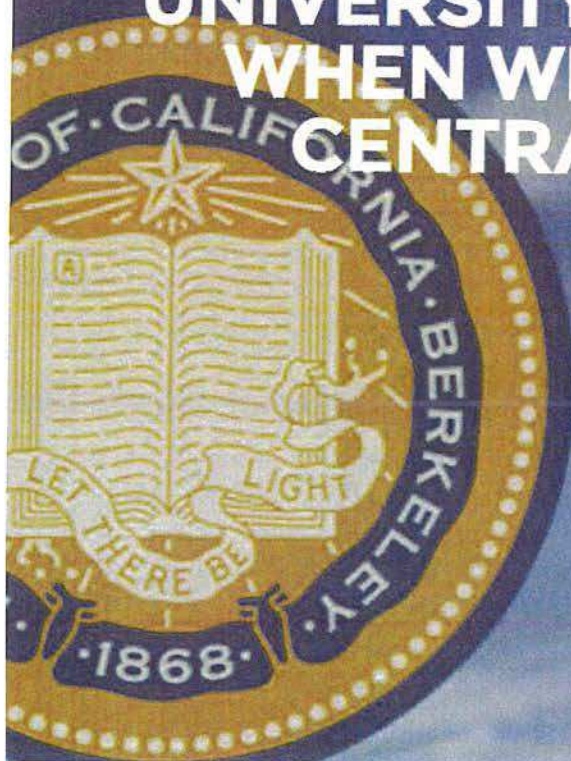
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**CHINESE BITCOIN EXCHANGES HALT MARGIN TRADING: ZERO-FEES NEXT TO GO?**

**FRANCE'S LE PEN, NATIONAL FRONT PARTY ATTACKS BITCOIN: SEEKS NATIONAL BAN**

**victim to a cyber attack within the schools records system. The compromise revealed to the hackers large amounts of data filled with social security numbers, credit card credentials, and bank account information. Paul Rivers, UC Berkeley's chief information security officer said in a [statement](#):**

Also Read: [Coinbase CEO Brian Armstrong Announces Switch to Bitcoin](#)

Classic

“We looked at all the available evidence of what the attackers did, and as we looked at that, we don't see any evidence that these are the kinds of attackers that did access the data, or did anything to take that data. However, in an abundance of caution, we don't want to depend on our judgment alone. — We want to be transparent and (let people) make their own choice on how they should respond.” — Paul Rivers, University of California Berkeley

## UNIVERSITY'S CENTRAL SYSTEM FAILED

The University of Berkeley attack is just another example of centralized planning gone wrong. After the past few years of government breaches and financial



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example of centralized planning gone wrong. After the past few years of government breaches and financial institutions losing data to hackers people still haven't learned. Berkeley says currently there is no evidence that the attackers actually took the personal information but it wanted to alert school members that it was a possibility.

Berkeley's hackers gained access to the financial management software in December due to a "security flaw," within the school's system. Officials at the university say they have contacted the FBI and local law enforcement about the incident. In the press statement Berkeley says that 57,000 current and former student's information was potentially compromised. The university says that credit protection services will be offered to victims of the case free of charge. The rest of the numbers applied to vendors working at the school and former and current employees. Paul Rivers, UC Berkeley's chief information security officer, explains:

“



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FRANCE'S LE PEN, NATIONAL FRONT PARTY ATTACKS BITCOIN; SEEKS NATIONAL BAN



WHY BITCOIN PRICE MAY DROP OVER THE NEXT 30

*"The security and privacy of the personal information provided to the university is of great importance to us. We regret that this occurred and have taken additional measures to better safeguard that information." — Paul Rivers, University of California Berkeley*

This is another shining example of how centralization has serious faults. Blockchain technology and zero-knowledge proof systems would be ideal for these organizations to research. Concepts like MIT's Enigma are pushing the envelope with this type of trustless technology and it's making its way into Bitcoin core discussions as well. Businesses, financial institutions, and schools need to realize that housing personal data in a centralized way will always be open to points of failure. Until these organizations realize this it's open game for hackers, the NSA, and malicious entity's prying into the public's private affairs.

*What do you think about the University of California Berkeley hack? Let us know in the comments below.*

*Images courtesy of California Berkeley, the Zero-Knowledge Privacy Standard, and Pixabay*

Price drop: X11/X13/X14/X15/Quark/Quibit

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- ENIGMA
- HACK
- PAUL RIVERS
- PRIVACY
- UNIVERSITY OF CALIFORNIA BERKELEY
- ZERO KNOWLEDGE

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# BITCOIN RANSOMWARE TARGETS LA COUNTY HEALTH DEPARTMENT

# RANSOMWARE



# **EXHIBIT 95**

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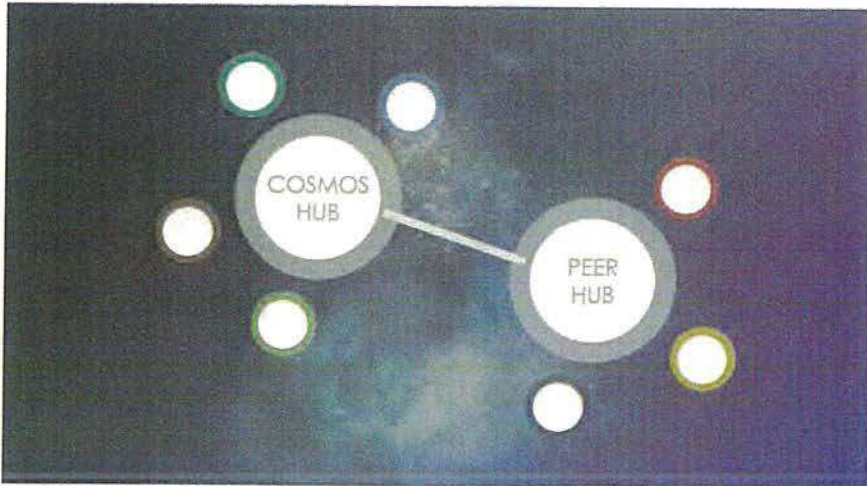
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# Tendermint Wins Innovation Award and Announces Cosmos at International Blockchain Week

Sep 23, 2016 3:05 PM EST by Rebecca Campbell



Blockchain app specialist, Tendermint, winner of the 20,000 RMB prize for the "Most Innovative" Award at the International Blockchain Week Demo Day in Shanghai, has announced the unveiling of Cosmos, a novel blockchain network designed to solve an array of problems that currently hinder blockchains and digital currencies: a lack of interoperability, scalability and capacity for upgrades.

<p><b>Opposer's Exhibit</b> <b>95</b> <b>Todd Santos</b> Wednesday, June 14, 2017 Cammi R. Bowen, CSR #13492</p>
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prize for the "Most Innovative" Award at the International Blockchain Week Demo Day in Shanghai, has announced the unveiling of Cosmos, a novel blockchain network designed to solve an array of problems that currently hinder blockchains and digital currencies: a lack of interoperability, scalability and capacity for upgrades.

Speaking to *Bitcoin Magazine*, Jae Kwon, CEO of Tendermint, explained that the goal of Cosmos is to eliminate the dependence on exchanges and create a decentralized network to allow the free flow of digital currencies.

### What is Cosmos?

Cosmos is a network of independent parallel blockchains each driven by the Byzantine fault tolerant (BFT) consensus algorithm, similar to Tendermint.

The first blockchain in the Cosmos network is the Cosmos Hub, which connects to other blockchains — also referred to as "zones" — through an innovative inter-blockchain communication (IBC) protocol that will support bitcoin, ether and all other major digital currencies.

Through the hub, which hosts a multi-asset distributed ledger, data and tokens can be held by individuals or by the Cosmos zones. The data and tokens can also be transferred from one zone to another in an IBC packet (called a "coin packet") throughout the hub, sender, and receiver blockchains.

Kwon stated that by creating a federation of blockchains using Tendermint proof-of-stake to secure the hub and zones, sending and receiving tokens from one zone to another is quick, without the need to wait an hour for proof-of-work mining to add additional confirmations.

"Additionally, it means anyone can create their own proof-of-stake chain or Tendermint-powered consortium chain and be a part of this federation," he said.

However, in order for it to be successful, there are still matters that need to be overcome.

"The hub will be permissionless, so there will be challenges in



federation," he said.

However, in order for it to be successful, there are still matters that need to be overcome.

"The hub will be permissionless, so there will be challenges in constructing the policy and protocol framework for dealing with zone failures," Kwon said.

### The Cosmos Zone

As an independent blockchain, a Cosmos zone exchanges IBC messages through the hub. The hub sees a zone as a multi-asset, dynamic-membership, multi-signature account that is able to send and receive tokens utilizing IBC packets.

However, just like a digital currency account, a zone does not have the ability to transfer tokens beyond the amount it holds at any one time, but it can receive tokens from others if they have them.

Through the use of Cosmos, different blockchains will run simultaneously with one another. Kwon explained that one of the benefits of this is that it makes it easy for blockchains to interoperate with each other, unlike existing proposals that aim to develop a single blockchain with total global transaction ordering.

"We could have an Ethereum zone and a Zcash zone both connected to the hub, and you'd be able to use your tokens in a Solidity smart contract, but also anonymize them by going through the Zcash zone," he said.

At present, this kind of interoperability between blockchains is still an open problem, but with Cosmos, blockchain developers can focus on their core competency, so the whole ecosystem can become more modular, added Kwon. Furthermore, if more zones are required, the Cosmos enables blockchains to scale. Clients can simply add extra zones to handle more users and additional transactions.

"Today's proposals for decentralized exchanges are largely built on a technique called atomic cross-chain transactions, which is trustless and great, but requires both parties to a trade to be online to make the trade," Kwon said.

With Cosmos, traders are able to set limit orders and go offline,





"Today's proposals for decentralized exchanges are largely built on a technique called atomic cross-chain transactions, which is trustless and great, but requires both parties to a trade to be online to make the trade," Kwon said.

With Cosmos, traders are able to set limit orders and go offline, while the validators of the blockchain are responsible for executing trades on the user's behalf. Reliance on central exchanges is reduced, creating more monetary liquidity.

The security of the Cosmos Hub is important, as it essentially acts as the central ledger. Because it needs to be secure enough to withstand the most severe attack scenarios, such as a nation-state sponsored attack, its security is ensured by a set of globally decentralized validators.

Even though Tendermint is the winner of the "Most Innovative" award, Kwon knows they still have a tough job ahead of them.

"We have an ambitious mission to solve a lot of the longstanding problems in the cryptocurrency and blockchain space, and we hope to achieve that in the years to come," he added.



by Rebecca Campbell

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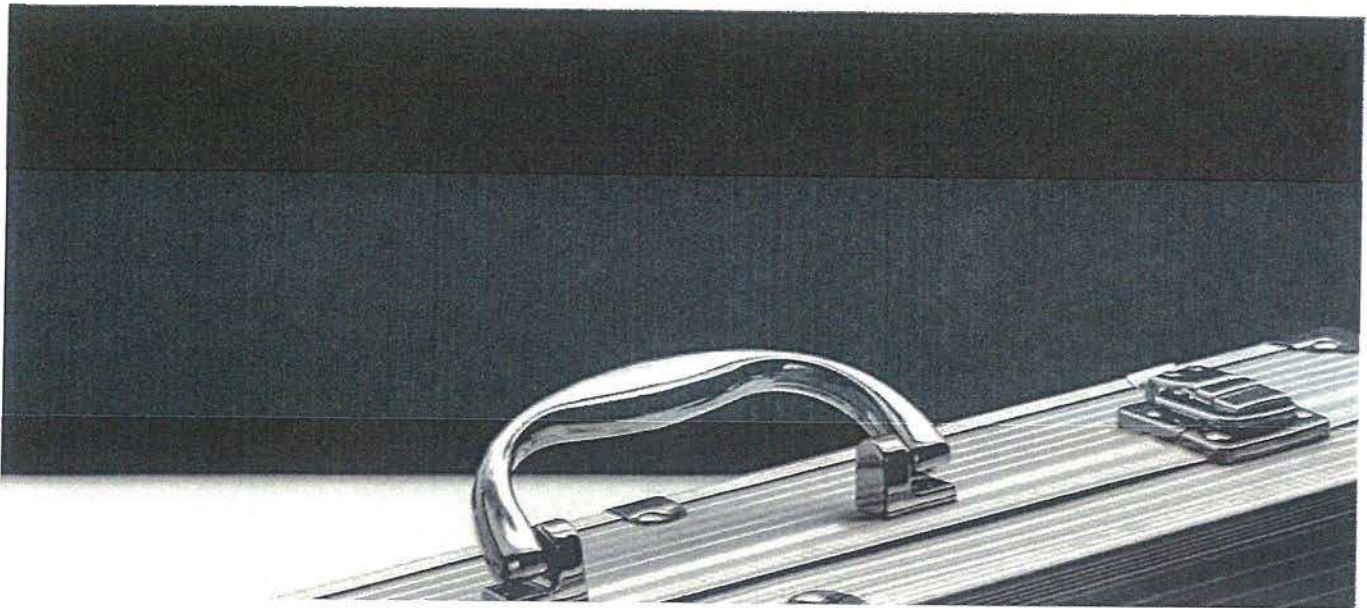
**KEYWORDS:** #hub #transactions #data #currencies #exchanges

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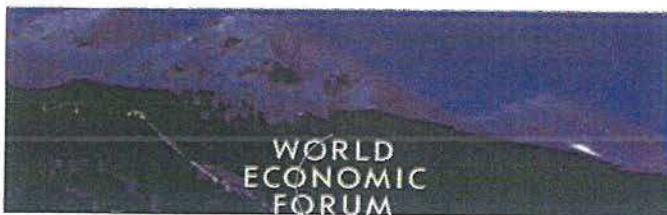
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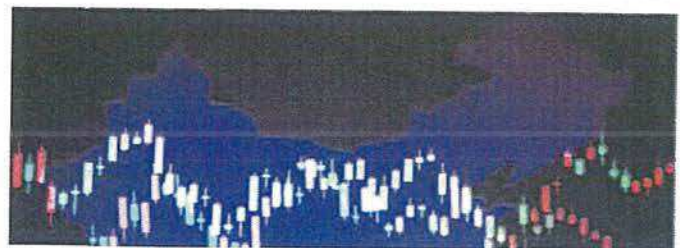
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### Don Tapscott Predicts "Blockchain Davos" at World Economic Forum

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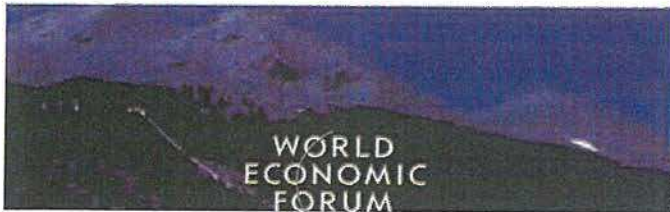
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# **EXHIBIT 96**



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

United States Patent and Trademark Office  
COMMISSIONER OF TRADEMARKS  
Attn: Deputy Commissioner for Trademark Examination Policy  
600 Dulany Street  
Alexandria, VA 22314-5793

Re:            Mark:            DIGITALMINT  
              Serial No.:    87/141,666  
              Applicant:     Red Leaf Chicago LLC  
              Filed:            August 17, 2016  
              Class:            9

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**LETTER OF PROTEST**

Intuit, Inc., by and through its counsel Reed Smith LLP, submits the following Letter of Protest regarding Application Serial Number 87/141,666 for the mark DIGITALMINT of Red Leaf Chicago LLC (“Applicant”), pursuant to Trademark Manual of Examining Procedure § 1715.01(a)(2). As grounds for this Letter of Protest, it is alleged that the proposed mark in Application Serial Number 87/141,666 (the “DIGITALMINT Application”) is likely to cause confusion with the marks shown in Registration Numbers 3,526,377, 4,929,239, 4,869,554, 4,820,578, 5,084,560, and 5,008,776, and Application Numbers 86/923,915 and 87/100,827, and should be refused registration on the Principal Register of Trademarks under Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d). A chart of the relevant marks is attached hereto as **Exhibit A**.

Intuit believes that there is a likelihood of confusion between its registered marks and applications and the DIGITALMINT Application for use of DIGITALMINT in conjunction with the following goods and services:

Class 9: Automatic teller machines; computer software to facilitate secure transactions via computer and communication networks, including in the fields of banking, Bitcoin or digital

currency transactions; computer software, namely, software for authentication; computer software for use in safeguarding access to digital content, including cryptocurrency, audio, video, text, and multimedia files.

The Examining Attorney issued an Office Action against the DIGITALMINT Application on December 6, 2016 (the “Office Action,” attached hereto as **Exhibit B**), issuing a partial refusal to Applicant on the basis of Intuit’s Registration Nos. 4869554, 4929239, and 5084560. However, that refusal only applied to the goods “computer software to facilitate secure transactions via computer and communication networks, including in the fields of banking, Bitcoin or digital currency transactions.” Intuit respectfully requests that the DIGITALMINT Application be refused **in its entirety** due to the relatedness of each of the goods and services, including those that would be left if Applicant does not respond to the existing Office Action: “Automatic teller machines; computer software, namely, software for authentication; and computer software for use in safeguarding access to digital content, including cryptocurrency, audio, video, text, and multimedia files.”

All of the goods in the DIGITALMINT Application are related to Intuit’s financial goods and services. Applicant’s automatic teller machines (“ATMs”), and its computer software for authentication and safeguarding access to digital content are merely incidental to the primary good: providing hardware and software to perform financial transactions – buying and selling Bitcoin. The Office Action recognizes these goods are likely to cause confusion with Intuit’s existing registrations. Indeed, the Office Action states that “the applicant’s goods are related to the registrants’ services because they all involve banking and financial transactions.” (Office Action at p. 5.) However, ATMs, authentication software, and software for safeguarding access to digital content *also* involve banking and financial transactions, and should therefore be refused under Section 2(d).



For example, the Office Action cites U.S. Registration No. 2713720 to demonstrate that one entity, Bank of America, makes and implements software for secure banking and digital currency transactions, and also makes and implements software for financial management and planning and offers electronic payment services, online banking, and electronic bill payment services. (Office Action at p. 5.) However, that same application shows that Bank of America also provides ATMs in conjunction with those other goods and services. (Office Action at p. 64.) Indeed, it is common sense that an ATM is related to banking and financial transactions – it facilitates the deposit or withdrawal of money in lieu of going to a bank.

Further, the Office Action cites to printouts from Bank of America’s website to demonstrate the relatedness of Intuit’s goods and services and Applicant’s financial transaction software. However, the printouts *also* demonstrate that Applicant’s other software IDs – for authentication and safeguarding digital information – are equally related to banking and financial transactions. Bank of America also provides software to secure its payment and financial transaction services, stating on its website:

“These security protocols help protect data in 3 key ways

- **Authentication** ensures that you are communicating with us and prevents another computer from impersonating Bank of America
- **Encryption** scrambles transferred data so that it cannot be read by unauthorized parties
- **Data integrity**, in terms of data and network security, assures that information can only be accessed and modified by those authorized to do so”

(Office Action at p. 40, emphasis in original.) Again, it is common sense that a provider of banking and financial transactions would also provide the software needed to authenticate and secure (or safeguard) those financial transactions.

Applicant's use of the mark further demonstrates the relatedness of each of the above-referenced services to banking and financial transactions. See <http://www.digitalmint.io/>, a printout of which is attached hereto as **Exhibit C**. Applicant's website uses the mark to advertise its ATM machines for purposes of buying and selling Bitcoin, and for computer software in conjunction with buying and selling Bitcoin. Again, the other software provided is merely incidental to facilitating a financial transaction – the buying or selling of Bitcoin. Applicant's authentication software and safeguarding software are used in connection with financial transactions – those software goods are used to *secure* those same financial transactions. As such, each of the goods in the DIGITALMINT Application are related and should be refused under Section 2(d).

As noted in the Office Action, Intuit currently uses MINT in conjunction with its personal and small business financial management platform and related services, including 1) “computer software for use in processing electronic payments and transferring funds to and from others;” 2) “computer software for use in transferring funds between financial accounts;” 3) “computer software for bill presentment and payment;” and 4) “computer software for online banking, transaction management,” among other goods and services. The Office Action is correct that any banking or financial transaction services would be likely to cause confusion with Intuit's registered services. As each and every ID in the DIGITALMINT Application is related to banking and financial transactions, Applicant's use of DIGITALMINT is likely to cause confusion as to the source of *all* of its goods and services.



The Office Action is also correct in its analysis of the similarity of the applied for mark, DIGITALMINT, to Intuit's MINT and MINT BILLS marks. The term DIGITALMINT contains the distinctive MINT mark plus the prefix "digital," which is merely a descriptive term in common use for software and web-based products. Applicant's use of DIGITALMINT in its submitted specimen emphasizes the MINT element by using different colored font, and further emphasizes the MINT element by using a two-toned mint leaf with stripes on one side, which is very similar to Intuit's marks that incorporate a mint leaf, Reg. No. 5,008,776 and App. No. 86/923,915. The dominant portion of the mark is simply MINT. Further, adding the prefix "digital" does not distinguish Applicant's services. Intuit's goods and services are digital insofar as they are provided through web- and mobile-based software applications. The overall commercial impression of the marks is thus effectively identical. Additionally, Applicant's mark is similar to Opposer's MINTLIFE and MINT BILLS marks, because both contain the distinctive element MINT accompanied by a descriptive word, such as "life" or "bills," in the case of Opposer's MINT formative marks, or "digital" in the case of Applicant's mark.

Due to both the similarity of the services and the similarity of the marks, it is likely that consumers will believe that each and every one of Applicant's goods originates from the same source as Intuit's services, and will falsely believe there to be an affiliation between Applicant and Intuit, and because registration of Applicant's mark would cause harm or damage to Intuit's MINT marks, registrations, and applications, Intuit respectfully requests that the examining attorney reject Application Serial No. 87/141,666 in its entirety, and refuse to register it pursuant to Section 2(d) of the Lanham Act.

Dated: January 3, 2017

Respectfully submitted,

/Katherine M. Basile/  
Katherine M. Basile  
Reed Smith LLP  
1510 Page Mill Road, #110  
Palo Alto, CA 94304  
(650) 352-0500

*Attorneys for Intuit, Inc.*



# **EXHIBIT 97**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Application No. 86/273,659

Filed: May 6, 2014

Published: December 2, 2014

Mark:

mintPOS


Intuit Inc.	)	
	)	
Opposer	)	
	)	
v.	)	Opposition No. _____
	)	
Logic Controls Inc.	)	
	)	
Applicant	)	

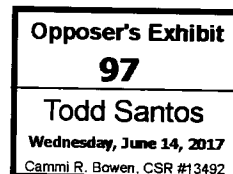
NOTICE OF OPPOSITION

Intuit Inc., and its related and predecessor companies (hereinafter collectively "Opposer" or "Intuit"), a Delaware corporation, having a principal place of business at 2535 Garcia Avenue, Mountain View, California 94041, believes that it will be damaged by the registration of the above-identified mark, and having been granted appropriate extensions of time to oppose the above-referenced application, hereby opposes same. The statutory opposition filing fee of \$300 is included herewith. Please charge any additional fees or credit any overpayment to Deposit Account No. (141437).

As grounds for this opposition it is alleged that:

1. Logic Controls, Inc., filed an Intent-to-use application Serial No. 86/273,659 on May

6, 2014 to register the mark  for the services "electronic equipment for point-of-sales (POS) systems, namely, point-of-sale terminals, bar code readers, optical readers, advertisement





display monitors, keyboards, printers, scanners, radio transmitters, radio receivers, computer hardware, and computer operating software” in International Class 9 which was published for opposition in the Official Gazette of December 2, 2014 at page TM 2267 (“MINTPOS mark”).

2. This Notice of Opposition is timely filed. The Trademark Trial & Appeal Board granted Intuit two extensions of time to oppose Application Serial No. 86/273,569, extending the time to oppose the application to April 1, 2015.

Point of Sale or POS Systems or Solutions

3. On information and belief, Point of Sale Systems or Solutions (“POS system”) can include individual components or everything required to allow a business of any size to generate and track retail sales and accept payments. POS systems can be specifically designed for a variety of retail uses such as restaurant, bar, grocery, salon, and other small businesses, and may utilize smart phone, tablet and other similar technologies. A POS system is meant to provide the most efficient and productive POS experience possible for a retailer and his or her customers. Companies offering POS systems today often display their marks to both the retailer and the consumer during the purchase experience, such as those offered by Square, PayPal, Revel and Intuit QuickBooks Payments.

4. On information and belief, consumers who use their computers, tablets, smart phones, or similar devices to manage their personal and/or small business finances are exposed to and/or offered branded POS services either in order to purchase and use the available POS system for their business operations or as the result of participating in retail purchasing transactions as a consumer.

Intuit and its Flagship Brands Including its MINT Brand

5. Intuit, founded in 1983, provides software and services in a variety of accounting, small business, and personal finance areas. Intuit’s flagship products – Quicken, QuickBooks,



TurboTax, and Mint – define the company’s commitment to revolutionize the way people manage their personal finances, run small businesses and pay employees. (See Attached Exhibit A, a true and correct copy of the webpage at [www.intuit.com](http://www.intuit.com).) Intuit offers a POS solution for small businesses. (See [www.quickbooks.intuit.com/point-of-sale](http://www.quickbooks.intuit.com/point-of-sale).) Intuit reinforces the connection between its brands, stating for example: “Mint comes from the makers of TurboTax® and Quicken®, trusted by millions every year with their most sensitive data.” (See Attached Exhibit B, a true and correct copy of the webpage at [https://www.mint.com/?cid=seq\\_intuit\\_mint\\_click\\_nav](https://www.mint.com/?cid=seq_intuit_mint_click_nav).)

6. Intuit is one of the most successful consumer software companies in North America, with a 30-year track record of helping individuals and small businesses manage their financial lives. With a global reach and millions of individual and small business customers world-wide, the company has a current market capitalization of over \$26 Billion USD and is a widely-respected member of both the S&P 500 and NASDAQ 100 market indices.

7. In 2009 Intuit purchased its predecessor-in-interest Mint Software, Inc., acquiring all of Mint Software, Inc.’s registered and common law trademark and trade name rights, including all goodwill associated therewith, as well as all other intellectual property rights, including but not limited to all rights in the below-referenced registration and the word mark “MINT” (“MINT Word Mark”).

8. Intuit is the owner of multiple U.S. federal trademark registrations and applications for the marks listed in the table below and in the attached Exhibits C - G (the MINT Marks). U.S. Federal Registrations 3,526,377 and 4,395,138 are in full force and effect, and matured to registration well before the May 6, 2014 filing date for the MINTPOS application alleged herein. Application Serial No. 86,313,032 with a Priority Date of December 18, 2013 and Application Serial No. 86/253,091 with a filing date of Apr. 15, 2014, were each filed before the May 6, 2014 filing date for the MINTPOS application alleged herein.



Mark	SN or Registration No.	Goods and Services
	Reg. 3526377 Filing Date: Jul. 10, 2007 Reg. Date: Nov. 04, 2008	<u>Class 36:</u> Providing web-based, automated and customized personal financial management services, namely, customized management of non-investment personal financial accounts, daily monitoring of transactions and account balances, and budget and spending reporting through a global computer network
	Reg. 4395138 Filing Date: Nov. 5, 2012 Reg. Date: Sept. 3, 2013	<u>Class 9:</u> Computer software for personal and small business financial management; computer software for individuals and small businesses for online banking, transaction management, financial planning, financial management, bill tracking and management, expense tracking and management, accounting, and taxable item tracking and management; computer software for individuals and small businesses for creating reports and graphs; computer software for forecasting and analysis of data; computer software for data aggregation; computer software for providing alerts; computer software for providing wireless access to data and databases; computer software for individuals and small businesses to retrieve account balance and transaction information using mobile phones, smart phones, and mobile telecommunication networks <u>Class 35:</u> Providing information, news, opinions, and advice in the fields of accounting, tax preparation and planning via computer and communication networks; providing commercial information on, and comparisons of, the products and services of others through computer and communication networks; providing consumer shopping comparison advice services through computer and communication networks; promoting the goods and services of others through computer and communication networks; providing economic forecasting and analysis, and market analysis through computer and communication networks <u>Class 36:</u> Providing web-based, automated and customized personal financial

		<p>management services, namely, customized management of non-investment personal financial accounts, daily monitoring of transactions and account balances, and budget and spending reporting through a global computer network</p> <p><u>Class 42</u>: Computer services, namely, providing an interactive web site featuring technology that allows individual users and small business users to retrieve account balance and transaction information using mobile phones, smart phones, and mobile telecommunication networks; computer services, namely, creating an on-line community for registered individual users and small business users to transmit messages among users and online facilities for real-time communication with other users of computer networks</p>
MINT	<p>SN: 86313032  Priority Date: Dec. 18, 2013  Filing Date: Jun. 18, 2014</p>	<p><u>Class 9</u>: Computer software for personal and small business financial management; computer software for online banking, transaction management, financial planning, financial management, bill tracking and management, expense tracking and management, accounting, and taxable item tracking and management; computer software for creating reports and graphs; computer software for forecasting and analysis of data; computer software for data aggregation; computer software for providing banking, financial and bill payment alerts; computer software for providing wireless access to data and databases; computer software for enabling users to retrieve financial account balances and financial transaction information using mobile phones, smart phones, and mobile telecommunication networks</p> <p><u>Class 35</u>: Providing information, news, opinions and advice in the fields of accounting, tax preparation and planning, including via computer and communication networks, the internet, and social media; providing commercial information on, and comparisons of, the products and services of others, including through computer and communication networks, the internet, and social media; providing comparison of</p>



		<p>shopping services, including through computer and communication networks, the internet, and social media; providing economic forecasting and analysis, including through computer or communication networks, the internet, social media and software applications; taxable item tracking and management, namely, tracking of taxable income and expense data for the purpose of personal and business tax planning and filing</p> <p><u>Class 36:</u> Personal and small business financial management services; online banking; financial transaction management services, namely, income and expense transaction tracking; financial planning; financial management; financial analysis; bill tracking and management, namely, scheduling and payment of bills; expense tracking and management, namely, tracking of personal and business expenses; forecasting and analysis of financial data; financial data aggregation, namely, electronically collecting financial data from multiple accounts into a single location for review and analysis; financial administration and management services for the management of credit and debit cards, loans, mortgages, investments and financial accounts; providing information, news, opinions and advice in the fields of banking, financial management, saving and financial planning and retirement financial planning, including via computer and communication networks, the internet, and social media; providing information, news, opinions and advice in the fields of personal budgeting, household budgeting and consumer spending, including via computer and communication networks, the internet, and social media</p>
MINTLIFE	<p>SN: 86253091  Filing Date: Apr. 15, 2014</p>	<p><u>Class 36:</u> Providing information related to personal finance; financial information; providing a website featuring personal finance information and guidance; editorial content services related to personal finance, namely, providing an online blog featuring articles, tips, questions and answers, and guidance in the field of personal finance, financial planning, budgeting, and saving money</p>

		<u>Class 41</u> : Providing on-line non-downloadable articles in the field of personal finance
MINT BILLS	SN: 86484727 Filing Date: Dec. 18, 2014	<u>Class 9</u> : Computer software for use in processing electronic payments and transferring funds to and from others; computer software for use in transferring funds between financial accounts; computer software for bill presentment and payment; magnetically encoded debit cards, payment cards and stored-value cards <u>Class 36</u> : Electronic payment services, namely, receipt, processing and payment of bills, issuance of personal payments; providing bill payment and tax payment processing services via computer and communication networks; money transfer services <u>Class 38</u> : Electronic transmission of payment data for others <u>Class 42</u> : Providing temporary use of on-line non-downloadable computer software for performing financial transactions and transmitting and receiving information in the fields of electronic payments and electronic bill payments and bill presentment; providing temporary use of non-downloadable computer software for use in sending and receiving payments, transferring funds, bill payment and bill presentment; providing temporary use of non-downloadable computer software for generating bill reminders and bill payment status alerts

9. Registration No. 3,526,377 was assigned to Intuit, as evidenced by the attached printout from the United States Patent and Trademark Office database records as Exhibit C.

10. Intuit's predecessor-in-interest Mint Software, Inc., filed the trademark application which matured into Registration No. 3,526,377 on July 10, 2007, which is well before the May 6, 2014 filing date for the MINTPOS application alleged herein.

11. Since the acquisition of Mint Software Inc. in 2009, Intuit has continued and expanded the use of the MINT Marks. Intuit has been engaged continuously in the development,



distribution, provision and expansion of its MINT branded software and services, offering personal financial management services, enabled by a computer software platform and a range of software applications (desktop, web-based and mobile applications) for many areas of financial management including enabling users to oversee their finances and accounts (including managing and viewing all accounts - checking, savings, investment and retirement account) and to retrieve account balance and transaction information, to track transactions, and for developing and tracking budgets, and setting financial goals, and related services (like alerts, financial editorial and educational content services, and ways and means to save money in the context of banking products and services, investment products and services, and auto and life insurance), and Intuit has continued to expand its business and offerings in association with the MINT Marks in the course of its normal business activities including providing an interactive web site featuring technology that allows individual users and small business users to retrieve account balance and transaction information using mobile phones, smart phones, and mobile telecommunication networks, and Intuit's recent natural expansion into the area of bill payment services (collectively the "MINT Goods and Services"), all in association with the MINT Marks. Intuit has also offered payment services within its Quicken personal and small business financial management Software since the 1990's.

12. Intuit also has used and uses multiple trademarks containing the term MINT, and currently is using the marks MINTLIFE, MINT HELP, MINTFAMILY and MINT BILLS. Previously, Intuit also used the mark MINTANSWERS from May of 2010 to August of 2011 and MINTSTYLE from February of 2012 to February of 2013. For the marks currently in use, the MINTLIFE mark has been in continuous use for financial information and editorial content services related to personal finance since at least as early as August 4, 2009; the MINT HELP mark has been in continuous use for personal financial services support provided to end-users since at least as early as June 14, 2011; the MINTFAMILY mark has been in continuous use for financial information and editorial content

services related to personal finance since at least as early as February 27, 2012; and Intuit began using the MINT BILLS mark in late 2014. Collectively the MINTLIFE, MINT HELP, MINTFAMILY and MINT BILLS trademarks are referred to herein as “the MINT Formative Marks.”

13. Intuit has consistently expanded its goods and services, and has continued to develop new MINT formative marks. This is most recently evidenced by the adoption in 2014 of the MINT BILLS trademark for Intuit’s bill payment services.

14. Each of the MINT Formative Marks, as well as the predecessor marks alleged in Paragraph 12 above, contains the distinctive element MINT. Further in each of the MINT Formative Marks, as well as the predecessor marks alleged in Paragraph 12, the distinctive element MINT is followed by a single English word.

15. Intuit used a substantial number of the MINT Formative Marks, prior to Applicant’s trademark filing for its MINTPOS Mark which is the subject of this opposition, in such a manner as to create public recognition coupled with an association of common origin predicated on the MINT element and/or the MINT element followed by a single word (individually and/or collectively the “MINT Family Feature”).

16. Intuit uses the marks alleged herein, including the MINT Formative Marks, on its website in connection with its various services in such a manner that consumers viewing the website are generally exposed to some or all of the MINT Formative Marks when looking at or using Intuit’s tools and services available through its website. For example, consumers will encounter these marks together much as one might see marks with a common feature used throughout a catalog or brochure.

17. Intuit uses and promotes the marks alleged herein, including the trademarks MINTLIFE, MINT HELP, MINT FAMILY and MINT BILLS, on its website and in a variety of social media marketing activities. For example, Intuit uses its website to offer a variety of tools or services to



consumers (actual or potential customers of Intuit's offerings) to manage their budget and finances, and also uses social media to market its products and services. The MINT Formative Marks are used by Intuit throughout its website and multiple of these marks are used in Intuit's social media marketing activities in connection with different MINT Goods and Services. These uses are in connection with different but related services offered by Intuit under the MINT brand and as a result consumers are generally exposed to several of the MINT Formative Marks when reviewing or using Intuit's MINT website or when visiting Intuit's social media offerings. As a result of these uses of the MINT Formative Marks, all of which are available to both registered and unregistered visitors to the MINT.COM website, consumers associate Intuit's marks alleged herein bearing the MINT Family Feature with a common source.

18. Intuit's MINT Formative Marks are used by Intuit in a manner that creates public recognition and association of the MINT Family Feature with a single source. As a result, Intuit has developed a family of marks of which the common feature is the distinctive MINT element and/or the construction of the format of the distinctive element MINT plus a single English word (the "family of MINT formative marks").

19. Intuit promotes and advertises, and has expended considerable resources and sums to promote and advertise, the MINT Marks, the MINT Formative Marks, and effectively its family of MINT formative marks in association with the MINT Goods and Services.

20. Intuit provides the MINT Goods and Services to registered users, including through its MINT website at [www.mint.com](http://www.mint.com) and through MINT branded mobile software applications for Apple "iOS" and Google "Android" operating systems, the first such software application of which was launched as early as December 2008. The website and corresponding mobile applications allow users to access the services and manage personal finances. Some users also choose to manage their small business finances with the MINT Goods and Services – especially in cases of sole

proprietorships. Intuit's MINT mobile software applications are now the most popular non-bank personal finance mobile applications in the U.S. market. The applications allow users to access the MINT goods and services through mobile devices such as phones and tablets. (See Attached Exhibit H). Intuit's Mint business now has over 14 million registered users across North America and Intuit has won multiple awards for its MINT goods and services (and related applications) from various nationally-recognized technology media outlets.

21. Intuit uses and promotes the marks alleged herein on its website and in a variety of social media marketing activities. For example, Intuit uses its website to offer a variety of tools or services to consumers (actual or potential customers of Intuit's offerings) to manage their budget, finances and investments, and also uses its website and social media to market its products and services and to provide consumers with educational information and savings information to assist consumers to make good financial decisions. Further, the MINT application is downloadable on devices such as mobile phones and tablets which provide users nearly instant access to transaction information for financial management and expense tracking and management, including in all types of retail environments when users are making purchasing decisions.

22. In addition to its federal trademark rights, Intuit also owns common law trademark rights separately in the each of the marks alleged herein.

23. As a result of Intuit's use of the each of the MINT Marks and the MINT Formative Marks, alleged herein, and in view of Intuit's extensive advertising, promotion and distribution of the goods and services in association with these trademarks, the MINT word mark is distinctive and well known to the relevant trade and public as identifying and distinguishing Intuit's MINT Goods and Services.

24. As a result of Intuit's use of each of the MINT Marks as well as each of the MINT Formative Marks, and in view of Intuit's extensive advertising, promotion and distribution of the



goods and services in association with these trademarks, each of these trademarks is distinctive and well known to the relevant trade and public as identifying and distinguishing Intuit's MINT Goods and Services.

Applicant's Claimed Goods and MINTPOS Trademark

25. Applicant has filed for the MINTPOS mark for use in connection with "point of sale" hardware and software.

26. The acronym POS stands for POINT OF SALE. (See attached Exhibit I).

27. Applicant has not used the MINTPOS mark in commerce and claims rights only as early as the application filing date of May 6, 2014.

28. On information and belief, Applicant acquired no rights in the United States in the MINTPOS mark which is the subject of Application Serial No. 86/273,659 before Intuit's rights in its MINT, MINT & Design, MINT LEAF DESIGN, MINTLIFE, MINTFAMILY, and MINT HELP trademarks and its MINT Family feature and its Family of MINT marks. .

29. On information and belief, Applicant acquired no rights in the United States in the MINTPOS mark which is the subject of Application Serial No. 86/273,659 before 2009, the year in which Intuit acquired Mint Software, Inc. or at least as early as December 7, 2010, when Intuit began to develop in its own common law rights in the MINT word mark as alleged herein.

30. On information and belief, the nature and purpose of Applicant's goods are similarly related to Intuit's MINT Goods and Services.

31. On information and belief, Applicant will provide its products, at least in part, through a global computer network and/or through financial software applications, mobile software applications and/or computer hardware and mobile devices.

32. On information and belief, Applicant's goods will be offered to at least some of the same classes of consumers and through at least some of the channels of trade as the MINT Goods

and Services are offered under Intuit's MINT word mark. As applied to Applicant's goods, the MINTPOS mark so resembles Intuit's MINT word mark as alleged herein as to be likely to cause confusion, or to cause mistake, or to deceive as to the source of the goods/services.

33. On information and belief, Applicant's goods will be offered to at least some of the same classes of consumers and through at least some of the channels of trade as the MINT Goods and Services are offered under Intuit's Mint Marks and its MINT Formative Marks. As applied to Applicant's goods, the MINTPOS mark so resembles Intuit's MINT Marks and its MINT Formative Marks as to be likely to cause confusion, or to cause mistake, or to deceive as to the source of the goods/services.

34. Opposer will be damaged by Applicant's registration of the MINTPOS mark for the goods identified in Application Serial Nos. 86/273,659 as a result of the aforementioned confusion, mistake and deception.

WHEREFORE, Opposer prays that this Opposition be sustained, and the registration sought by Applicant be refused.

Dated: April 1, 2015

Respectfully submitted,

/Katherine M. Basile/

Katherine M. Basile  
NOVAK DRUCE CONNOLLY BOVE & QUIGG LLP  
21771 Stevens Creek Blvd  
First Floor  
Cupertino, CA 95014  
(408) 414-7330  
tmdocket@novakdruce.com

Attorneys for Opposer,  
Intuit Inc.



Certificate of Service

This is to certify that on this 1<sup>st</sup> day of April 2015, a copy of the foregoing Notice of Opposition and exhibits was mailed by First Class mail, postage prepaid, to the following attorney of record:

Rod S. Turner  
Hoffmann & Baron, LLP  
6900 Jericho Turnpike  
Syosset, NEW YORK 11791  
rstdocket@hbiplaw.com

This is to certify that on this 1<sup>st</sup> day of April 2015, a copy of the foregoing Notice of Opposition and exhibits was mailed by First Class mail, postage prepaid, to the following Applicant of record:

Logic Controls Inc.  
999 South Oyster Bay Road  
Building #104  
Bethpage, NEW YORK 11714

/Daniel Mullarkey/

# **EXHIBIT 98**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Application No. 86/017,683  
Published: December 10, 2013  
Mark: PJMINT

In the Matter of Application No. 86/018,291  
Published: February 25, 2014  
Mark: PJMINT

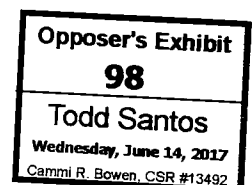
Intuit Inc.	)	
	)	
Opposer	)	
	)	
v.	)	Opposition No. _____
	)	
PJMINT, LLC	)	
	)	
Applicant	)	

CONSOLIDATED NOTICE OF OPPOSITION

Intuit Inc., and its related and predecessor companies (hereinafter collectively "Opposer" or "Intuit"), a Delaware corporation, having a principal place of business at 2535 Garcia Avenue, Mountain View, California 94041, believes that it will be damaged by the registration of the above-identified marks, and having been granted appropriate extensions of time to oppose the above-referenced applications, hereby opposes same. The consolidated statutory opposition filing fee of \$600.00 is included herewith. Please charge any additional fees or credit any overpayment to Deposit Account No. (141437).

As grounds for this opposition it is alleged that:

1. Application Serial No. 86/017,683 filed on July 23, 2013 to register the mark PJMINT for the services "providing on-line, non-downloadable, interactive software for creating personal investment plans" in International Class 42 was published for opposition in the Official Gazette of December 10, 2013 at page TM 1117 (referred to collectively herein, together with the PJMINT





mark identified below, as the "PJMINT marks").

2. Application Serial No. 86/018,291 filed on July 24, 2013 to register the mark PJMINT for the services "Providing an online website featuring information in the field of financial planning; providing financial information via mobile communication devices, namely, cellular phones, smart phones and personal tablet computers; providing basic investment educational information, financial information, wealth management, financial planning and investment management services via mobile communication devices, the Internet, telephone, mobile phones and in person; providing online financial valuations, research and investment recommendations; and providing web-based, automated and customized personal financial management services, namely, management of personal investment accounts and daily monitoring of financial transactions and account balances, each via the Internet" in International Class 36 was published for opposition in the Official Gazette on February 25, 2014 at page TM 1086 (referred to collectively herein, together with the PJMINT mark identified above, as the "PJMINT marks").

3. The Consolidated Notice of Opposition is timely filed. Two extensions of time to oppose Application Serial No. 86/017,683 were obtained, and the Trademark Trial & Appeal Board of the United States Patent and Trademark Office ("TTAB") extended the time to oppose the application to April 9, 2014. One extension of time to oppose Application Serial No. 86/018,291 was obtained, and the TTAB extended the time to oppose the application to June 25, 2014.

4. Intuit is the owner of the following U.S. federal trademark Registration No. 3,526,377 for the mark MINT together with a 3-leaf design for "providing web-based, automated and customized personal financial management services, namely, customized management of non-investment personal financial accounts, daily monitoring of transactions and account balances, and budget spending reporting through a global network" in class 36, filed on July 10, 2007 and registered November 4, 2008. This registration is in full force and effect, and was assigned to Intuit,


as evidenced by the attached printout from the United States Patent and Trademark Office database records as Exhibit A.

5. In 2009 Intuit purchased its predecessor-in-interest Mint Software, Inc., acquiring all of Mint Software, Inc.'s registered and common law trademark and trade name rights, including all goodwill associated therewith, as well as all other intellectual property rights, including but not limited to all rights in the above-referenced registration and the word mark "MINT" ("MINT Word Mark").

6. Intuit's predecessor-in-interest Mint Software, Inc., filed the trademark application which matured into Registration No. 3,526,377 on July 10, 2007, which is well before the July 24, 2013 and July 23, 2013 filing dates for the respective PJMINT applications alleged herein.

7. In September of 2007, Intuit's predecessor-in-interest Mint Software, Inc., adjusted

the image shown in its registration,  , slightly adjusting the position of the

leaf image and the thickness of the typestyle to the following image:  a non-material alteration, prior to Intuit's acquisition of Mint Software, Inc., (hereafter the "MINT AND DESIGN Mark").

8. Since the acquisition of Mint Software Inc. in 2009, Intuit has continued the use of the MINT AND DESIGN Mark and MINT Word Mark (collectively the "MINT MARKS"), and Intuit has been engaged continuously in the development, distribution and provision of a personal financial management service, enabled by a computer software platform and a range of software applications (desktop, web-based and mobile applications) for personal financial management, and the related services (like alerts, financial editorial and educational content services, and ways and

means to save money in the context of banking products and services, investment products and services, and auto and life insurance), and has provided web-based, automated and customized personal financial management services and related computer software for personal financial management, including enabling users to oversee their finances and accounts (including managing and viewing all accounts - checking, savings, investment and retirement accounts) and to retrieve account balance and transaction information, developing and tracking budgets, and setting financial goals, all in association with the MINT MARKS, and has continued to expand its business in association with the MINT MARKS in the course of its normal business activities (the "MINT Goods and Services"). Intuit owns common law trademark rights in the MINT AND DESIGN Mark for the MINT Goods and Services. Intuit owns common law trademark rights in the MINT Word mark for the MINT Goods and Services.

9. Intuit also has used and uses multiple trademarks containing the term MINT, and currently is using the marks MINTLIFE, MINT HELP, and MINTFAMILY. Previously, Intuit also used the mark MINTANSWERS from May of 2010 to August of 2011 and MINTSTYLE from February of 2012 to February of 2013. For the marks currently in use, the MINTLIFE mark has been in continuous use for financial information and editorial content services related to personal finance since at least as early as August 4, 2009; the MINT HELP mark has been in continuous use for personal financial services support provided to end-users since at least as early as June 14, 2011; and the MINTFAMILY mark has been in continuous use for financial information and editorial content services related to personal finance since at least as early as February 27, 2012. Collectively the MINTLIFE, MINT HELP and MINTFAMILY trademarks are referred to herein as "the MINT Formative Marks."



10. Intuit promotes and advertises, and has expended considerable resources and sums to promote and advertise, the MINT MARKS in association with the MINT Goods and Services.

11. Intuit is one of the most successful consumer software companies in North America, with a 30-year track record of helping individuals and small businesses manage their financial lives. With a global reach and millions of individual and small business customers world-wide, the company has a current market capitalization of over \$18 Billion USD and is a widely-respected member of both the S&P 500 and NASDAQ 100 market indices.

12. Intuit provides the MINT Services to registered users, including through its MINT website at [www.mint.com](http://www.mint.com) and through MINT branded mobile software applications for Apple "iOS" and Google "Android" operating systems, the first such software application of which was launched as early as December 2008. The website and corresponding mobile applications allow users to access the services and manage personal finances. Intuit's MINT mobile software applications are now the most popular non-bank personal finance mobile applications in the U.S. market. Intuit's Mint business now has over 14 million registered users across North America and Intuit has won multiple awards for its MINT services (and related applications) from various nationally-recognized technology media outlets.

13. Intuit uses and promotes the marks alleged herein on its website and in a variety of social media marketing activities. For example, Intuit uses its website to offer a variety of tools or services to consumers (actual or potential customers of Intuit's offerings) to manage their budget, finances and investments, and also uses its website and social media to market its products and services and to provide consumers with educational information and savings information to assist consumers to make good financial decisions.

14. In addition to its federal trademark rights based upon its U.S. trademark Registration

No. 3,526,377, Intuit also owns common law trademark rights separately in the each of the marks alleged herein.

15. As a result of Intuit's use of the MINT Word Mark and MINT AND DESIGN Mark, as well as each of the MINT Formative Marks, and in view of Intuit's extensive advertising, promotion and distribution of the goods and services in association with these trademarks, the MINT Word Mark is distinctive and well known to the relevant trade and public as identifying and distinguishing Intuit's MINT Goods and Services.

16. As a result of Intuit's use of the MINT Word Mark and MINT AND DESIGN Mark, as well as each of the MINT Formative Marks, and in view of Intuit's extensive advertising, promotion and distribution of the goods and services in association with these trademarks, the MINT AND DESIGN Mark is distinctive and well known to the relevant trade and public as identifying and distinguishing Intuit's MINT Goods and Services.

17. As a result of Intuit's use of the MINT Word Mark and MINT AND DESIGN Mark, as well as each of the MINT Formative Marks, and in view of Intuit's extensive advertising, promotion and distribution of the goods and services in association with these trademarks, each of the MINT Formative Marks is distinctive and well known to the relevant trade and public as identifying and distinguishing the services identified in Paragraph 9 above and also Intuit's MINT Goods and Services.

18. On information and belief, Applicant acquired no rights in the United States in the PJMINT marks which are the subject of Application Serial Nos. 86/017,683 and 86/018,291 before July 10, 2007, the filing date of Intuit's Application Serial No. 77/226,127, which matured into Federal Trademark Registration No. 3,526,377.

19. On information and belief, Applicant acquired no rights in the United States in the PJMINT marks which are the subject of Application Serial Nos. 86/017,683 and 86/018,291 before

November 4, 2008, the registration date of Intuit's Application Serial No. 77/226,127, which matured into Federal Trademark Registration No. 3,526,377.

20. On information and belief, Applicant acquired no rights in the United States in the PJMINT marks which are the subject of Application Serial Nos. 86/017,683 and 86/018,291 before December 7, 2010, the date that the assignment from Mint Software Inc. to Intuit for Federal Trademark Registration No. 3,526,377 was recorded with the USPTO.

21. On information and belief, Applicant acquired no rights in the United States in the PJMINT marks which are the subject of Application Serial Nos. 86/017,683 and 86/018,291 before 2009, the year in which Intuit acquired Mint Software, Inc.

22. On information and belief, Applicant acquired no rights in the United States in the PJMINT marks which are the subject of Application Serial Nos. 86/017,683 and 86/018,291 before at least as early as December 7, 2010, when Intuit began to develop in its own name common law rights in the MINT Word mark as alleged above.

23. On information and belief, Applicant acquired no rights in the United States in the PJMINT marks which are the subject of Application Serial Nos. 86/017,683 and 86/018,291 before at least as early as December 7, 2010, when Intuit began to develop in its own name common law rights in the MINT AND DESIGN mark as alleged above.

24. On information and belief, Applicant acquired no rights in the United States in the PJMINT marks which are the subject of Application Serial Nos. 86/017,683 and 86/018,291 before Intuit began using the MINTLIFE mark for financial information and editorial content services related to personal finance, the MINT HELP mark for personal financial services support provided to end-users since, or the MINTFAMILY mark for financial information and editorial content services related to personal finance since Intuit commenced use of each of these marks prior to July 23, 2013 and July 24, 2013.



25. Given the facts asserted in paragraphs 18-24 above, there is no issue as to priority.

26. On information and belief, Applicant provides its products and services, at least in part, through a global computer network and/or through mobile software applications and/or mobile devices.

27. On information and belief, Applicant's goods and services will be offered to at least some of the same classes of consumers and through at least some of the channels of trade as the MINT Goods and Services are offered under Intuit's MINT Word Mark. As applied to Applicant's goods and services, the PJMINT marks so resemble Intuit's MINT Word Mark as alleged herein as to be likely to cause confusion, or to cause mistake, or to deceive as to the source of the goods/services.

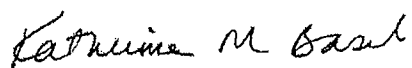
28. On information and belief, Applicant's goods and services will be offered to at least some of the same classes of consumers and through at least some of the channels of trade as the MINT Goods and Services are offered under Intuit's MINT AND DESIGN Mark. As applied to Applicant's goods and services, the PJMINT marks so resemble Intuit's MINT AND DESIGN Mark as to be likely to cause confusion, or to cause mistake, or to deceive as to the source of the goods/services.

29. Opposer will be damaged by Applicant's registration of the PJMINT marks for the services identified in Application Serial Nos. 86/017,683 and 86/018,291 as a result of the aforementioned confusion, mistake and deception.

WHEREFORE, Opposer prays that this Opposition be sustained, and the registrations sought by Applicant be refused.

Dated: April 9, 2014

Respectfully submitted,



\_\_\_\_\_  
Katherine M. Basile  
NOVAK DRUCE CONNOLLY BOVE & QUIGG LLP  
21771 Stevens Creek Blvd  
First Floor  
Cupertino, CA 95014  
(408) 414-7330

Attorneys for Opposer,  
Intuit Inc.

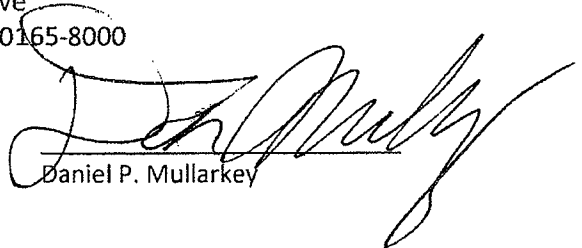
Certificate of Service

This is to certify that on this 9<sup>th</sup> day of April 2014, a copy of the foregoing Consolidated Notice of Opposition and exhibits was mailed by First Class mail, postage prepaid, to the following attorney of record:

Andrew F. Reish  
Andrew Reish & Associates  
12355 Sunrise Valley Dr. Ste, 650  
Reston, VA 20191-3458  
[areish@reishassociates-law.com](mailto:areish@reishassociates-law.com)  
[areish@dbd-law.com](mailto:areish@dbd-law.com)

This is to certify that on this 9<sup>th</sup> day of April 2014, a copy of the foregoing Consolidated Notice of Opposition and exhibits was mailed by First Class mail, postage prepaid, to the following Applicant of record:

PJMINT, LLC  
Suite 100  
46175 Westlake Drive  
Potomac Falls, VA 20165-8000

  
Daniel P. Mullarkey



# **EXHIBIT 99**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Nos. 86837685 and 86840308  
Published: May 3, 2016 and May 10, 2016  
Mark: ENVIRONMINT and MINTPRESS

Intuit Inc.	)		
	)		
Opposer	)		
	)		
v.	)	Opposition No. _____	
	)		
LimePoint Pty. Ltd.	)		
	)		
Applicant	)		

**CONSOLIDATED NOTICE OF OPPOSITION**

Intuit Inc., and its related and predecessor companies (hereinafter collectively “Opposer” or “Intuit”), a Delaware corporation, having a principal place of business at 2535 Garcia Avenue, Mountain View, California 94041, believes that it will be damaged by the registration of the above-identified marks, and having been granted appropriate extensions of time to oppose the above-referenced applications, hereby opposes same. Please charge any additional fees or credit any overpayment to Deposit Account No. (141437).

As grounds for this opposition it is alleged that:

**Introduction**

1. Intuit brings this Opposition due to the likelihood of confusion between its distinctive and well-known MINT and MINT family of marks and Applicant’s applied-for marks. Since 2007, Intuit’s MINT branded web-based software and corresponding mobile software applications have allowed users to monitor and track their financial accounts, engage in financial planning, and learn about personal finance. Additionally, over time, Intuit’s MINT

branded web-based software and corresponding mobile software applications have expanded to allow users to obtain and monitor their credit ratings, make payments on their mortgages and other bills (including payment processing services relating to these transactions), and set and monitor financial goals. Applicant's applied-for marks ENVIRONMINT and MINTPRESS incorporate the MINT mark, and like Opposer's MINT marks, are allegedly used in conjunction with software and software as a service, including browser software and database software. Such use is likely to cause confusion for the reasons described herein.

#### **Applicant's Applications**

2. Application Serial No. 86/837,685, filed on December 3, 2015 to register the mark ENVIRONMINT for the services "Computer application software for computer systems, namely, software used to streamline, automate, and orchestrate the deployment of information technology software components to form an operating environment for software platforms and software applications underpinning business systems; Computer software for computer systems for use within the users specific IT ecosystem, namely, database software, browser software; Computer software for deployment of cloud computing software as a Software as a Service" in International Class 9 and "Cloud computing featuring software for use as a Software as a Service to streamline, automate, and orchestrate the deployment of information technology software components to form an operating environment for software platforms and software applications underpinning business systems" in Class 42 was published for opposition in the Official Gazette of May 3, 2016.

3. Application Serial No. 86/840,308, filed on December 4, 2015 to register the mark MINTPRESS for the services "Computer application software for computer systems, namely, software used to streamline, automate, and orchestrate the deployment of information technology software components to form an operating environment for software platforms and



software applications underpinning business systems; Computer software for computer systems for use within the users specific IT ecosystem, namely, database software, browser software; Computer software for deployment of cloud computing software as a Software as a Service” in International Class 9 and “Cloud computing featuring software for use as a Software as a Service to streamline, automate, and orchestrate the deployment of information technology software components to form an operating environment for software platforms and software applications underpinning business systems” in Class 42 was published for opposition in the Official Gazette of May 10, 2016.

4. This Notice of Opposition is timely filed. Three extensions of time to oppose Application Serial Nos. 86/837,685 and 86/840,308 were obtained, and the Trademark Trial & Appeal Board of the United States Patent and Trademark Office (“TTAB”) extended the time to oppose these two applications to October 30, 2016 and November 6, 2016. October 30, 2016 fell on a Sunday, making the deadline to oppose Application No. 86/837,685 October 31, 2016.


**Intuit and its Flagship Brands Including its MINT Brand**

5. Intuit, founded in 1983, provides software and services in a variety of accounting, small business, and personal finance areas. Intuit’s flagship products – QuickBooks, TurboTax, and Mint – define the company’s commitment to revolutionize the way people manage their personal finances, run small businesses, and manage taxes.

6. Intuit is the owner of multiple U.S. federal trademark registrations and applications featuring the trademark MINT listed in the table below and in the attached Exhibits A - E (the MINT Marks). These registrations and applications include financial services, editorial content services, payment services, payment processing services, and money transfer services.

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Mark	SN or Registration No.	Goods and Services
MINT	Reg. 4929239 Filing Date: Jun. 6, 2014 Reg. Date: Mar. 29, 2016	<p><u>Class 9</u>: Computer software for use in processing electronic payments and transferring funds to and from others; computer software for use in transferring funds between financial accounts; computer software for bill presentment and payment</p> <p><u>Class 36</u>: Electronic payment services, namely, receipt, processing and payment of bills, issuance of personal payments; providing bill payment and tax payment processing services via computer and communication networks; money transfer services</p> <p><u>Class 38</u>: Electronic transmission of payment data for others</p> <p><u>Class 42</u>: Providing temporary use of on-line non-downloadable computer software for performing financial transactions and transmitting and receiving information in the fields of electronic payments and electronic bill payments and bill presentment; providing temporary use of non-downloadable computer software for use in sending and receiving payments, transferring funds, bill payment and bill presentment; providing temporary use of non-downloadable computer software for generating bill reminders and bill payment status alerts</p>
MINT BILLS	Reg. 4869554 Filing Date: Dec. 18, 2014 Reg. Date: Dec. 15, 2015	<p><u>Class 9</u>: Computer software for use in processing electronic payments and transferring funds to and from others; computer software for use in transferring funds between financial accounts; computer software for bill presentment and payment; magnetically encoded debit cards, payment cards and stored-value cards</p> <p><u>Class 36</u>: Electronic payment services, namely, receipt, processing and payment of bills, issuance of personal payments; providing bill payment and tax payment processing services via computer and communication networks; money transfer services</p> <p><u>Class 38</u>: Electronic transmission of payment data for others</p>

		<p><u>Class 42</u>: Providing temporary use of on-line non-downloadable computer software for performing financial transactions and transmitting and receiving information in the fields of electronic payments and electronic bill payments and bill presentment; providing temporary use of non-downloadable computer software for use in sending and receiving payments, transferring funds, bill payment and bill presentment; providing temporary use of non-downloadable computer software for generating bill reminders and bill payment status alerts</p>
	<p>Reg. 3526377  Filing Date: Jul. 10, 2007  Reg. Date: Nov. 04, 2008</p>	<p><u>Class 36</u>: Providing web-based, automated and customized personal financial management services, namely, customized management of non-investment personal financial accounts, daily monitoring of transactions and account balances, and budget and spending reporting through a global computer network</p>
MINTLIFE	<p>Reg: 4820578  Filing Date: Apr. 15, 2014  Reg. Date: Sept. 29, 2015</p>	<p><u>Class 36</u>: Providing information related to personal finance; financial information; providing a website featuring personal finance information and guidance; editorial content services related to personal finance, namely, providing an online blog featuring articles, tips, questions and answers, and guidance in the field of personal finance, financial planning, budgeting, and saving money  <u>Class 41</u>: Providing on-line non-downloadable articles in the field of personal finance</p>
MINT	<p>SN: 86313032  Priority Date: Dec. 18, 2013  Filing Date: Jun. 18, 2014</p>	<p><u>Class 9</u>: Computer software for personal and small business financial management; computer software for online banking, transaction management, financial planning, financial management, bill tracking and management, expense tracking and management, accounting, and taxable item tracking and management; computer software for creating reports and graphs; computer software for forecasting and analysis of data; computer software for data aggregation; computer software for providing banking, financial and bill payment alerts; computer software for providing wireless access to data</p>



	<p>and databases; computer software for enabling users to retrieve financial account balances and financial transaction information using mobile phones, smart phones, and mobile telecommunication networks</p> <p><u>Class 35:</u> Providing information, news, opinions and advice in the fields of accounting, tax preparation and planning, including via computer and communication networks, the internet, and social media; providing commercial information on, and comparisons of, the products and services of others, including through computer and communication networks, the internet, and social media; providing comparison of shopping services, including through computer and communication networks, the internet, and social media; providing economic forecasting and analysis, including through computer or communication networks, the internet, and social media; taxable item tracking and management, namely, tracking of taxable income and expense data for the purpose of personal and business tax planning and filing</p> <p><u>Class 36:</u> Personal and small business financial management services; online banking; financial transaction services, namely, budget planning in the nature of income and expense transaction tracking; financial planning; financial management; financial analysis; bill payment services in the nature of scheduling and payment of bills; financial management services, namely, tracking of personal and business expenses; forecasting and analysis of financial data; financial data aggregation, namely, electronically collecting financial data from multiple accounts into a single location for financial review analysis; financial administration and management services for the management of credit and debit cards, loans, mortgages, investments and financial accounts; providing information, news, opinions and advice in the fields of banking, financial management, saving and financial</p>
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		planning and retirement financial planning, including via computer and communication networks, the internet, and social media; providing information, news, opinion and advice in the fields of personal budgeting and household budgeting, including via computer and communication networks, the internet, and social media; providing financial information, news, opinions and advice in the field of consumer spending, including via computer and communication networks, the internet, and social media
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7. U.S. Federal Registration 3,526,377 is in full force and effect, was declared incontestable on September 26, 2014, and matured to registration well before the September 23, 2013 alleged first use date for the ENVIRONMINT and MINTPRESS applications alleged herein.

8. In 2009 Intuit purchased its predecessor-in-interest Mint Software, Inc., acquiring all of Mint Software, Inc.'s registered and common law trademark and trade name rights, including all goodwill associated therewith, as well as all other intellectual property rights, including but not limited to all rights in the above-referenced Registration No. 3,526,377 (MINT AND DESIGN Mark) and the word mark "MINT" (the Mint Word Mark).

9. Since the acquisition of Mint Software Inc. in 2009, Intuit has continued the use of the MINT AND DESIGN Mark and MINT Word Mark, and Intuit has been engaged continuously in the development, distribution and provision of a personal financial management service, enabled by a computer software platform and a range of software applications (desktop, web-based and mobile applications) for personal and small business financial management. Intuit has continued to use the MINT Marks for related services (like alerts and financial editorial content services), and has provided web-based, automated and customized personal

financial management, aggregation of personal data, personal data tracking services, and related computer software enabling users to retrieve financial account balance and transaction information via all major technology platforms, including the Web, the Apple iOS platform, the Android platform, the Windows platform and the Mac OS X platform. Intuit has also continued to expand its business in association with the MINT Marks in the course of its normal business activities, including software and related services enabling users to obtain credit scores, make payments, and providing the payment processing services for those payments. Intuit's expansion of its services also includes the ability to track digital currency accounts, transactions and balances. Intuit's current web- and mobile- software applications enable users to establish the goal of, and measure progress toward, saving for a down payment on a home, as well as enter their real estate address to determine the current market value of their home, and automatically update the value of that home in calculating the user's net worth. Intuit's MINT platform serves as database software for secure storage, viewing, analysis and categorization of the user's personal and small business financial information. The goods and services listed above are hereinafter referred to collectively as the "MINT Goods and Services." Intuit also owns common law trademark rights in the MINT Marks for the MINT Goods and Services.

10. Intuit also has used and uses multiple trademarks comprising the term MINT plus another word or multiple words, and currently is using the marks MINT BILLS, MINTLIFE, MINT HELP, MY MINT STORY, and MINTFAMILY. Previously, Intuit also used the mark MINTANSWERS from May of 2010 to August of 2011, MINTSTYLE from February of 2012 to February of 2013 and MINT QUICKVIEW from July of 2012 to November of 2015. For the marks currently in use, the MINT BILLS mark has been in continuous use for payment processing, electronic payments, computer software relating to those services, and related



services since at least as early as December 2, 2014 (which mark is registered as USPTO federal trademark Registration No. 4869554); the MINTLIFE mark has been in continuous use for financial information and editorial content services related to personal finance (including health-related expenditures and health insurance), accessible via a web-browser, since at least as early as August 4, 2009 (which mark is registered as USPTO federal trademark Registration No. 4820578); the MINT HELP mark has been in continuous use for software support and personal financial services support provided to end-users since at least as early as June 14, 2011; the MY MINT STORY mark has been in continuous use in connection with editorial content services related to personal finance since at least as early as May 11, 2012; and the MINTFAMILY mark has been in continuous use for financial information and editorial content services related to personal finance and family goals since at least as early as February 27, 2012. Collectively the MINTLIFE, MINT HELP, MY MINT STORY, and MINTFAMILY trademarks are referred to herein as “the MINT Formative Marks.”

11. Each of the MINT Formative Marks, as well as the predecessor marks alleged in Paragraph 11 above, contains the distinctive element MINT.

12. Intuit used (and continues to use) a substantial number of the MINT Formative Marks, prior to Applicant’s trademark filing for its ENVIRONMINT and MINTPRESS marks which are the subject of this opposition, in such a manner as to create public recognition coupled with an association of common origin predicated on the MINT element and/or the MINT element plus a word or multiple words (individually and/or collectively the “MINT Family Feature”).

13. Intuit uses the marks alleged herein, including the MINT Formative Marks, on its website in connection with its various services in such a manner that consumers viewing the website are generally exposed to some or all of the MINT Formative Marks when looking at or

using Intuit's tools and services available through its website. For example, consumers will encounter these marks together much as one might see marks with a common feature used throughout a catalog or brochure.

14. Intuit uses and promotes the marks alleged herein, including the trademarks MINT BILLS, MINTLIFE, MINT HELP, MY MINT STORY, and MINTFAMILY, on its website and in a variety of social media marketing activities. For example, Intuit uses its website to offer a variety of tools or services to consumers (actual or potential customers of Intuit's offerings) to aggregate, track, and manage their financial information, and also uses social media to market its products and services. The MINT Formative Marks are used by Intuit throughout its website and multiple of these marks are used in Intuit's social media marketing activities in connection with different MINT Goods and Services. These uses are in connection with different but related services offered by Intuit under the MINT brand and as a result consumers are generally exposed to several of the MINT Formative Marks when reviewing or using Intuit's MINT website or when visiting Intuit's social media offerings. As a result of these uses of the MINT Formative Marks, all of which are available to both registered and unregistered visitors to the MINT.COM website, consumers associate Intuit's marks alleged herein bearing the MINT Family Feature with a common source.

15. Intuit's MINT Formative Marks are used by Intuit in a manner that creates public recognition and association of the MINT Family Feature with a single source. As a result, Intuit has developed a family of marks of which the common feature is the distinctive MINT element and a common term (the "family of MINT formative marks").

16. Intuit promotes and advertises, and has expended considerable resources and sums to promote and advertise, the MINT Marks, the MINT Formative Marks, and effectively its family of MINT formative marks in association with the MINT Goods and Services.

17. Intuit provides the MINT Goods and Services to registered users, including through its MINT website and through MINT branded mobile software applications for Apple “iOS” and Google “Android” operating systems, the first such software application of which was launched as early as December 2008. The website and corresponding mobile applications allow users to access the services, to measure and manage personal finances and personal data, to receive bills, to pay bills and to track those bills and bills payments. Intuit provides payment processing for bill payments. Intuit’s MINT mobile software applications are now the most popular non-bank personal finance mobile applications in the U.S. market. Intuit’s MINT products and services have garnered over 20 million registered users across North America since 2007 and Intuit has won multiple awards for its MINT Goods and Services (and related applications) from various nationally-recognized technology media outlets.

18. In addition to its federal trademark rights based upon its U.S. trademark Registration Nos. 4,869,554, 3,526,377, 4,820,578, and 4,929,239 Intuit also owns common law trademark rights separately in the each of the marks: MINT Word Mark, the MINT AND DESIGN Mark, the MINT LEAF Mark as depicted in U.S. trademark Application No. 86/481,189, each of the MINT Formative Marks, and in its family of MINT formative marks.

19. As a result of Intuit’s use of the MINT Word Mark and MINT AND DESIGN Mark, as well as each of the MINT Formative Marks and/or its family of MINT formative marks, and in view of Intuit’s extensive advertising, promotion and sale of the goods and services in



association with these trademarks, the MINT Word Mark is distinctive and well known to the relevant trade and public as identifying and distinguishing Intuit's MINT Goods and Services.

20. As a result of Intuit's use of the MINT Word Mark and MINT AND DESIGN Mark, as well as each of the MINT Formative Marks and/or its family of MINT formative marks, and in view of Intuit's extensive advertising, promotion and sale of the goods and services in association with these trademarks, the MINT Word Mark, MINT AND DESIGN Mark, and MINT Formative Marks are distinctive and well known to the relevant trade and public as identifying and distinguishing Intuit's MINT Goods and Services.

21. As a result of Intuit's use of the MINT Word Mark and MINT AND DESIGN Mark, as well as each of the MINT Formative Marks and/or its family of MINT formative marks, and in view of Intuit's extensive advertising, promotion and sale of the goods and services in association with these trademarks, each of the MINT Formative Marks and/or its family of MINT formative marks is distinctive and well known to the relevant trade and public as identifying and distinguishing the services identified in Paragraphs 8-10 above and also Intuit's MINT Goods and Services.

#### **Applicant's Similar Goods and Services**

22. Applicant allegedly uses ENVIRONMINT in connection with "Computer application software for computer systems, namely, software used to streamline, automate, and orchestrate the deployment of information technology software components to form an operating environment for software platforms and software applications underpinning business systems; Computer software for computer systems for use within the users specific IT ecosystem, namely, database software, browser software; Computer software for deployment of cloud computing software as a Software as a Service" in International Class 9 and "Cloud computing featuring software for use as a Software as a Service to streamline, automate, and orchestrate the

deployment of information technology software components to form an operating environment for software platforms and software applications underpinning business systems” in Class 42.

23. Applicant allegedly uses MINTPRESS in connection with “Computer application software for computer systems, namely, software used to streamline, automate, and orchestrate the deployment of information technology software components to form an operating environment for software platforms and software applications underpinning business systems; Computer software for computer systems for use within the users specific IT ecosystem, namely, database software, browser software; Computer software for deployment of cloud computing software as a Software as a Service” in International Class 9 and “Cloud computing featuring software for use as a Software as a Service to streamline, automate, and orchestrate the deployment of information technology software components to form an operating environment for software platforms and software applications underpinning business systems” in Class 42.

#### **Applicant’s Similar Design**

24. The terms ENVIRONMINT and MINTPRESS simply contain the distinctive MINT mark plus the English words “environ” or “press.” “Environ” subsumes “MINT” and implies a place for a user to access, store, or manipulate information within something called “MINT”. “Press” acts as a descriptive term and implies multiple offerings, including that this software might be used to access Intuit’s media accolades for its MINT products and services, or internet or ebook software to access rich editorial and educational content, as has been popularized by Intuit’s blog on Mint.com, or a publishing imprint or book, as has been done by Intuit through its relationship with TarcherPerigee, an imprint of Penguin Group USA, to co-brand the book entitled “The Smartest Money Book You’ll Ever Read”. Additionally, the Applicant’s website demonstrates that ENVIRONMINT is also a play on the word “environment,” replacing the ‘E’ with an ‘I.’ This small change makes MINT the distinctive

element, as it is the only change to the descriptive word “environment.” Further, Applicant’s uses of ENVIRONMINT and MINTPRESS on its website (<http://www.limepoint.com/product-environmint/> and <http://www.limepoint.com/mintpress/>) also emphasize the MINT element by capitalizing the M in MINT, setting off the term MINT in a different color, and using a green color scheme. The dominant portion of the marks is simply MINT. The overall commercial impression of the marks is thus very similar. Additionally, Applicant’s marks are similar to Opposer’s MINT Formative marks, because both contain the distinctive element MINT accompanied by a single descriptive word, such as “life,” “help,” or “style,” -- in the case of Opposer’s MINT Formative marks -- and “environ” and “press” as in the case of Applicant’s marks.

25. On information and belief, like Opposer, Applicant allegedly provides its products and services through a global computer network and/or through software applications.

26. On information and belief, Applicant’s goods and services will be offered to at least some of the same classes of consumers and through at least some of the channels of trade as the MINT Goods and Services are offered under Intuit’s MINT Marks, including MINT branded services Intuit offers to financial institutions. As applied to Applicant’s goods and services, the ENVIRONMINT and MINTPRESS marks so resemble Intuit’s MINT Marks as alleged herein as to be likely to cause confusion, or to cause mistake, or to deceive as to the source of the goods/services.

27. On information and belief, Applicant’s goods and services will be offered to at least some of the same classes of consumers and through at least some of the channels of trade as the MINT Goods and Services above are offered under the MINT Formative Marks, including MINT branded services Intuit offers to financial institutions. As applied to Applicant’s goods



and services, the ENVIRONMINT and MINTPRESS marks so resemble each of the MINT Formative Marks as to be likely to cause confusion, or to cause mistake, or to deceive as to the source of the goods/services.

28. On information and belief, Applicant's goods and services will be offered to at least some of the same classes of consumers and through at least some of the channels of trade as the MINT Goods and Services are offered in connection with Intuit's family of MINT formative marks, including MINT branded services Intuit offers to financial institutions. As applied to Applicant's goods and services, the ENVIRONMINT and MINTPRESS marks so resemble Intuit's MINT Marks and family of MINT formative marks since the marks contain the distinctive MINT element and/or since the marks contains the distinctive MINT element accompanied by a descriptive word as to be likely to cause confusion, or to cause mistake, or to deceive as to the source of the goods/services.

29. Opposer will be damaged by Applicant's registration of the ENVIRONMINT and MINTPRESS marks for the goods and services identified in the 86/837,685 and 86/840,308 applications as a result of the aforementioned confusion, mistake and deception.

WHEREFORE, Opposer prays that this Opposition be sustained, and the registration sought by Applicant be refused.

Dated: October 31, 2016

Respectfully submitted,

/Katherine M. Basile/

Katherine M. Basile  
Reed Smith LLP  
1510 Page Mill Road, #110  
Palo Alto, CA 94304  
(650) 352-0500

*Attorneys for Opposer,  
Intuit Inc.*

**Certificate of Service**

This is to certify that on October 31, 2016, a copy of the foregoing Notice of Opposition and exhibits was mailed by First Class mail, postage prepaid, to the following non-attorney correspondent of record:

Goran Stankovski  
Limepoint Pty. Ltd.  
289 Flinders Lane  
Suite 4 / Level 5  
Melbourne, Australia 3000  
gstankovski@limepoint.com

/Katrina M. Kershner/  
Katrina M. Kershner

# **EXHIBIT 100**



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application No. 86608083  
Published: September 29, 2015  
Mark: M.INT MEIER INTERNATIONAL REAL ESTATE

Intuit Inc.	)		
	)		
Opposer	)		
	)		
v.	)	Opposition No. _____	
	)		
Meier Group NYC LLC	)		
	)		
Applicant	)		

**NOTICE OF OPPOSITION**

Intuit Inc., and its related and predecessor companies (hereinafter collectively “Opposer” or “Intuit”), a Delaware corporation, having a principal place of business at 2535 Garcia Avenue, Mountain View, California 94041, believes that it will be damaged by the registration of the above-identified mark, and having been granted appropriate extensions of time to oppose the above-referenced application, hereby opposes same. Please charge any additional fees or credit any overpayment to Deposit Account No. (141437).

As grounds for this opposition it is alleged that:

**Introduction**

1. Intuit brings this Opposition due to the likelihood of confusion between its distinctive and well-known MINT and MINT family of marks and Applicant’s applied-for mark. Since 2007, Intuit’s MINT branded website and corresponding mobile software applications have allowed users to monitor and track their financial accounts, engage in financial planning, and learn about personal finance, including home-buying. Additionally, over time, Intuit’s MINT

<b>Opposer's Exhibit</b>
<b>100</b>
Todd Santos
Wednesday, June 14, 2017
Cammi R. Bowen, CSR #13492

branded website and corresponding mobile software applications have expanded to allow users to obtain and monitor their credit ratings, make payments on their mortgages and other bills (including payment processing services relating to these transactions), and set and monitor financial goals, including buying a home. Applicant's applied-for mark M.INT MEIER INTERNATIONAL REAL ESTATE incorporates the MINT mark, and like Opposer's MINT marks, is allegedly used in conjunction with services related to home buying, brokerage services, and other related services. Such use is likely to cause confusion for the reasons described herein.

#### **Applicant's Application**

2. Application Serial No. 86/608,083 filed on April 23, 2015 to register the mark M.INT MEIER INTERNATIONAL REAL ESTATE for the services "Real estate advertising services" in International Class 35 and "Real estate brokerage" in International Class 36 was published for opposition in the Official Gazette of September 29, 2015 at page TM 2809.

3. This Notice of Opposition is timely filed. Three extensions of time to oppose Application Serial No. 86/608,083 were obtained, and the Trademark Trial & Appeal Board of the United States Patent and Trademark Office ("TTAB") extended the time to oppose these two applications to March 27, 2016, which date fell on a Sunday, making the deadline to oppose March 28, 2016.

#### **Intuit and its Flagship Brands Including its MINT Brand**


4. Intuit, founded in 1983, provides software and services in a variety of accounting, small business, and personal finance areas. Intuit's flagship products – QuickBooks, TurboTax, and Mint – define the company's commitment to revolutionize the way people manage their personal finances, run small businesses, and manage taxes.

5. Intuit is the owner of multiple U.S. federal trademark registrations and applications featuring the trademark MINT listed in the table below and in the attached Exhibits

A - E (the MINT Marks). These registrations and applications include financial services, editorial content services, payment services, payment processing services, and money transfer services.

<b>Mark</b>	<b>SN or Registration No.</b>	<b>Goods and Services</b>
MINT	SN: 86978428 Filing Date: Jun. 6, 2014 NOA issued: Jun. 16, 2015	<p><u>Class 9</u>: Computer software for use in processing electronic payments and transferring funds to and from others; computer software for use in transferring funds between financial accounts; computer software for bill presentment and payment</p> <p><u>Class 36</u>: Electronic payment services, namely, receipt, processing and payment of bills, issuance of personal payments; providing bill payment and tax payment processing services via computer and communication networks; money transfer services</p> <p><u>Class 38</u>: Electronic transmission of payment data for others</p> <p><u>Class 42</u>: Providing temporary use of on-line non-downloadable computer software for performing financial transactions and transmitting and receiving information in the fields of electronic payments and electronic bill payments and bill presentment; providing temporary use of non-downloadable computer software for use in sending and receiving payments, transferring funds, bill payment and bill presentment; providing temporary use of non-downloadable computer software for generating bill reminders and bill payment status alerts</p>
MINT BILLS	Reg. 4869554 Filing Date: Dec. 18, 2014 Reg. Date: Dec. 15, 2015	<p><u>Class 9</u>: Computer software for use in processing electronic payments and transferring funds to and from others; computer software for use in transferring funds between financial accounts; computer software for bill presentment and payment; magnetically encoded debit cards, payment cards and stored-value cards</p> <p><u>Class 36</u>: Electronic payment services, namely, receipt, processing and payment of bills, issuance of personal payments;</p>



		<p>providing bill payment and tax payment processing services via computer and communication networks; money transfer services</p> <p><u>Class 38</u>: Electronic transmission of payment data for others</p> <p><u>Class 42</u>: Providing temporary use of on-line non-downloadable computer software for performing financial transactions and transmitting and receiving information in the fields of electronic payments and electronic bill payments and bill presentment; providing temporary use of non-downloadable computer software for use in sending and receiving payments, transferring funds, bill payment and bill presentment; providing temporary use of non-downloadable computer software for generating bill reminders and bill payment status alerts</p>
	<p>Reg. 3526377  Filing Date: Jul. 10, 2007  Reg. Date: Nov. 04, 2008</p>	<p><u>Class 36</u>: Providing web-based, automated and customized personal financial management services, namely, customized management of non-investment personal financial accounts, daily monitoring of transactions and account balances, and budget and spending reporting through a global computer network</p>
MINTLIFE	<p>Reg: 4820578  Filing Date: Apr. 15, 2014  Reg. Date: Sept. 29, 2015</p>	<p><u>Class 36</u>: Providing information related to personal finance; financial information; providing a website featuring personal finance information and guidance; editorial content services related to personal finance, namely, providing an online blog featuring articles, tips, questions and answers, and guidance in the field of personal finance, financial planning, budgeting, and saving money</p> <p><u>Class 41</u>: Providing on-line non-downloadable articles in the field of personal finance</p>
MINT	<p>SN: 86313032  Priority Date: Dec. 18, 2013  Filing Date: Jun. 18, 2014</p>	<p><u>Class 9</u>: Computer software for personal and small business financial management; computer software for online banking, transaction management, financial planning, financial management, bill tracking and management, expense tracking and management, accounting, and taxable item tracking and management; computer software</p>

		<p>for creating reports and graphs; computer software for forecasting and analysis of data; computer software for data aggregation; computer software for providing banking, financial and bill payment alerts; computer software for providing wireless access to data and databases; computer software for enabling users to retrieve financial account balances and financial transaction information using mobile phones, smart phones, and mobile telecommunication networks</p> <p><u>Class 35</u>: Providing information, news, opinions and advice in the fields of accounting, tax preparation and planning, including via computer and communication networks, the internet, and social media; providing commercial information on, and comparisons of, the products and services of others, including through computer and communication networks, the internet, and social media; providing comparison of shopping services, including through computer and communication networks, the internet, and social media; providing economic forecasting and analysis, including through computer or communication networks, the internet, and social media; taxable item tracking and management, namely, tracking of taxable income and expense data for the purpose of personal and business tax planning and filing</p> <p><u>Class 36</u>: Personal and small business financial management services; online banking; financial transaction services, namely, budget planning in the nature of income and expense transaction tracking; financial planning; financial management; financial analysis; bill payment services in the nature of scheduling and payment of bills; financial management services, namely, tracking of personal and business expenses; forecasting and analysis of financial data; financial data aggregation, namely, electronically collecting financial data from multiple accounts into a single location for financial review analysis; financial</p>
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		<p>administration and management services for the management of credit and debit cards, loans, mortgages, investments and financial accounts; providing information, news, opinions and advice in the fields of banking, financial management, saving and financial planning and retirement financial planning, including via computer and communication networks, the internet, and social media; providing information, news, opinion and advice in the fields of personal budgeting and household budgeting, including via computer and communication networks, the internet, and social media; providing financial information, news, opinions and advice in the field of consumer spending, including via computer and communication networks, the internet, and social media</p>
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6. U.S. Federal Registration 3,526,377 is in full force and effect, was declared incontestable on September 26, 2014, and matured to registration well before the April 23, 2015 application date for the intent-to-use application alleged herein.

7. In 2009 Intuit purchased its predecessor-in-interest Mint Software, Inc., acquiring all of Mint Software, Inc.'s registered and common law trademark and trade name rights, including all goodwill associated therewith, as well as all other intellectual property rights, including but not limited to all rights in the above-referenced Registration No. 3,526,377 (MINT AND DESIGN Mark) and the word mark "MINT" (the Mint Word Mark).

8. Since the acquisition of Mint Software Inc. in 2009, Intuit has continued the use of the MINT AND DESIGN Mark and MINT Word Mark, and Intuit has been engaged continuously in the development, distribution and provision of a personal financial management service, enabled by a computer software platform and a range of software applications (desktop, web-based and mobile applications) for personal and small business financial management,



including management of assets, payments and goals related to real estate. Intuit has continued to use the MINT Marks for related services (like alerts and financial editorial content services), and has provided web-based, automated and customized personal financial management, aggregation of personal data, personal data tracking services, and related computer software enabling users to retrieve financial account balance and transaction information via all major technology platforms, including the Web, the Apple iOS platform, the Android platform, the Windows platform and the Mac OS X platform. Intuit has also continued to expand its business in association with the MINT Marks in the course of its normal business activities, including enabling users to obtain credit scores, make payments, and providing the payment processing services for those payments. Intuit's expansion of its services also includes the ability to track digital currency accounts, transactions and balances. Intuit's current web- and mobile- software applications enable users to establish the goal of, and measure progress toward, saving for a down payment on a home, as well as enter their real estate address to determine the current market value of their home, and automatically update the value of that home in calculating the user's net worth. Intuit's platform also allows users to learn about how much home they can afford, learn about loan options, review credit scores in anticipation of applying for a home loan, and learn about the considerations involved in whether they should purchase a home. The goods and services listed above are hereinafter referred to collectively as the "MINT Goods and Services." Intuit also owns common law trademark rights in the MINT Marks for the MINT Goods and Services.

9. Real estate related services are also within Intuit's natural zone of expansion for its MINT branded products and services. Personal finance software and online services naturally and predictably include, or expand to include, mortgages, home-purchasing, and tracking of net

worth as it relates to an individual's home. Furthermore, personal finance is inextricably linked with home-buying, as real estate purchases are generally the largest purchase an individual or family will make, and requires the individual purchaser to carefully consider their credit rating, payment history, savings, income and net worth, each of which is tracked, measured, and informed by Intuit's MINT branded products and services.

10. Intuit also has used and uses multiple trademarks comprising the term MINT plus another word or multiple words, and currently is using the marks MINT BILLS, MINTLIFE, MINT HELP, MY MINT STORY, and MINTFAMILY. Previously, Intuit also used the mark MINTANSWERS from May of 2010 to August of 2011, MINTSTYLE from February of 2012 to February of 2013 and MINT QUICKVIEW from July of 2012 to November of 2015. For the marks currently in use, the MINT BILLS mark has been in continuous use for payment processing, electronic payments, computer software relating to those services, and related services since at least as early as December 2, 2014 (which mark is registered as USPTO federal trademark Registration No. 4869554); the MINTLIFE mark has been in continuous use for financial information and editorial content services related to personal finance (including health-related expenditures and health insurance) since at least as early as August 4, 2009 (which mark is registered as USPTO federal trademark Registration No. 4820578); the MINT HELP mark has been in continuous use for personal financial services support provided to end-users since at least as early as June 14, 2011; the MY MINT STORY mark has been in continuous use in connection with editorial content services related to personal finance since at least as early as May 11, 2012; and the MINTFAMILY mark has been in continuous use for financial information and editorial content services related to personal finance and family goals since at least as early as February

27, 2012. Collectively the MINTLIFE, MINT HELP, MY MINT STORY, and MINTFAMILY trademarks are referred to herein as “the MINT Formative Marks.”

11. Each of the MINT Formative Marks, as well as the predecessor marks alleged in Paragraph 11 above, contains the distinctive element MINT.

12. Intuit used (and continues to use) a substantial number of the MINT Formative Marks, prior to Applicant’s trademark filing for its M.INT MEIER INTERNATIONAL REAL ESTATE mark which is the subject of this opposition, in such a manner as to create public recognition coupled with an association of common origin predicated on the MINT element and/or the MINT element plus a word or multiple words (individually and/or collectively the “MINT Family Feature”).

13. Intuit uses the marks alleged herein, including the MINT Formative Marks, on its website in connection with its various services in such a manner that consumers viewing the website are generally exposed to some or all of the MINT Formative Marks when looking at or using Intuit’s tools and services available through its website. For example, consumers will encounter these marks together much as one might see marks with a common feature used throughout a catalog or brochure.

14. Intuit uses and promotes the marks alleged herein, including the trademarks MINT BILLS, MINTLIFE, MINT HELP, MY MINT STORY, and MINTFAMILY, on its website and in a variety of social media marketing activities. For example, Intuit uses its website to offer a variety of tools or services to consumers (actual or potential customers of Intuit’s offerings) to aggregate, track, and manage their financial information, and also uses social media to market its products and services. The MINT Formative Marks are used by Intuit throughout its website and multiple of these marks are used in Intuit’s social media marketing activities in

connection with different MINT Goods and Services. These uses are in connection with different but related services offered by Intuit under the MINT brand and as a result consumers are generally exposed to several of the MINT Formative Marks when reviewing or using Intuit's MINT website or when visiting Intuit's social media offerings. As a result of these uses of the MINT Formative Marks, all of which are available to both registered and unregistered visitors to the MINT.COM website, consumers associate Intuit's marks alleged herein bearing the MINT Family Feature with a common source.

15. Intuit's MINT Formative Marks are used by Intuit in a manner that creates public recognition and association of the MINT Family Feature with a single source. As a result, Intuit has developed a family of marks of which the common feature is the distinctive MINT element and a common term (the "family of MINT formative marks").

16. Intuit promotes and advertises, and has expended considerable resources and sums to promote and advertise, the MINT Marks, the MINT Formative Marks, and effectively its family of MINT formative marks in association with the MINT Goods and Services.

17. Intuit provides the MINT Goods and Services to registered users, including through its MINT website and through MINT branded mobile software applications for Apple "iOS" and Google "Android" operating systems, the first such software application of which was launched as early as December 2008. The website and corresponding mobile applications allow users to access the services, to measure and manage personal finances and personal data, to receive bills, to pay bills, to track those bills and bills payments, and Intuit provides the payment processing for those payments. Intuit's MINT mobile software applications are now the most popular non-bank personal finance mobile applications in the U.S. market. Intuit's MINT business has garnered over 20 million registered users across North America since 2007 and



Intuit has won multiple awards for its MINT Goods and Services (and related applications) from various nationally-recognized technology media outlets.

18. In addition to its federal trademark rights based upon its U.S. trademark Registration Nos. 4,869,554, 3,526,377, and 4,820,578, Intuit also owns common law trademark rights separately in the each of the marks: MINT Word Mark, the MINT AND DESIGN Mark, the MINT LEAF Mark as depicted in U.S. trademark Application No. 86/481,189, each of the MINT Formative Marks, and in its family of MINT formative marks.

19. As a result of Intuit's use of the MINT Word Mark and MINT AND DESIGN Mark, as well as each of the MINT Formative Marks and/or its family of MINT formative marks, and in view of Intuit's extensive advertising, promotion and sale of the goods and services in association with these trademarks, the MINT Word Mark is distinctive and well known to the relevant trade and public as identifying and distinguishing Intuit's MINT Goods and Services.

20. As a result of Intuit's use of the MINT Word Mark and MINT AND DESIGN Mark, as well as each of the MINT Formative Marks and/or its family of MINT formative marks, and in view of Intuit's extensive advertising, promotion and sale of the goods and services in association with these trademarks, the MINT Word Mark, MINT AND DESIGN Mark, and MINT Formative Marks are distinctive and well known to the relevant trade and public as identifying and distinguishing Intuit's MINT Goods and Services.

21. As a result of Intuit's use of the MINT Word Mark and MINT AND DESIGN Mark, as well as each of the MINT Formative Marks and/or its family of MINT formative marks, and in view of Intuit's extensive advertising, promotion and sale of the goods and services in association with these trademarks, each of the MINT Formative Marks and/or its family of MINT formative marks is distinctive and well known to the relevant trade and public as

identifying and distinguishing the services identified in Paragraphs 8-10 above and also Intuit's MINT Goods and Services.

**Applicant's Similar Goods and Services**

22. Applicant allegedly uses M.INT MEIER INTERNATIONAL REAL ESTATE in connection with "Real estate advertising services" in International Class 35 and "Real estate brokerage" in International Class 36.

**Applicant's Similar Mark**

23. The term M.INT MEIER INTERNATIONAL REAL ESTATE contains the distinctive MINT mark plus the name of the Applicant. Applicant's use of M.INT MEIER INTERNATIONAL REAL ESTATE on its website (<http://mintrealestate.com/>) also emphasizes the MINT element by making it larger than the rest of the words in the mark, and frequently uses "M.INT" without any additional words at all. The period in "M.INT" does not distinguish the mark, as it does not affect the pronunciation of the word as "mint," nor is the period consistently used on Applicant's website. In several instances on the website and, notably, in Applicant's URL, the MINT mark is used without the period. The dominant portion of the mark is simply MINT. The overall commercial impression of the marks is thus very similar. Additionally, Applicant's mark is similar to Opposer's MINT Formative marks, because both contain the distinctive element MINT accompanied by a descriptive word or words, such as "life," "help," or "style," -- in the case of Opposer's MINT Formative marks -- and "Meier International Real Estate" as in the case of Applicant's mark.

24. On information and belief, like Opposer, Applicant allegedly provides its products and services through a global computer network and/or through web- and/or mobile-based software applications and/or mobile devices.

25. On information and belief, Applicant's goods and services will be offered to at least some of the same classes of consumers and through at least some of the channels of trade as the MINT Goods and Services are offered under Intuit's MINT Marks. As applied to Applicant's goods and services, the M.INT MEIER INTERNATIONAL REAL ESTATE mark so resembles Intuit's MINT Marks as alleged herein as to be likely to cause confusion, or to cause mistake, or to deceive as to the source of the goods/services.

26. On information and belief, Applicant's goods and services will be offered to at least some of the same classes of consumers and through at least some of the channels of trade as the MINT Goods and Services above are offered under the MINT Formative Marks. As applied to Applicant's goods and services, the M.INT MEIER INTERNATIONAL REAL ESTATE mark so resembles each of the MINT Formative Marks as to be likely to cause confusion, or to cause mistake, or to deceive as to the source of the goods/services.

27. On information and belief, Applicant's goods and services will be offered to at least some of the same classes of consumers and through at least some of the channels of trade as the MINT Goods and Services are offered in connection with Intuit's family of MINT formative marks. As applied to Applicant's goods and services, the M.INT MEIER INTERNATIONAL REAL ESTATE mark so resembles Intuit's MINT Marks and family of MINT formative marks since the M.INT MEIER INTERNATIONAL REAL ESTATE mark contains the distinctive MINT element and/or since the M.INT MEIER INTERNATIONAL REAL ESTATE mark contains the distinctive MINT element accompanied by a descriptive word as to be likely to cause confusion, or to cause mistake, or to deceive as to the source of the goods/services.

28. Opposer will be damaged by Applicant's registration of the M.INT MEIER INTERNATIONAL REAL ESTATE mark for the goods and services identified in the 86/608,083 application as a result of the aforementioned confusion, mistake and deception.

WHEREFORE, Opposer prays that this Opposition be sustained, and the registration sought by Applicant be refused.

Dated: March 28, 2016

Respectfully submitted,

/Katherine M. Basile/

Katherine M. Basile  
Reed Smith LLP  
1510 Page Mill Road, #110  
Palo Alto, CA 94304  
(650) 352-0500

*Attorneys for Opposer,  
Intuit Inc.*



**Certificate of Service**

This is to certify that on March 28, 2016, a copy of the foregoing First Amended Consolidated Notice of Opposition and exhibits was mailed by First Class mail, postage prepaid, to the following attorney of record:

Steven Stern  
Stern & Schurin LLP  
410 E Jericho Turnpike  
Mineola, NY 11501  
(516) 248-0300  
[sstern@sternschurin.com](mailto:sstern@sternschurin.com)

/Katrina M. Kershner/  
Katrina M. Kershner

# **EXHIBIT 101**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application No. 86615246  
Published: September 22, 2015  
Mark: TRIPLEMINT

Intuit Inc.	)		
	)		
	)	Opposer	
	)		
v.	)		Opposition No. _____
	)		
Suitey, Inc.	)		
	)		
	)	Applicant	

**NOTICE OF OPPOSITION**

Intuit Inc., and its related and predecessor companies (hereinafter collectively “Opposer” or “Intuit”), a Delaware corporation, having a principal place of business at 2535 Garcia Avenue, Mountain View, California 94041, believes that it will be damaged by the registration of the above-identified mark, and having been granted appropriate extensions of time to oppose the above-referenced application, hereby opposes same. Please charge any additional fees or credit any overpayment to Deposit Account No. (141437).

As grounds for this opposition it is alleged that:

**Introduction**

1. Intuit brings this Opposition due to the likelihood of confusion between its distinctive and well-known MINT and MINT family of marks and Applicant’s applied-for mark. Since 2007, Intuit’s MINT branded website and corresponding mobile software applications have allowed users to monitor and track their financial accounts, engage in financial planning, and learn about personal finance, including home-buying. Additionally, over time, Intuit’s MINT

branded website and corresponding mobile software applications have expanded to allow users to obtain and monitor their credit ratings, make payments on their mortgages and other bills (including payment processing services relating to these transactions), and set and monitor financial goals, including buying a home. Applicant's applied-for mark TRIPLEMINT incorporates the MINT mark, and like Opposer's MINT marks, is allegedly used in conjunction with services related to home buying, brokerage services, and other related services. Such use is likely to cause confusion for the reasons described herein.

#### **Applicant's Application**

2. Application Serial No. 86/615,246 filed on April 30, 2015 to register the mark TRIPLEMINT for the services "Real estate brokerage services; providing a real estate listing portal via the internet offering information concerning the purchase, sale or rental of properties; providing real estate property information and neighborhood information via the internet; real estate brokerage services specializing in residential property" in International Class 36 was published for opposition in the Official Gazette of September 22, 2015 at page TM 3217.

3. This Notice of Opposition is timely filed. Three extensions of time to oppose Application Serial No. 86/615,246 were obtained, and the Trademark Trial & Appeal Board of the United States Patent and Trademark Office ("TTAB") extended the time to oppose these two applications to March 20, 2016, which date fell on a Sunday, making the deadline to oppose March 21, 2016.


#### **Intuit and its Flagship Brands Including its MINT Brand**

4. Intuit, founded in 1983, provides software and services in a variety of accounting, small business, and personal finance areas. Intuit's flagship products – QuickBooks, TurboTax, and Mint – define the company's commitment to revolutionize the way people manage their personal finances, run small businesses, and manage taxes.



5. Intuit is the owner of multiple U.S. federal trademark registrations and applications featuring the trademark MINT listed in the table below and in the attached Exhibits A - E (the MINT Marks). These registrations and applications include financial services, editorial content services, payment services, payment processing services, and money transfer services.

<b>Mark</b>	<b>SN or Registration No.</b>	<b>Goods and Services</b>
MINT	SN: 86978428 Filing Date: Jun. 6, 2014 NOA issued: Jun. 16, 2015	<p><u>Class 9</u>: Computer software for use in processing electronic payments and transferring funds to and from others; computer software for use in transferring funds between financial accounts; computer software for bill presentment and payment</p> <p><u>Class 36</u>: Electronic payment services, namely, receipt, processing and payment of bills, issuance of personal payments; providing bill payment and tax payment processing services via computer and communication networks; money transfer services</p> <p><u>Class 38</u>: Electronic transmission of payment data for others</p> <p><u>Class 42</u>: Providing temporary use of on-line non-downloadable computer software for performing financial transactions and transmitting and receiving information in the fields of electronic payments and electronic bill payments and bill presentment; providing temporary use of non-downloadable computer software for use in sending and receiving payments, transferring funds, bill payment and bill presentment; providing temporary use of non-downloadable computer software for generating bill reminders and bill payment status alerts</p>
MINT BILLS	Reg. 4869554 Filing Date: Dec. 18, 2014 Reg. Date: Dec. 15, 2015	<p><u>Class 9</u>: Computer software for use in processing electronic payments and transferring funds to and from others; computer software for use in transferring funds between financial accounts; computer software for bill presentment and payment; magnetically encoded debit cards, payment</p>

		<p>cards and stored-value cards</p> <p><u>Class 36:</u> Electronic payment services, namely, receipt, processing and payment of bills, issuance of personal payments; providing bill payment and tax payment processing services via computer and communication networks; money transfer services</p> <p><u>Class 38:</u> Electronic transmission of payment data for others</p> <p><u>Class 42:</u> Providing temporary use of on-line non-downloadable computer software for performing financial transactions and transmitting and receiving information in the fields of electronic payments and electronic bill payments and bill presentment; providing temporary use of non-downloadable computer software for use in sending and receiving payments, transferring funds, bill payment and bill presentment; providing temporary use of non-downloadable computer software for generating bill reminders and bill payment status alerts</p>
	<p>Reg. 3526377  Filing Date: Jul. 10, 2007  Reg. Date: Nov. 04, 2008</p>	<p><u>Class 36:</u> Providing web-based, automated and customized personal financial management services, namely, customized management of non-investment personal financial accounts, daily monitoring of transactions and account balances, and budget and spending reporting through a global computer network</p>
MINTLIFE	<p>Reg: 4820578  Filing Date: Apr. 15, 2014  Reg. Date: Sept. 29, 2015</p>	<p><u>Class 36:</u> Providing information related to personal finance; financial information; providing a website featuring personal finance information and guidance; editorial content services related to personal finance, namely, providing an online blog featuring articles, tips, questions and answers, and guidance in the field of personal finance, financial planning, budgeting, and saving money</p> <p><u>Class 41:</u> Providing on-line non-downloadable articles in the field of personal finance</p>
MINT	<p>SN: 86313032  Priority Date: Dec. 18, 2013  Filing Date: Jun. 18, 2014</p>	<p><u>Class 9:</u> Computer software for personal and small business financial management; computer software for online banking, transaction management, financial planning,</p>

	<p>financial management, bill tracking and management, expense tracking and management, accounting, and taxable item tracking and management; computer software for creating reports and graphs; computer software for forecasting and analysis of data; computer software for data aggregation; computer software for providing banking, financial and bill payment alerts; computer software for providing wireless access to data and databases; computer software for enabling users to retrieve financial account balances and financial transaction information using mobile phones, smart phones, and mobile telecommunication networks</p> <p><u>Class 35:</u> Providing information, news, opinions and advice in the fields of accounting, tax preparation and planning, including via computer and communication networks, the internet, and social media; providing commercial information on, and comparisons of, the products and services of others, including through computer and communication networks, the internet, and social media; providing comparison of shopping services, including through computer and communication networks, the internet, and social media; providing economic forecasting and analysis, including through computer or communication networks, the internet, and social media; taxable item tracking and management, namely, tracking of taxable income and expense data for the purpose of personal and business tax planning and filing</p> <p><u>Class 36:</u> Personal and small business financial management services; online banking; financial transaction services, namely, budget planning in the nature of income and expense transaction tracking; financial planning; financial management; financial analysis; bill payment services in the nature of scheduling and payment of bills; financial management services, namely, tracking of personal and business expenses; forecasting and analysis of financial data;</p>
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		<p>financial data aggregation, namely, electronically collecting financial data from multiple accounts into a single location for financial review analysis; financial administration and management services for the management of credit and debit cards, loans, mortgages, investments and financial accounts; providing information, news, opinions and advice in the fields of banking, financial management, saving and financial planning and retirement financial planning, including via computer and communication networks, the internet, and social media; providing information, news, opinion and advice in the fields of personal budgeting and household budgeting, including via computer and communication networks, the internet, and social media; providing financial information, news, opinions and advice in the field of consumer spending, including via computer and communication networks, the internet, and social media</p>
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6. U.S. Federal Registration 3,526,377 is in full force and effect, was declared incontestable on September 26, 2014, and matured to registration well before the May 30, 2014 alleged first use date for the EMINT application alleged herein.

7. In 2009 Intuit purchased its predecessor-in-interest Mint Software, Inc., acquiring all of Mint Software, Inc.'s registered and common law trademark and trade name rights, including all goodwill associated therewith, as well as all other intellectual property rights, including but not limited to all rights in the above-referenced Registration No. 3,526,377 (MINT AND DESIGN Mark) and the word mark "MINT" (the Mint Word Mark).

8. Since the acquisition of Mint Software Inc. in 2009, Intuit has continued the use of the MINT AND DESIGN Mark and MINT Word Mark, and Intuit has been engaged continuously in the development, distribution and provision of a personal financial management



service, enabled by a computer software platform and a range of software applications (desktop, web-based and mobile applications) for personal and small business financial management, including management of assets, payments and goals related to real estate. Intuit has continued to use the MINT Marks for related services (like alerts and financial editorial content services), and has provided web-based, automated and customized personal financial management, aggregation of personal data, personal data tracking services, and related computer software enabling users to retrieve financial account balance and transaction information via all major technology platforms, including the Web, the Apple iOS platform, the Android platform, the Windows platform and the Mac OS X platform. Intuit has also continued to expand its business in association with the MINT Marks in the course of its normal business activities, including enabling users to obtain credit scores, make payments, and providing the payment processing services for those payments. Intuit's expansion of its services also includes the ability to track digital currency accounts, transactions and balances. Intuit's current web- and mobile- software applications enable users to establish the goal of, and measure progress toward, saving for a down payment on a home, as well as enter their real estate address to determine the current market value of their home, and automatically update the value of that home in calculating the user's net worth. Intuit's platform also allows users to learn about how much home they can afford, learn about loan options, review credit scores in anticipation of applying for a home loan, and learn about the considerations involved in whether they should purchase a home. The goods and services listed above are hereinafter referred to collectively as the "MINT Goods and Services." Intuit also owns common law trademark rights in the MINT Marks for the MINT Goods and Services.

9. Real estate related services are also within Intuit's natural zone of expansion for its MINT branded products and services. Personal finance software and online services naturally and predictably include, or expand to include, mortgages, home-purchasing, and tracking of net worth as it relates to an individual's home. Furthermore, personal finance is inextricably linked with home-buying, as real estate purchases are generally the largest purchase an individual or family will make, and requires the individual purchaser to carefully consider their credit rating, payment history, savings, income and net worth, each of which is tracked, measured, and informed by Intuit's MINT branded products and services.

10. Intuit also has used and uses multiple trademarks comprising the term MINT plus another word or multiple words, and currently is using the marks MINT BILLS, MINTLIFE, MINT HELP, MY MINT STORY, and MINTFAMILY. Previously, Intuit also used the mark MINTANSWERS from May of 2010 to August of 2011, MINTSTYLE from February of 2012 to February of 2013 and MINT QUICKVIEW from July of 2012 to November of 2015. For the marks currently in use, the MINT BILLS mark has been in continuous use for payment processing, electronic payments, computer software relating to those services, and related services since at least as early as December 2, 2014 (which mark is registered as USPTO federal trademark Registration No. 4869554); the MINTLIFE mark has been in continuous use for financial information and editorial content services related to personal finance (including health-related expenditures and health insurance) since at least as early as August 4, 2009 (which mark is registered as USPTO federal trademark Registration No. 4820578); the MINT HELP mark has been in continuous use for personal financial services support provided to end-users since at least as early as June 14, 2011; the MY MINT STORY mark has been in continuous use in connection with editorial content services related to personal finance since at least as early as May 11, 2012;

and the MINTFAMILY mark has been in continuous use for financial information and editorial content services related to personal finance and family goals since at least as early as February 27, 2012. Collectively the MINTLIFE, MINT HELP, MY MINT STORY, and MINTFAMILY trademarks are referred to herein as “the MINT Formative Marks.”

11. Each of the MINT Formative Marks, as well as the predecessor marks alleged in Paragraph 11 above, contains the distinctive element MINT.

12. Intuit used (and continues to use) a substantial number of the MINT Formative Marks, prior to Applicant’s trademark filing for its TRIPLEMINT mark which is the subject of this opposition, in such a manner as to create public recognition coupled with an association of common origin predicated on the MINT element and/or the MINT element plus a word or multiple words (individually and/or collectively the “MINT Family Feature”).

13. Intuit uses the marks alleged herein, including the MINT Formative Marks, on its website in connection with its various services in such a manner that consumers viewing the website are generally exposed to some or all of the MINT Formative Marks when looking at or using Intuit’s tools and services available through its website. For example, consumers will encounter these marks together much as one might see marks with a common feature used throughout a catalog or brochure.

14. Intuit uses and promotes the marks alleged herein, including the trademarks MINT BILLS, MINTLIFE, MINT HELP, MY MINT STORY, and MINTFAMILY, on its website and in a variety of social media marketing activities. For example, Intuit uses its website to offer a variety of tools or services to consumers (actual or potential customers of Intuit’s offerings) to aggregate, track, and manage their financial information, and also uses social media to market its products and services. The MINT Formative Marks are used by Intuit throughout its

website and multiple of these marks are used in Intuit's social media marketing activities in connection with different MINT Goods and Services. These uses are in connection with different but related services offered by Intuit under the MINT brand and as a result consumers are generally exposed to several of the MINT Formative Marks when reviewing or using Intuit's MINT website or when visiting Intuit's social media offerings. As a result of these uses of the MINT Formative Marks, all of which are available to both registered and unregistered visitors to the MINT.COM website, consumers associate Intuit's marks alleged herein bearing the MINT Family Feature with a common source.

15. Intuit's MINT Formative Marks are used by Intuit in a manner that creates public recognition and association of the MINT Family Feature with a single source. As a result, Intuit has developed a family of marks of which the common feature is the distinctive MINT element and a common term (the "family of MINT formative marks").

16. Intuit promotes and advertises, and has expended considerable resources and sums to promote and advertise, the MINT Marks, the MINT Formative Marks, and effectively its family of MINT formative marks in association with the MINT Goods and Services.

17. Intuit provides the MINT Goods and Services to registered users, including through its MINT website and through MINT branded mobile software applications for Apple "iOS" and Google "Android" operating systems, the first such software application of which was launched as early as December 2008. The website and corresponding mobile applications allow users to access the services, to measure and manage personal finances and personal data, to receive bills, to pay bills, to track those bills and bills payments, and Intuit provides the payment processing for those payments. Intuit's MINT mobile software applications are now the most popular non-bank personal finance mobile applications in the U.S. market. Intuit's MINT



business has garnered over 20 million registered users across North America since 2007 and Intuit has won multiple awards for its MINT Goods and Services (and related applications) from various nationally-recognized technology media outlets.

18. In addition to its federal trademark rights based upon its U.S. trademark Registration Nos. 4,869,554, 3,526,377, and 4,820,578, Intuit also owns common law trademark rights separately in the each of the marks: MINT Word Mark, the MINT AND DESIGN Mark, the MINT LEAF Mark as depicted in U.S. trademark Application No. 86/481,189, each of the MINT Formative Marks, and in its family of MINT formative marks.

19. As a result of Intuit's use of the MINT Word Mark and MINT AND DESIGN Mark, as well as each of the MINT Formative Marks and/or its family of MINT formative marks, and in view of Intuit's extensive advertising, promotion and sale of the goods and services in association with these trademarks, the MINT Word Mark is distinctive and well known to the relevant trade and public as identifying and distinguishing Intuit's MINT Goods and Services.

20. As a result of Intuit's use of the MINT Word Mark and MINT AND DESIGN Mark, as well as each of the MINT Formative Marks and/or its family of MINT formative marks, and in view of Intuit's extensive advertising, promotion and sale of the goods and services in association with these trademarks, the MINT Word Mark, MINT AND DESIGN Mark, and MINT Formative Marks are distinctive and well known to the relevant trade and public as identifying and distinguishing Intuit's MINT Goods and Services.

21. As a result of Intuit's use of the MINT Word Mark and MINT AND DESIGN Mark, as well as each of the MINT Formative Marks and/or its family of MINT formative marks, and in view of Intuit's extensive advertising, promotion and sale of the goods and services in association with these trademarks, each of the MINT Formative Marks and/or its family of

MINT formative marks is distinctive and well known to the relevant trade and public as identifying and distinguishing the services identified in Paragraphs 8-10 above and also Intuit's MINT Goods and Services.

**Applicant's Similar Goods and Services**

22. Applicant allegedly uses TRIPLEMINT in connection with "Real estate brokerage services; providing a real estate listing portal via the internet offering information concerning the purchase, sale or rental of properties; providing real estate property information and neighborhood information via the internet; real estate brokerage services specializing in residential property" in International Class 36.

**Applicant's Similar Mark**

23. The term TRIPLEMINT simply contains the distinctive MINT mark plus the English word "triple," which acts as a superlative and implies it is three times as good, valuable or extensive as MINT alone. Applicant's use of TRIPLEMINT on its website (<https://triplemint.com/>) also emphasizes the MINT element by adding a space between the TRIPLE and MINT elements, unlike the mark as filed, and bolding the term MINT, appearing as "triple **mint**." Applicant also adds a leaf design to its mark, evoking Opposer's Mint & Design Mark and MINT LEAF Mark. In the body text of the site, Applicant also emphasizes the MINT element by capitalizing MINT, appearing as "TripleMint." The dominant portion of the mark is simply MINT. The overall commercial impression of the marks is thus very similar. Additionally, Applicant's mark is similar to Opposer's MINT Formative marks, because both contain the distinctive element MINT accompanied by a single descriptive word, such as "life," "help," or "style," -- in the case of Opposer's MINT Formative marks -- and "triple" as in the case of Applicant's mark.

24. On information and belief, like Opposer, Applicant allegedly provides its products and services through a global computer network and/or through web- and/or mobile-based software applications and/or mobile devices.

25. On information and belief, Applicant's goods and services will be offered to at least some of the same classes of consumers and through at least some of the channels of trade as the MINT Goods and Services are offered under Intuit's MINT Marks. As applied to Applicant's goods and services, the TRIPLEMINT mark so resembles Intuit's MINT Marks as alleged herein as to be likely to cause confusion, or to cause mistake, or to deceive as to the source of the goods/services.

26. On information and belief, Applicant's goods and services will be offered to at least some of the same classes of consumers and through at least some of the channels of trade as the MINT Goods and Services above are offered under the MINT Formative Marks. As applied to Applicant's goods and services, the TRIPLEMINT mark so resembles each of the MINT Formative Marks as to be likely to cause confusion, or to cause mistake, or to deceive as to the source of the goods/services.

27. On information and belief, Applicant's goods and services will be offered to at least some of the same classes of consumers and through at least some of the channels of trade as the MINT Goods and Services are offered in connection with Intuit's family of MINT formative marks. As applied to Applicant's goods and services, the TRIPLEMINT mark so resembles Intuit's MINT Marks and family of MINT formative marks since the TRIPLEMINT mark contains the distinctive MINT element and/or since the TRIPLEMINT mark contains the distinctive MINT element accompanied by a descriptive word as to be likely to cause confusion, or to cause mistake, or to deceive as to the source of the goods/services.

28. Opposer will be damaged by Applicant's registration of the TRIPLEMINT mark for the goods and services identified in the 86/615,246 application as a result of the aforementioned confusion, mistake and deception.

WHEREFORE, Opposer prays that this Opposition be sustained, and the registration sought by Applicant be refused.

Dated: March 21, 2016

Respectfully submitted,

/Katherine M. Basile/

Katherine M. Basile

Reed Smith LLP

1510 Page Mill Road, #110

Palo Alto, CA 94304

(650) 352-0500

*Attorneys for Opposer,  
Intuit Inc.*



**Certificate of Service**

This is to certify that on March 21, 2016, a copy of the foregoing First Amended Consolidated Notice of Opposition and exhibits was mailed by First Class mail, postage prepaid, to the following attorney of record:

William Samuels  
W.R. Samuels Law PLLC  
280 Madison Avenue, Room 600  
New York, NY 10016  
(212) 206-9399  
bill@wrsamuelslaw.com

/Katrina M. Kershner/  
Katrina M. Kershner

# **EXHIBIT 102**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application No. 86615155  
Published: March 29, 2016  
Mark: TRIPLEMINT

Intuit Inc.	)		
	)		
Opposer	)		
	)		
v.	)	Opposition No. _____	
	)		
Suitey, Inc.	)		
	)		
Applicant	)		

**NOTICE OF OPPOSITION**

Intuit Inc., and its related and predecessor companies (hereinafter collectively “Opposer” or “Intuit”), a Delaware corporation, having a principal place of business at 2535 Garcia Avenue, Mountain View, California 94041, believes that it will be damaged by the registration of the above-identified mark, and having been granted appropriate extensions of time to oppose the above-referenced application, hereby opposes same. Please charge any additional fees or credit any overpayment to Deposit Account No. (141437).

As grounds for this opposition it is alleged that:

**Introduction**

1. Intuit brings this Opposition due to the likelihood of confusion between its distinctive and well-known MINT and MINT family of marks and Applicant’s applied-for mark. Since 2007, Intuit’s MINT branded website and corresponding mobile software applications have allowed users to monitor and track their financial accounts, engage in financial planning, and learn about personal finance, including home-buying. Additionally, over time, Intuit’s MINT

<b>Opposer's Exhibit</b>
<b>102</b>
Todd Santos
Wednesday, June 14, 2017
Cammi R. Bowen, CSR #13492

branded website and corresponding mobile software applications have expanded to allow users to obtain and monitor their credit ratings, make payments on their mortgages and other bills (including payment processing services relating to these transactions), and set and monitor financial goals, including buying a home. Applicant's applied-for mark TRIPLEMINT incorporates the MINT mark, and like Opposer's MINT marks, is allegedly used in conjunction with services related to home buying, brokerage services, and other related services. Such use is likely to cause confusion for the reasons described herein.

#### **Applicant's Application**

2. Application Serial No. 86/615,155, filed on April 30, 2015 to register the mark TRIPLEMINT for the services "Real estate marketing services both via the internet and offline for prospective sellers and purchasers; providing an interactive searchable real estate website which promotes housing and apartment properties through offering prospective tenants price, property description, building financial information, location, maps, neighborhood data, market comparison, similar properties, and any other information that would influence the purchase, sale or rental of property" in International Class 35 was published for opposition in the Official Gazette of March 29, 2016.

3. This Notice of Opposition is timely filed. Three extensions of time to oppose Application Serial No. 86/615,155 were obtained, and the Trademark Trial & Appeal Board of the United States Patent and Trademark Office ("TTAB") extended the time to oppose these two applications to September 25, 2016, which date fell on a Sunday, making the deadline to oppose September 26, 2016.

#### **Intuit and its Flagship Brands Including its MINT Brand**


4. Intuit, founded in 1983, provides software and services in a variety of accounting, small business, and personal finance areas. Intuit's flagship products – QuickBooks, TurboTax,



and Mint – define the company’s commitment to revolutionize the way people manage their personal finances, run small businesses, and manage taxes.

5. Intuit is the owner of multiple U.S. federal trademark registrations and applications featuring the trademark MINT listed in the table below and in the attached Exhibits A - E (the MINT Marks). These registrations and applications include financial services, editorial content services, payment services, payment processing services, and money transfer services.

Mark	SN or Registration No.	Goods and Services
MINT	Reg. 4929239 Filing Date: Jun. 6, 2014 Reg. Date: Mar. 29, 2016	<u>Class 9</u> : Computer software for use in processing electronic payments and transferring funds to and from others; computer software for use in transferring funds between financial accounts; computer software for bill presentment and payment <u>Class 36</u> : Electronic payment services, namely, receipt, processing and payment of bills, issuance of personal payments; providing bill payment and tax payment processing services via computer and communication networks; money transfer services <u>Class 38</u> : Electronic transmission of payment data for others <u>Class 42</u> : Providing temporary use of on-line non-downloadable computer software for performing financial transactions and transmitting and receiving information in the fields of electronic payments and electronic bill payments and bill presentment; providing temporary use of non-downloadable computer software for use in sending and receiving payments, transferring funds, bill payment and bill presentment; providing temporary use of non-downloadable computer software for generating bill reminders and bill payment status alerts
MINT BILLS	Reg. 4869554 Filing Date: Dec. 18, 2014 Reg. Date: Dec. 15, 2015	<u>Class 9</u> : Computer software for use in processing electronic payments and transferring funds to and from others;

		<p>computer software for use in transferring funds between financial accounts; computer software for bill presentment and payment; magnetically encoded debit cards, payment cards and stored-value cards</p> <p><u>Class 36:</u> Electronic payment services, namely, receipt, processing and payment of bills, issuance of personal payments; providing bill payment and tax payment processing services via computer and communication networks; money transfer services</p> <p><u>Class 38:</u> Electronic transmission of payment data for others</p> <p><u>Class 42:</u> Providing temporary use of on-line non-downloadable computer software for performing financial transactions and transmitting and receiving information in the fields of electronic payments and electronic bill payments and bill presentment; providing temporary use of non-downloadable computer software for use in sending and receiving payments, transferring funds, bill payment and bill presentment; providing temporary use of non-downloadable computer software for generating bill reminders and bill payment status alerts</p>
	<p>Reg. 3526377  Filing Date: Jul. 10, 2007  Reg. Date: Nov. 04, 2008</p>	<p><u>Class 36:</u> Providing web-based, automated and customized personal financial management services, namely, customized management of non-investment personal financial accounts, daily monitoring of transactions and account balances, and budget and spending reporting through a global computer network</p>
<p>MINTLIFE</p>	<p>Reg: 4820578  Filing Date: Apr. 15, 2014  Reg. Date: Sept. 29, 2015</p>	<p><u>Class 36:</u> Providing information related to personal finance; financial information; providing a website featuring personal finance information and guidance; editorial content services related to personal finance, namely, providing an online blog featuring articles, tips, questions and answers, and guidance in the field of personal finance, financial planning, budgeting, and saving money</p> <p><u>Class 41:</u> Providing on-line non-downloadable articles in the field of personal finance</p>

MINT	SN: 86313032 Priority Date: Dec. 18, 2013 Filing Date: Jun. 18, 2014	<p><u>Class 9:</u> Computer software for personal and small business financial management; computer software for online banking, transaction management, financial planning, financial management, bill tracking and management, expense tracking and management, accounting, and taxable item tracking and management; computer software for creating reports and graphs; computer software for forecasting and analysis of data; computer software for data aggregation; computer software for providing banking, financial and bill payment alerts; computer software for providing wireless access to data and databases; computer software for enabling users to retrieve financial account balances and financial transaction information using mobile phones, smart phones, and mobile telecommunication networks</p> <p><u>Class 35:</u> Providing information, news, opinions and advice in the fields of accounting, tax preparation and planning, including via computer and communication networks, the internet, and social media; providing commercial information on, and comparisons of, the products and services of others, including through computer and communication networks, the internet, and social media; providing comparison of shopping services, including through computer and communication networks, the internet, and social media; providing economic forecasting and analysis, including through computer or communication networks, the internet, and social media; taxable item tracking and management, namely, tracking of taxable income and expense data for the purpose of personal and business tax planning and filing</p> <p><u>Class 36:</u> Personal and small business financial management services; online banking; financial transaction services, namely, budget planning in the nature of income and expense transaction tracking; financial planning; financial management; financial analysis; bill payment services in the</p>
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		<p>nature of scheduling and payment of bills; financial management services, namely, tracking of personal and business expenses; forecasting and analysis of financial data; financial data aggregation, namely, electronically collecting financial data from multiple accounts into a single location for financial review analysis; financial administration and management services for the management of credit and debit cards, loans, mortgages, investments and financial accounts; providing information, news, opinions and advice in the fields of banking, financial management, saving and financial planning and retirement financial planning, including via computer and communication networks, the internet, and social media; providing information, news, opinion and advice in the fields of personal budgeting and household budgeting, including via computer and communication networks, the internet, and social media; providing financial information, news, opinions and advice in the field of consumer spending, including via computer and communication networks, the internet, and social media</p>
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6. U.S. Federal Registration 3,526,377 is in full force and effect, was declared incontestable on September 26, 2014, and matured to registration well before the April 29, 2014 alleged first use date for the TRIPLEMINT application alleged herein.

7. In 2009 Intuit purchased its predecessor-in-interest Mint Software, Inc., acquiring all of Mint Software, Inc.'s registered and common law trademark and trade name rights, including all goodwill associated therewith, as well as all other intellectual property rights, including but not limited to all rights in the above-referenced Registration No. 3,526,377 (MINT AND DESIGN Mark) and the word mark "MINT" (the Mint Word Mark).



8. Since the acquisition of Mint Software Inc. in 2009, Intuit has continued the use of the MINT AND DESIGN Mark and MINT Word Mark, and Intuit has been engaged continuously in the development, distribution and provision of a personal financial management service, enabled by a computer software platform and a range of software applications (desktop, web-based and mobile applications) for personal and small business financial management, including management of assets, payments and goals related to real estate. Intuit has continued to use the MINT Marks for related services (like alerts and financial editorial content services), and has provided web-based, automated and customized personal financial management, aggregation of personal data, personal data tracking services, and related computer software enabling users to retrieve financial account balance and transaction information via all major technology platforms, including the Web, the Apple iOS platform, the Android platform, the Windows platform and the Mac OS X platform. Intuit has also continued to expand its business in association with the MINT Marks in the course of its normal business activities, including enabling users to obtain credit scores, make payments, and providing the payment processing services for those payments. Intuit's expansion of its services also includes the ability to track digital currency accounts, transactions and balances. Intuit's current web- and mobile- software applications enable users to establish the goal of, and measure progress toward, saving for a down payment on a home, as well as enter their real estate address to determine the current market value of their home, and automatically update the value of that home in calculating the user's net worth. Intuit's platform also allows users to learn about how much home they can afford, learn about loan options, review credit scores in anticipation of applying for a home loan, and learn about the considerations involved in whether they should purchase a home. The goods and services listed above are hereinafter referred to collectively as the "MINT Goods and

Services.” Intuit also owns common law trademark rights in the MINT Marks for the MINT Goods and Services.

9. Real estate related services are also within Intuit’s natural zone of expansion for its MINT branded products and services. Personal finance software and online services naturally and predictably include, or expand to include, mortgages, home-purchasing, and tracking of net worth as it relates to an individual’s home. Furthermore, personal finance is inextricably linked with home-buying, as real estate purchases are generally the largest purchase an individual or family will make, and requires the individual purchaser to carefully consider their credit rating, payment history, savings, income and net worth, each of which is tracked, measured, and informed by Intuit’s MINT branded products and services.

10. Intuit also has used and uses multiple trademarks comprising the term MINT plus another word or multiple words, and currently is using the marks MINT BILLS, MINTLIFE, MINT HELP, MY MINT STORY, and MINTFAMILY. Previously, Intuit also used the mark MINTANSWERS from May of 2010 to August of 2011, MINTSTYLE from February of 2012 to February of 2013 and MINT QUICKVIEW from July of 2012 to November of 2015. For the marks currently in use, the MINT BILLS mark has been in continuous use for payment processing, electronic payments, computer software relating to those services, and related services since at least as early as December 2, 2014 (which mark is registered as USPTO federal trademark Registration No. 4869554); the MINTLIFE mark has been in continuous use for financial information and editorial content services related to personal finance (including health-related expenditures and health insurance) since at least as early as August 4, 2009 (which mark is registered as USPTO federal trademark Registration No. 4820578); the MINT HELP mark has been in continuous use for personal financial services support provided to end-users since at least

as early as June 14, 2011; the MY MINT STORY mark has been in continuous use in connection with editorial content services related to personal finance since at least as early as May 11, 2012; and the MINTFAMILY mark has been in continuous use for financial information and editorial content services related to personal finance and family goals since at least as early as February 27, 2012. Collectively the MINTLIFE, MINT HELP, MY MINT STORY, and MINTFAMILY trademarks are referred to herein as “the MINT Formative Marks.”

11. Each of the MINT Formative Marks, as well as the predecessor marks alleged in Paragraph 11 above, contains the distinctive element MINT.

12. Intuit used (and continues to use) a substantial number of the MINT Formative Marks, prior to Applicant’s trademark filing for its TRIPLEMINT mark which is the subject of this opposition, in such a manner as to create public recognition coupled with an association of common origin predicated on the MINT element and/or the MINT element plus a word or multiple words (individually and/or collectively the “MINT Family Feature”).

13. Intuit uses the marks alleged herein, including the MINT Formative Marks, on its website in connection with its various services in such a manner that consumers viewing the website are generally exposed to some or all of the MINT Formative Marks when looking at or using Intuit’s tools and services available through its website. For example, consumers will encounter these marks together much as one might see marks with a common feature used throughout a catalog or brochure.

14. Intuit uses and promotes the marks alleged herein, including the trademarks MINT BILLS, MINTLIFE, MINT HELP, MY MINT STORY, and MINTFAMILY, on its website and in a variety of social media marketing activities. For example, Intuit uses its website to offer a variety of tools or services to consumers (actual or potential customers of Intuit’s

offerings) to aggregate, track, and manage their financial information, and also uses social media to market its products and services. The MINT Formative Marks are used by Intuit throughout its website and multiple of these marks are used in Intuit's social media marketing activities in connection with different MINT Goods and Services. These uses are in connection with different but related services offered by Intuit under the MINT brand and as a result consumers are generally exposed to several of the MINT Formative Marks when reviewing or using Intuit's MINT website or when visiting Intuit's social media offerings. As a result of these uses of the MINT Formative Marks, all of which are available to both registered and unregistered visitors to the MINT.COM website, consumers associate Intuit's marks alleged herein bearing the MINT Family Feature with a common source.

15. Intuit's MINT Formative Marks are used by Intuit in a manner that creates public recognition and association of the MINT Family Feature with a single source. As a result, Intuit has developed a family of marks of which the common feature is the distinctive MINT element and a common term (the "family of MINT formative marks").

16. Intuit promotes and advertises, and has expended considerable resources and sums to promote and advertise, the MINT Marks, the MINT Formative Marks, and effectively its family of MINT formative marks in association with the MINT Goods and Services.

17. Intuit provides the MINT Goods and Services to registered users, including through its MINT website and through MINT branded mobile software applications for Apple "iOS" and Google "Android" operating systems, the first such software application of which was launched as early as December 2008. The website and corresponding mobile applications allow users to access the services, to measure and manage personal finances and personal data, to receive bills, to pay bills, to track those bills and bills payments, and Intuit provides the payment



processing for those payments. Intuit's MINT mobile software applications are now the most popular non-bank personal finance mobile applications in the U.S. market. Intuit's MINT business has garnered over 20 million registered users across North America since 2007 and Intuit has won multiple awards for its MINT Goods and Services (and related applications) from various nationally-recognized technology media outlets.

18. In addition to its federal trademark rights based upon its U.S. trademark Registration Nos. 4,869,554, 3,526,377, 4,820,578, and 4,929,239 Intuit also owns common law trademark rights separately in the each of the marks: MINT Word Mark, the MINT AND DESIGN Mark, the MINT LEAF Mark as depicted in U.S. trademark Application No. 86/481,189, each of the MINT Formative Marks, and in its family of MINT formative marks.

19. As a result of Intuit's use of the MINT Word Mark and MINT AND DESIGN Mark, as well as each of the MINT Formative Marks and/or its family of MINT formative marks, and in view of Intuit's extensive advertising, promotion and sale of the goods and services in association with these trademarks, the MINT Word Mark is distinctive and well known to the relevant trade and public as identifying and distinguishing Intuit's MINT Goods and Services.

20. As a result of Intuit's use of the MINT Word Mark and MINT AND DESIGN Mark, as well as each of the MINT Formative Marks and/or its family of MINT formative marks, and in view of Intuit's extensive advertising, promotion and sale of the goods and services in association with these trademarks, the MINT Word Mark, MINT AND DESIGN Mark, and MINT Formative Marks are distinctive and well known to the relevant trade and public as identifying and distinguishing Intuit's MINT Goods and Services.

21. As a result of Intuit's use of the MINT Word Mark and MINT AND DESIGN Mark, as well as each of the MINT Formative Marks and/or its family of MINT formative marks,

and in view of Intuit's extensive advertising, promotion and sale of the goods and services in association with these trademarks, each of the MINT Formative Marks and/or its family of MINT formative marks is distinctive and well known to the relevant trade and public as identifying and distinguishing the services identified in Paragraphs 8-10 above and also Intuit's MINT Goods and Services.

#### **Applicant's Similar Goods and Services**

22. Applicant allegedly uses TRIPLEMINT in connection with "Real estate marketing services both via the internet and offline for prospective sellers and purchasers; providing an interactive searchable real estate website which promotes housing and apartment properties through offering prospective tenants price, property description, building financial information, location, maps, neighborhood data, market comparison, similar properties, and any other information that would influence the purchase, sale or rental of property" in International Class 35.

#### **Applicant's Similar Design**

23. The term TRIPLEMINT simply contains the distinctive MINT mark plus the English word "triple," which acts as a superlative and implies it is three times as good, valuable or extensive as MINT alone. Applicant's use of TRIPLEMINT on its website (<https://triplemint.com/>) also emphasizes the MINT element by adding a space between the TRIPLE and MINT elements, unlike the mark as filed, and bolding the term MINT, appearing as "triple **mint**." Applicant also adds a leaf design to its mark, evoking Opposer's Mint & Design Mark and MINT LEAF Mark. In the body text of the site, Applicant also emphasizes the MINT element by capitalizing MINT, appearing as "TripleMint." The dominant portion of the mark is simply MINT. The overall commercial impression of the marks is thus very similar. Additionally, Applicant's mark is similar to Opposer's MINT Formative marks, because both

contain the distinctive element MINT accompanied by a single descriptive word, such as “life,” “help,” or “style,” -- in the case of Opposer’s MINT Formative marks -- and “triple” as in the case of Applicant’s mark.

24. On information and belief, like Opposer, Applicant allegedly provides its products and services through a global computer network and/or through web- and/or mobile-based software applications and/or mobile devices.

25. On information and belief, Applicant’s goods and services will be offered to at least some of the same classes of consumers and through at least some of the channels of trade as the MINT Goods and Services are offered under Intuit’s MINT Marks. As applied to Applicant’s goods and services, the TRIPLEMINT mark so resembles Intuit’s MINT Marks as alleged herein as to be likely to cause confusion, or to cause mistake, or to deceive as to the source of the goods/services.

26. On information and belief, Applicant’s goods and services will be offered to at least some of the same classes of consumers and through at least some of the channels of trade as the MINT Goods and Services above are offered under the MINT Formative Marks. As applied to Applicant’s goods and services, the TRIPLEMINT mark so resembles each of the MINT Formative Marks as to be likely to cause confusion, or to cause mistake, or to deceive as to the source of the goods/services.

27. On information and belief, Applicant’s goods and services will be offered to at least some of the same classes of consumers and through at least some of the channels of trade as the MINT Goods and Services are offered in connection with Intuit’s family of MINT formative marks. As applied to Applicant’s goods and services, the TRIPLEMINT mark so resembles Intuit’s MINT Marks and family of MINT formative marks since the TRIPLEMINT mark

contains the distinctive MINT element and/or since the TRIPLEMINT mark contains the distinctive MINT element accompanied by a descriptive word as to be likely to cause confusion, or to cause mistake, or to deceive as to the source of the goods/services.

28. Opposer will be damaged by Applicant's registration of the TRIPLEMINT mark for the goods and services identified in the 86/615,155 application as a result of the aforementioned confusion, mistake and deception.

WHEREFORE, Opposer prays that this Opposition be sustained, and the registration sought by Applicant be refused.

Dated: September 23, 2016

Respectfully submitted,

/Katherine M. Basile/

Katherine M. Basile  
Reed Smith LLP  
1510 Page Mill Road, #110  
Palo Alto, CA 94304  
(650) 352-0500

*Attorneys for Opposer,  
Intuit Inc.*



**Certificate of Service**

This is to certify that on September 23, 2016, a copy of the foregoing Notice of Opposition and exhibits was mailed by First Class mail, postage prepaid, to the following attorney of record:

William Samuels  
W.R. Samuels Law PLLC  
280 Madison Avenue, Room 600  
New York, NY 10016  
(212) 206-9399  
bill@wrsamuelslaw.com

/Katrina M. Kershner/  
Katrina M. Kershner

# **EXHIBIT 103**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application No. 87060331  
Published: November 1, 2016  
Mark: GIGMINT

Intuit Inc.	)		
	)		
Opposer	)		
	)		
v.	)	Opposition No. _____	
	)		
T Stamp LLC d/b/a Trust Stamp LLC	)		
	)		
Applicant	)		

**NOTICE OF OPPOSITION**

Intuit Inc., a Delaware corporation, and its related and predecessor companies (hereinafter collectively “Opposer” or “Intuit”), having a principal place of business at 2535 Garcia Avenue, Mountain View, California 94041, believes that it will be damaged by the registration of the above-identified mark, and having been granted appropriate extensions of time to oppose the above-referenced application, hereby opposes same. Please charge any additional fees or credit any overpayment to Deposit Account No. (141437).

As grounds for this opposition it is alleged that:

**Introduction**

1. Intuit brings this Opposition due to the likelihood of confusion between its distinctive and well-known MINT and MINT family of marks and Applicant’s applied-for mark. Since 2007, Intuit’s MINT branded web-based software and corresponding mobile software applications have allowed users to manage their finances via the Internet, monitor and track their financial accounts, engage in financial planning, and learn about personal finance. Additionally,

<b>Opposer's Exhibit</b> <b>103</b>
Todd Santos Wednesday, June 14, 2017 Cammi R. Bowen, CSR #13492

over time, Intuit's MINT branded web-based software and corresponding mobile software applications have expanded to allow users to obtain and monitor their credit ratings, make payments on their mortgages and other bills (including utilizing payment processing services relating to these transactions), compare the products and services of others, and set and monitor financial goals. Applicant's applied-for mark GIGMINT incorporates the MINT mark, and like Opposer's MINT marks, will allegedly be used in conjunction with financial management services via the Internet. Such use is likely to cause confusion for the reasons described herein.

#### **Applicant's Applications**

2. Application Serial No. 87060331, filed on June 4, 2016 to register the mark GIGMINT for the goods "Financial management via the Internet" in International Class 36, was published for opposition in the Official Gazette of November 1, 2016.

3. This Notice of Opposition is timely filed. Extensions of time to oppose Application Serial No. 87060331 were obtained, and the Trademark Trial & Appeal Board of the United States Patent and Trademark Office ("TTAB") extended the time to oppose this application to March 1, 2017.

#### **Intuit and its Flagship Brands Including its MINT Brand**


4. Intuit, founded in 1983, provides software and services in a variety of accounting, small business, and personal finance areas. Intuit's flagship products – QuickBooks, TurboTax, and Mint – define the company's commitment to revolutionize the way people manage their personal and small business finances, run small business operations, and manage tax compliance.

5. Intuit is the owner of multiple U.S. federal trademark registrations and applications featuring the trademark MINT listed in the table below and in the attached Exhibits A - G (the MINT Marks).

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Mark	SN or Registration No.	Goods and Services
MINT	Reg. 4929239 Filing Date: Jun. 6, 2014 Reg. Date: Mar. 29, 2016	<p><u>Class 9:</u> Computer software for use in processing electronic payments and transferring funds to and from others; computer software for use in transferring funds between financial accounts; computer software for bill presentment and payment</p> <p><u>Class 36:</u> Electronic payment services, namely, receipt, processing and payment of bills, issuance of personal payments; providing bill payment and tax payment processing services via computer and communication networks; money transfer services</p> <p><u>Class 38:</u> Electronic transmission of payment data for others</p> <p><u>Class 42:</u> Providing temporary use of on-line non-downloadable computer software for performing financial transactions and transmitting and receiving information in the fields of electronic payments and electronic bill payments and bill presentment; providing temporary use of non-downloadable computer software for use in sending and receiving payments, transferring funds, bill payment and bill presentment; providing temporary use of non-downloadable computer software for generating bill reminders and bill payment status alerts</p>
MINT BILLS	Reg. 4869554 Filing Date: Dec. 18, 2014 Reg. Date: Dec. 15, 2015	<p><u>Class 9:</u> Computer software for use in processing electronic payments and transferring funds to and from others; computer software for use in transferring funds between financial accounts; computer software for bill presentment and payment; magnetically encoded debit cards, payment cards and stored-value cards</p> <p><u>Class 36:</u> Electronic payment services, namely, receipt, processing and payment of bills, issuance of personal payments; providing bill payment and tax payment processing services via computer and communication networks; money transfer services</p> <p><u>Class 38:</u> Electronic transmission of payment data for others</p>



		<p><u>Class 42</u>: Providing temporary use of on-line non-downloadable computer software for performing financial transactions and transmitting and receiving information in the fields of electronic payments and electronic bill payments and bill presentment; providing temporary use of non-downloadable computer software for use in sending and receiving payments, transferring funds, bill payment and bill presentment; providing temporary use of non-downloadable computer software for generating bill reminders and bill payment status alerts</p>
	<p>Reg. 3526377 Filing Date: Jul. 10, 2007 Reg. Date: Nov. 04, 2008</p>	<p><u>Class 36</u>: Providing web-based, automated and customized personal financial management services, namely, customized management of non-investment personal financial accounts, daily monitoring of transactions and account balances, and budget and spending reporting through a global computer network</p>
MINTLIFE	<p>Reg: 4820578 Filing Date: Apr. 15, 2014 Reg. Date: Sept. 29, 2015</p>	<p><u>Class 36</u>: Providing information related to personal finance; financial information; providing a website featuring personal finance information and guidance; editorial content services related to personal finance, namely, providing an online blog featuring articles, tips, questions and answers, and guidance in the field of personal finance, financial planning, budgeting, and saving money <u>Class 41</u>: Providing on-line non-downloadable articles in the field of personal finance</p>
MINT	<p>Reg: 5084560 Priority Date: Dec. 18, 2013 Reg. Date: Nov. 22, 2016</p>	<p><u>Class 9</u>: Computer software for personal and small business financial management; computer software for online banking, transaction management, financial planning, financial management, bill tracking and management, expense tracking and management, accounting, and taxable item tracking and management; computer software for creating reports and graphs; computer software for forecasting and analysis of data; computer software for data aggregation; computer software for providing banking, financial and bill payment alerts; computer software for providing wireless access to data</p>

		<p>and databases; computer software for enabling users to retrieve financial account balances and financial transaction information using mobile phones, smart phones, and mobile telecommunication networks</p> <p><u>Class 35:</u> Providing information, news, opinions and advice in the fields of accounting, tax preparation and planning, including via computer and communication networks, the internet, and social media; providing commercial information on, and comparisons of, the products and services of others, including through computer and communication networks, the internet, and social media; providing comparison of shopping services, including through computer and communication networks, the internet, and social media; providing economic forecasting and analysis, including through computer or communication networks, the internet, and social media; taxable item tracking and management, namely, tracking of taxable income and expense data for the purpose of personal and business tax planning and filing</p> <p><u>Class 36:</u> Personal and small business financial management services; online banking; financial transaction services, namely, budget planning in the nature of income and expense transaction tracking; financial planning; financial management; financial analysis; bill payment services in the nature of scheduling and payment of bills; financial management services, namely, tracking of personal and business expenses; forecasting and analysis of financial data; financial data aggregation, namely, electronically collecting financial data from multiple accounts into a single location for financial review analysis; financial administration and management services for the management of credit and debit cards, loans, mortgages, investments and financial accounts; providing information, news, opinions and advice in the fields of banking, financial management, saving and financial</p>
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		<p>planning and retirement financial planning, including via computer and communication networks, the internet, and social media; providing information, news, opinion and advice in the fields of personal budgeting and household budgeting, including via computer and communication networks, the internet, and social media; providing financial information, news, opinions and advice in the field of consumer spending, including via computer and communication networks, the internet, and social media</p>
MINT	<p>App. No.: 87100827 Priority Date: July 12, 2016</p>	<p><u>Class 9</u>: Downloadable computer software for use in electronically trading, storing, sending, receiving, accepting and transmitting digital currency, and managing digital currency payment and exchange transactions</p> <p><u>Class 36</u>: Currency exchange services; on-line real-time currency trading; cash management, namely, facilitating transfers of electronic cash equivalents; digital currency exchange transaction services for transferrable electronic cash equivalent units having a specified cash value</p> <p><u>Class 42</u>: Providing temporary use of online non-downloadable software for use in electronically trading, storing, sending, receiving, accepting and transmitting digital currency, and managing digital currency payment and exchange transactions</p>
MINT	<p>App. No.: 87087043 Filing Date: June 28, 2016 Published for Opposition: Jan. 24, 2017</p>	<p><u>Class 35</u>: Loan comparison services, namely, rate comparison services related to obtaining loan financing, personal loans, peer-to-peer loans, lending products that match investors with borrowers, and student loans.</p> <p><u>Class 36</u>: Loan comparison services, namely, providing information related to obtaining loan financing, personal loans, peer-to-peer loans, and student loans; Loan comparison services, namely, providing information on qualifying requirements related to obtaining loan financing, personal loans, peer-to-peer loans, and student loans.</p>

6. U.S. Federal Registration 3,526,377 is in full force and effect, was declared incontestable on September 26, 2014, and matured to registration well before the June 4, 2016 filing date for the GIGMINT application.

7. In 2009 Intuit purchased its predecessor-in-interest Mint Software, Inc., acquiring all of Mint Software, Inc.'s registered and common law trademark and trade name rights, including all goodwill associated therewith, as well as all other intellectual property rights, including but not limited to all rights in the above-referenced Registration No. 3,526,377 (MINT AND DESIGN Mark) and the word mark "MINT" (the Mint Word Mark).

8. Since the acquisition of Mint Software Inc. in 2009, Intuit has continued the use of the MINT AND DESIGN Mark and MINT Word Mark, and Intuit has been engaged continuously in the development, distribution and provision of a personal financial management service, enabled by a computer software platform and a range of software applications (desktop, web-based and mobile applications) for personal and small business financial management. Intuit has continued to use the MINT Marks for related services (like alerts and financial editorial content services), and has provided web-based, automated and customized personal financial management, aggregation of personal data, personal data tracking services, and related computer software enabling users to retrieve financial account balance and transaction information via all major technology platforms, including the Internet, the Apple iOS platform, the Android platform, the Windows platform and the Mac OS X platform. Intuit has also continued to expand its business in association with the MINT Marks in the course of its normal business activities, including software and related services enabling users to obtain credit scores, make payments, and providing the payment processing services for those payments. Intuit's expansion of its services also includes the ability to track digital currency accounts, transactions

and balances. Intuit's current web- and mobile- software applications enable users to establish the goal of, and measure progress toward, saving for a down payment on a home, as well as enter their real estate address to determine the current market value of their home, and automatically update the value of that home in calculating the user's net worth. Intuit's MINT platform serves as database software for secure storage, viewing, analysis and categorization of the user's personal and small business financial information. The goods and services listed above are hereinafter referred to collectively as the "MINT Goods and Services." Intuit also owns common law trademark rights in the MINT Marks for the MINT Goods and Services.

9. Intuit also has used and uses multiple trademarks comprising the term MINT plus another word or multiple words, and currently is using the marks MINT BILLS, MINTLIFE, MINT HELP, MY MINT STORY, and MINTFAMILY. Previously, Intuit also used the mark MINTANSWERS from May of 2010 to August of 2011, MINTSTYLE from February of 2012 to February of 2013 and MINT QUICKVIEW from July of 2012 to November of 2015. For the marks currently in use, the MINT BILLS mark has been in continuous use for payment processing, electronic payments, computer software relating to those services, and related services since at least as early as December 2, 2014 (which mark is registered as USPTO federal trademark Registration No. 4869554); the MINTLIFE mark has been in continuous use for financial information and editorial content services related to personal finance (including health-related expenditures and health insurance), accessible via a web-browser, since at least as early as August 4, 2009 (which mark is registered as USPTO federal trademark Registration No. 4820578); the MINT HELP mark has been in continuous use for software support and personal financial services support provided to end-users since at least as early as June 14, 2011; the MY MINT STORY mark has been in continuous use in connection with editorial content services



related to personal finance since at least as early as May 11, 2012; and the MINTFAMILY mark has been in continuous use for financial information and editorial content services related to personal finance and family goals since at least as early as February 27, 2012. Collectively the MINTLIFE, MINT HELP, MY MINT STORY, and MINTFAMILY trademarks are referred to herein as “the MINT Formative Marks.”

10. Each of the MINT Formative Marks, as well as the predecessor marks alleged in Paragraph 11 above, contains the distinctive element MINT.

11. Intuit used (and continues to use) a substantial number of the MINT Formative Marks, prior to Applicant’s trademark filing for its GIGMINT mark which is the subject of this opposition, in such a manner as to create public recognition coupled with an association of common origin predicated on the MINT element and/or the MINT element plus a word or multiple words (individually and/or collectively the “MINT Family Feature”).

12. Intuit uses the marks alleged herein, including the MINT Formative Marks, on its website in connection with its various services in such a manner that consumers viewing the website are generally exposed to some or all of the MINT Formative Marks when looking at or using Intuit’s tools and services available through its website. For example, consumers will encounter these marks together much as one might see marks with a common feature used throughout a catalog or brochure.

13. Intuit uses and promotes the marks alleged herein, including the trademarks MINT BILLS, MINTLIFE, MINT HELP, MY MINT STORY, and MINTFAMILY, on its website and in a variety of social media marketing activities. For example, Intuit uses its website to offer a variety of tools or services to consumers (actual or potential customers of Intuit’s offerings) to aggregate, track, and manage their financial information, and also uses social media

to market its products and services. The MINT Formative Marks are used by Intuit throughout its website and multiple of these marks are used in Intuit's social media marketing activities in connection with different MINT Goods and Services. These uses are in connection with different but related services offered by Intuit under the MINT brand and as a result consumers are generally exposed to several of the MINT Formative Marks when reviewing or using Intuit's MINT website or when visiting Intuit's social media offerings. As a result of these uses of the MINT Formative Marks, all of which are available to both registered and unregistered visitors to the MINT.COM website, consumers associate Intuit's marks alleged herein bearing the MINT Family Feature with a common source.

14. Intuit's MINT Formative Marks are used by Intuit in a manner that creates public recognition and association of the MINT Family Feature with a single source. As a result, Intuit has developed a family of marks of which the common feature is the distinctive MINT element and a common term (the "family of MINT formative marks").

15. Intuit promotes and advertises, and has expended considerable resources and sums to promote and advertise, the MINT Marks, the MINT Formative Marks, and effectively its family of MINT formative marks in association with the MINT Goods and Services.

16. Intuit provides the MINT Goods and Services to registered users, including through its MINT website and through MINT branded mobile software applications for Apple "iOS" and Google "Android" operating systems, the first such software application of which was launched as early as December 2008. The website and corresponding mobile applications allow users to access the services, to measure and manage personal finances and personal data, to receive bills, to pay bills and to track those bills and bills payments. Intuit provides payment processing for bill payments. Intuit's MINT mobile software applications are now the most

popular non-bank personal finance mobile applications in the U.S. market. Intuit's MINT branded products and services have garnered over 20 million registered users across North America since 2007 and Intuit has won multiple awards for its MINT Goods and Services (and related applications) from various nationally-recognized technology media outlets.

17. In addition to its federal trademark rights based upon its U.S. trademark Registration Nos. 4,869,554, 3,526,377, 4,820,578, 4,929,239, and 5,084,560, and Application Nos. 87100827 and 87087043, Intuit also owns common law trademark rights separately in the each of the marks: MINT Word Mark, the MINT AND DESIGN Mark, the MINT LEAF Marks as depicted in U.S. trademark Registration No. 5008776 and Application No. 86923915, each of the MINT Formative Marks, and in its family of MINT formative marks.

18. As a result of Intuit's use of the MINT Word Mark and MINT AND DESIGN Mark, as well as each of the MINT Formative Marks and/or its family of MINT formative marks, and in view of Intuit's extensive advertising, promotion and sale of the goods and services in association with these trademarks, the MINT Word Mark is distinctive and well known to the relevant trade and public as identifying and distinguishing Intuit's MINT Goods and Services.

19. As a result of Intuit's use of the MINT Word Mark and MINT AND DESIGN Mark, as well as each of the MINT Formative Marks and/or its family of MINT formative marks, and in view of Intuit's extensive advertising, promotion and sale of the goods and services in association with these trademarks, the MINT Word Mark, MINT AND DESIGN Mark, and MINT Formative Marks are distinctive and well known to the relevant trade and public as identifying and distinguishing Intuit's MINT Goods and Services.

20. As a result of Intuit's use of the MINT Word Mark and MINT AND DESIGN Mark, as well as each of the MINT Formative Marks and/or its family of MINT formative marks,

and in view of Intuit's extensive advertising, promotion and sale of the goods and services in association with these trademarks, each of the MINT Formative Marks and/or its family of MINT formative marks is distinctive and well known to the relevant trade and public as identifying and distinguishing the services identified in Paragraphs 8-10 above and also Intuit's MINT Goods and Services.

**Applicant's Similar Goods and Services**

21. Applicant intends to use GIGMINT in connection with "Financial management via the Internet" in International Class 36.

**Applicant's Similar Design**

22. The term GIGMINT simply contains the distinctive MINT mark plus the English word "gig." "Gig" acts as a descriptive term, presumably to refer to a job, contract employment, or a place of employment, and implies that this service might be used to aggregate one's income from jobs or places of employment, or could be taken to mean that the applicant's service might be part of Intuit's well-known financial literacy blog that focuses in part on jobs, employment, or freelancing income. Additionally, Applicant's mark is similar to Opposer's MINT Formative marks, because both contain the distinctive element MINT accompanied by a single descriptive word, such as "life," "help," or "style," -- in the case of Opposer's MINT Formative marks -- and "gig" as in the case of Applicant's mark.

23. On information and belief, like Opposer, Applicant intends to provide its products and services through a global computer network and/or through non-downloadable and/or downloadable software applications.

24. On information and belief, Applicant's goods and services will be offered to at least some of the same classes of consumers and through at least some of the channels of trade as the MINT Goods and Services are offered under Intuit's MINT Marks, including MINT branded

services Intuit offers to financial institutions. As applied to Applicant's goods and services, the GIGMINT mark so resembles Intuit's MINT Marks as alleged herein as to be likely to cause confusion, or to cause mistake, or to deceive as to the source of the goods/services.

25. On information and belief, Applicant's goods and services will be offered to at least some of the same classes of consumers and through at least some of the channels of trade as the MINT Goods and Services are offered in connection with Intuit's MINT Formative marks, including MINT branded services Intuit offers to financial institutions and other third-party financial services companies. As applied to Applicant's goods and services, the GIGMINT mark so resembles Intuit's MINT Marks and family of MINT formative marks since the marks contain the distinctive MINT element and/or since the marks contains the distinctive MINT element accompanied by a descriptive word as to be likely to cause confusion, or to cause mistake, or to deceive as to the source of the goods/services.

26. Opposer will be damaged by Applicant's registration of the GIGMINT mark for the goods and services identified in the 87060331 application as a result of the aforementioned confusion, mistake and deception.

WHEREFORE, Opposer prays that this Opposition be sustained, and the registration sought by Applicant be refused.

Dated: March 1, 2017

Respectfully submitted,

*/Katherine M. Basile/*

Katherine M. Basile  
Reed Smith LLP  
1510 Page Mill Road, #110  
Palo Alto, CA 94304  
(650) 352-0500

*Attorneys for Opposer,  
Intuit Inc.*



**Certificate of Service**

This is to certify that on March 1, 2017, a copy of the foregoing Notice of Opposition and exhibits was emailed to the following non-attorney correspondent of record:

Gareth Genner  
T Stamp LLC  
3423 Piedmont Road NE  
Atlanta, Georgia 30305  
chair@truststamp.us; ggenner@gmail.com

/Katrina M. Kershner/  
Katrina M. Kershner

# **EXHIBIT 104**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Application No. 86513110  
Published: June 30, 2015  
Mark: ACHIEVEMINT

In the Matter of Application No. 86513111  
Published: June 30, 2015  
Mark: BETTERMINT

Intuit Inc.	)	
	)	
Opposer	)	
	)	
v.	)	Opposition No. _____
	)	
Evidation Health, Inc.	)	
	)	
Applicant	)	

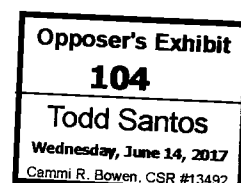
CONSOLIDATED NOTICE OF OPPOSITION

Intuit Inc., and its related and predecessor companies (hereinafter collectively “Opposer” or “Intuit”), a Delaware corporation, having a principal place of business at 2535 Garcia Avenue, Mountain View, California 94041, believes that it will be damaged by the registration of the above-identified applied-for marks, and having been granted appropriate extensions of time to oppose the above-referenced applications, hereby opposes same. Please charge any additional fees or credit any overpayment to Deposit Account No. (141437).

As grounds for this opposition it is alleged that:

Introduction

1. Intuit brings this Opposition due to the high likelihood of confusion between its distinctive and well-known MINT and MINT family of marks and Applicant’s applied-for marks. Since 2007, Intuit’s MINT branded website and corresponding mobile software



applications have allowed users to aggregate, track, and quantify their personal data and to visualize personal financial goals. The MINT goods and services allow users to aggregate financial data from multiple accounts across different financial institutions, track their spending in various categories, including health and fitness, and frequently feature health and fitness-related information and recommendations. Applicant's applied-for marks ACHIEVEMINT and BETTERMINT incorporate the MINT mark, and like Opposer's MINT marks, are allegedly used or intended to be used in conjunction with aggregating personal data, and with personal information and goal management and tracking on websites and mobile applications. Such use is likely to cause confusion for the reasons described herein.

#### **Applicant's Applications**

2. Application Serial No. 86/513,110 filed on January 23, 2015 to register the mark ACHIEVEMINT for the goods and services "mobile application for aggregating health data and tracking progress of health outcomes or other data that reflects relative levels of clinical or economic benefits in patient care" in International Class 9 and "Providing a website through which users can aggregate health data and track progress of health outcomes or other data that reflects relative levels of clinical or economic benefits in patient care" in class 42 was published for opposition in the Official Gazette of June 30, 2015 at page TM 2586.


3. Application Serial No. 86/513,111 filed on January 23, 2015 to register the mark BETTERMINT for the goods and services "Mobile application for aggregating health data, tracking progress of health outcomes or other data that reflects relative levels of clinical or economic benefits in patient care and providing rewards and incentives for performing healthy activities" in International Class 9 and "Providing a website through which users can aggregate health data, track progress of health outcomes or other data that reflects relative levels of clinical or economic benefits in patient care and earn rewards and incentives for performing healthy

activities” in class 42 was published for opposition in the Official Gazette on June 30, 2015 at page TM 2587.

4. This Consolidated Notice of Opposition is timely filed. Two extensions of time to oppose Application Serial Nos. 86/513,110 and 86/513,111 were obtained, and the Trademark Trial & Appeal Board of the United States Patent and Trademark Office (“TTAB”) extended the time to oppose these two applications to October 28, 2015.

**Intuit and its Flagship Brands Including its MINT Brand**

5. Intuit is the owner of multiple U.S. federal trademark registrations and applications featuring the trademark MINT listed in the table below and in the attached Exhibits A - D (the MINT Marks). These registrations and applications include services for aggregating and tracking personal information.

Mark	SN or Registration No.	Goods and Services
	Reg. 3526377 Filing Date: Jul. 10, 2007 Reg. Date: Nov. 04, 2008	<u>Class 36:</u> Providing web-based, automated and customized personal financial management services, namely, customized management of non-investment personal financial accounts, daily monitoring of transactions and account balances, and budget and spending reporting through a global computer network
MINTLIFE	Reg: 4820578 Filing Date: Apr. 15, 2014 Reg. Date: Sept. 29, 2015	<u>Class 36:</u> Providing information related to personal finance; financial information; providing a website featuring personal finance information and guidance; editorial content services related to personal finance, namely, providing an online blog featuring articles, tips, questions and answers, and guidance in the field of personal finance, financial planning, budgeting, and saving money <u>Class 41:</u> Providing on-line non-downloadable articles in the field of personal finance
MINT	SN: 86313032 Priority Date: Dec. 18, 2013 Filing Date: Jun. 18, 2014	<u>Class 9:</u> Computer software for personal and small business financial management; computer software for online banking, transaction management, financial planning,



	<p>financial management, bill tracking and management, expense tracking and management, accounting, and taxable item tracking and management; computer software for creating reports and graphs; computer software for forecasting and analysis of data; computer software for data aggregation; computer software for providing banking, financial and bill payment alerts; computer software for providing wireless access to data and databases; computer software for enabling users to retrieve financial account balances and financial transaction information using mobile phones, smart phones, and mobile telecommunication networks</p> <p><u>Class 35:</u> Providing information, news, opinions and advice in the fields of accounting, tax preparation and planning, including via computer and communication networks, the internet, and social media; providing commercial information on, and comparisons of, the products and services of others, including through computer and communication networks, the internet, and social media; providing comparison of shopping services, including through computer and communication networks, the internet, and social media; providing economic forecasting and analysis, including through computer or communication networks, the internet, and social media; taxable item tracking and management, namely, tracking of taxable income and expense data for the purpose of personal and business tax planning and filing</p> <p><u>Class 36:</u> Personal and small business financial management services; online banking; financial transaction services, namely, budget planning in the nature of income and expense transaction tracking; financial planning; financial management; financial analysis; bill payment services in the nature of scheduling and payment of bills; financial management services, namely, tracking of personal and business expenses; forecasting and analysis of financial data;</p>
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		<p>financial data aggregation, namely, electronically collecting financial data from multiple accounts into a single location for financial review analysis; financial administration and management services for the management of credit and debit cards, loans, mortgages, investments and financial accounts; providing information, news, opinions and advice in the fields of banking, financial management, saving and financial planning and retirement financial planning, including via computer and communication networks, the internet, and social media; providing information, news, opinion and advice in the fields of personal budgeting and household budgeting, including via computer and communication networks, the internet, and social media; providing financial information, news, opinions and advice in the field of consumer spending, including via computer and communication networks, the internet, and social media</p>
MINT	<p>SN: 86302683  Filing Date: Jun. 6, 2014  NOA issued: Jun. 16, 2015</p>	<p><u>Class 9</u>: Computer software for use in processing electronic payments and transferring funds to and from others; computer software for use in transferring funds between financial accounts; computer software for bill presentment and payment; magnetically encoded debit cards, payment cards and stored-value cards</p> <p><u>Class 36</u>: Electronic payment services, namely, receipt, processing and payment of bills, issuance of personal payments; providing bill payment and tax payment processing services via computer and communication networks; money transfer services</p> <p><u>Class 38</u>: Electronic transmission of payment data for others</p> <p><u>Class 42</u>: Providing temporary use of on-line non-downloadable computer software for performing financial transactions and transmitting and receiving information in the fields of electronic payments and electronic bill payments and bill presentment; providing temporary use of non-downloadable computer</p>

		software for use in sending and receiving payments, transferring funds, bill payment and bill presentment; providing temporary use of non-downloadable computer software for generating bill reminders and bill payment status alerts
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6. U.S. Federal Registration 3,526,377 is in full force and effect, was declared incontestable on September 26, 2014, and matured to registration well before (1) the May 21, 2012 alleged first use date for the ACHIEVEMINT application alleged herein, (2) the January 20, 2015 alleged first use date for the BETTERMINT Class 42 services alleged herein, and (3) the January 23, 2015 filing date for the BETTERMINT Class 9 services alleged herein.

7. In 2009 Intuit purchased its predecessor-in-interest Mint Software, Inc., acquiring all of Mint Software, Inc.'s registered and common law trademark and trade name rights, including all goodwill associated therewith, as well as all other intellectual property rights, including but not limited to all rights in the above-referenced Registration No. 3,526,377 (MINT AND DESIGN Mark) and the word mark "MINT" (the Mint Word Mark).

8. Since the acquisition of Mint Software Inc. in 2009, Intuit has continued the use of the MINT AND DESIGN Mark and MINT Word Mark (collectively the "MINT Marks"), and Intuit has been engaged continuously in the development, distribution and provision of a personal financial management, aggregation, and tracking service, enabled by a computer software platform and a range of software applications (desktop, web-based and mobile applications) for personal and small business financial management. Intuit has continued to use the MINT Marks for related services (like alerts and financial editorial content services), and has provided web-based, automated and customized personal financial management, aggregation of personal data, personal data tracking services, and related computer software enabling users to

retrieve financial account balance and transaction information via all major technology platforms, including the Web, the Apple iOS platform, the Android platform, the Windows platform and the Mac OS X platform. Intuit has also continued to expand its business in association with the MINT Marks in the course of its normal business activities, including enabling users to aggregate, track and measure saving, spending, purchases, bills, and bill payments and related data. The goods and services listed above are hereinafter referred to collectively as the “MINT Goods and Services.” Intuit owns common law trademark rights in the MINT Marks for the MINT Goods and Services.

9. Intuit also has used and uses multiple trademarks comprising the term MINT plus another word or multiple words, and currently is using the marks MINTLIFE, MINT HELP, MINT QUICKVIEW, MY MINT STORY, and MINTFAMILY. Previously, Intuit also used the mark MINTANSWERS from May of 2010 to August of 2011 and MINTSTYLE from February of 2012 to February of 2013. For the marks currently in use, the MINTLIFE mark has been in continuous use for financial information and editorial content services related to personal finance (including health-related expenditures and health insurance) since at least as early as August 4, 2009 (which mark is registered as USPTO federal trademark Registration No. 4820578); the MINT HELP mark has been in continuous use for personal financial services support provided to end-users since at least as early as June 14, 2011; the MINT QUICKVIEW mark has been in continuous use in connection with personal financial data aggregation and management services since at least July of 2012; the MY MINT STORY mark has been in continuous use in connection with editorial content services related to personal finance since at least as early as May 11, 2012; and the MINTFAMILY mark has been in continuous use for financial information and editorial content services related to personal finance and family goals since at

least as early as February 27, 2012. Collectively the MINTLIFE, MINT HELP, MINT QUICKVIEW, MY MINT STORY, and MINTFAMILY trademarks are referred to herein as “the MINT Formative Marks.”

10. Each of the MINT Formative Marks, as well as the predecessor marks alleged in Paragraph 7 above, contains the distinctive element MINT. Further in each of the MINT Formative Marks, as well as the predecessor marks alleged in Paragraph 10, the distinctive element MINT is plus an English word or multiple words.

11. Intuit used (and continues to use) a substantial number of the MINT Formative Marks, prior to Applicant’s trademark filings for its ACHIEVEMINT and BETTERMINT marks which are the subject of this consolidated opposition, in such a manner as to create public recognition coupled with an association of common origin predicated on the MINT element and/or the MINT element plus a word or multiple words (individually and/or collectively the “MINT Family Feature”).

12. Intuit uses the marks alleged herein, including the MINT Formative Marks, on its website in connection with its various services in such a manner that consumers viewing the website are generally exposed to some or all of the MINT Formative Marks when looking at or using Intuit’s tools and services available through its website. For example, consumers will encounter these marks together much as one might see marks with a common feature used throughout a catalog or brochure.

13. Intuit uses and promotes the marks alleged herein, including the trademarks MINTLIFE, MINT HELP, MINT QUICKVIEW, MY MINT STORY, and MINTFAMILY, on its website and in a variety of social media marketing activities. For example, Intuit uses its website to offer a variety of tools or services to consumers (actual or potential customers of



Intuit's offerings) to aggregate, track, and manage their financial information, and also uses social media to market its products and services. The MINT Formative Marks are used by Intuit throughout its website and multiple of these marks are used in Intuit's social media marketing activities in connection with different MINT Goods and Services. These uses are in connection with different but related services offered by Intuit under the MINT brand and as a result consumers are generally exposed to several of the MINT Formative Marks when reviewing or using Intuit's MINT website or when visiting Intuit's social media offerings. As a result of these uses of the MINT Formative Marks, all of which are available to both registered and unregistered visitors to the MINT.COM website, consumers associate Intuit's marks alleged herein bearing the MINT Family Feature with a common source.

14. Intuit's MINT Formative Marks are used by Intuit in a manner that creates public recognition and association of the MINT Family Feature with a single source. As a result, Intuit has developed a family of marks of which the common feature is the distinctive MINT element and/or the construction of the format of the distinctive element MINT plus a word or multiple words (the "family of MINT formative marks").

15. Intuit promotes and advertises, and has expended considerable resources and sums to promote and advertise, the MINT MARKS, the MINT Formative Marks, and effectively its family of MINT formative marks in association with the MINT Goods and Services.

16. Intuit provides the MINT Goods and Services to registered users, including through its MINT website and through MINT branded mobile software applications for Apple "iOS" and Google "Android" operating systems, the first such software application of which was launched as early as December 2008. The website and corresponding mobile applications allow users to access the services and to aggregate, track, measure and manage personal finances and

personal data. Intuit's MINT mobile software applications are now the most popular non-bank personal finance mobile applications in the U.S. market. Intuit's MINT business has over 20 million registered users across North America and Intuit has won multiple awards for its MINT Goods and Services (and related applications) from various nationally-recognized technology media outlets.

17. Intuit's MINT website and corresponding mobile software applications allow users to manage, track, and quantify their financial data and to visualize personal financial goals – giving the user the ability to see an overall picture of what is commonly referred to as their “financial health.” Intuit's website enabled this functionality as early as 2007, and the mobile software applications as early as 2008. In this manner, Intuit's MINT Goods and Services were among the first applications to popularize web- and mobile-based personal data tracking and measurement, commonly referred to as “quantified self” applications. Intuit's MINT Goods and Services are therefore among the original widely-known and widely-popularized “quantified self” web and mobile-based applications.

18. Intuit's MINT Goods and Services include the ability to aggregate and track certain personal health information in the form of expenditures and bills for health-related items. “Health and Fitness” is one of the automatically-generated categories of spending that the MINT mobile and web applications track. Additionally, the editorial content services provided under the MINT and MINTLIFE marks feature health and fitness-related information, including posts on “How to Spend Less and Get Healthy,” “Foodie Resolutions for a Healthy and Frugal New Year,” “MintStyle with Rachel Weingarten: How to Set and Stick to Realistic Fitness Goals,” and “Are Americans Becoming More Health-Conscious?” The MINT Goods and Services help

MINT users achieve their life goals through bettering their financial health, including goals related to physical health and fitness.

19. In addition to its federal trademark rights based upon its U.S. trademark Registration Nos. 3,526,377 and 4,820,578, Intuit also owns common law trademark rights separately in the each of the marks: MINT Word Mark, the MINT AND DESIGN Mark, the MINT LEAF Mark as depicted in U.S. trademark Application No. 86/481,189, each of the MINT Formative Marks, and in its family of MINT formative marks.

20. As a result of Intuit's use of the MINT Word Mark and MINT AND DESIGN Mark, as well as each of the MINT Formative Marks and/or its family of MINT formative marks, and in view of Intuit's extensive advertising, promotion and sale of the goods and services in association with these trademarks, the MINT Word Mark is distinctive and well known to the relevant trade and public as identifying and distinguishing Intuit's MINT Goods and Services.

21. As a result of Intuit's use of the MINT Word Mark and MINT AND DESIGN Mark, as well as each of the MINT Formative Marks and/or its family of MINT formative marks, and in view of Intuit's extensive advertising, promotion and sale of the goods and services in association with these trademarks, the MINT Word Mark, MINT AND DESIGN Mark, and MINT Formative Marks are distinctive and well known to the relevant trade and public as identifying and distinguishing Intuit's MINT Goods and Services.

22. As a result of Intuit's use of the MINT Word Mark and MINT AND DESIGN Mark, as well as each of the MINT Formative Marks and/or its family of MINT formative marks, and in view of Intuit's extensive advertising, promotion and sale of the goods and services in association with these trademarks, each of the MINT Formative Marks and/or its family of MINT formative marks is distinctive and well known to the relevant trade and public as

identifying and distinguishing the services identified in Paragraph 10 above and also Intuit's MINT Goods and Services.

**Applicant's Similar Goods and Services**

23. Applicant allegedly uses ACHIEVEMINT in connection with a "mobile application for aggregating health data and tracking progress of health outcomes or other data that reflects relative levels of clinical or economic benefits in patient care" in International Class 9 and "providing a website through which users can aggregate health data and track progress of health outcomes or other data that reflects relative levels of clinical or economic benefits in patient care" in class 42.

24. Applicant allegedly uses BETTERMINT in connection with a "mobile application for aggregating health data, tracking progress of health outcomes or other data that reflects relative levels of clinical or economic benefits in patient care and providing rewards and incentives for performing healthy activities" in International Class 9 and intends to use BETTERMINT in connection with "providing a website through which users can aggregate health data, track progress of health outcomes or other data that reflects relative levels of clinical or economic benefits in patient care and earn rewards and incentives for performing healthy activities" in class 42.

25. The term ACHIEVEMINT simply contains the distinctive MINT mark plus the descriptive word "achieve." Likewise, Opposer's MINT Formative marks each contain the distinctive element MINT accompanied by a descriptive word, such as "life," "help," or "style." Applicant's use of ACHIEVEMINT on its website (<https://www.achievemint.com/>) also emphasizes the MINT element by capitalizing the letter "M."

26. Applicant alleges that it uses BETTERMINT in connection with a website for aggregating health data, tracking progress of health outcomes, and earning rewards. Applicant

also allegedly intends to use BETTERMINT in connection with a mobile application with the same functionality.

27. The term BETTERMINT simply contains the distinctive MINT mark plus the descriptive word “better.” Likewise, Opposer’s MINT Formative marks each contain the distinctive element MINT accompanied by a descriptive word, such as “life,” “help,” or “style.” The mark “BETTERMINT” could also mean or imply a “better version of MINT.”

28. Like Intuit, Applicant provides, and allegedly plans to provide, its products and services under the ACHIEVEMINT and BETTERMINT names through a global computer network and/or through mobile software applications and/or mobile devices.

29. On information and belief, Applicant’s goods and services are offered and will be offered to at least some of the same classes of consumers and through at least some of the channels of trade as the MINT Goods and Services are offered under Intuit’s MINT Marks. As applied to Applicant’s goods and services, the ACHIEVEMINT and BETTERMINT marks so resemble Intuit’s MINT Marks as alleged herein as to be likely to cause confusion, or to cause mistake, or to deceive as to the source of the goods/services.

30. On information and belief, Applicant’s goods and services are offered and will be offered to at least some of the same classes of consumers and through at least some of the channels of trade as the MINT Goods and Services above are offered under the MINT Formative Marks. As applied to Applicant’s goods and services, the ACHIEVEMINT and BETTERMINT marks so resemble each of the MINT Formative Marks as to be likely to cause confusion, or to cause mistake, or to deceive as to the source of the goods/services.

31. On information and belief, Applicant’s goods and services are offered and will be offered to at least some of the same classes of consumers and through at least some of the



channels of trade as the MINT Goods and Services are offered in connection with Intuit's family of MINT formative marks. As applied to Applicant's goods and services, the ACHIEVEMINT and BETTERMINT marks so resemble Intuit's MINT Marks and family of MINT formative marks since the ACHIEVEMINT and BETTERMINT marks contain the distinctive MINT element and/or since the ACHIEVEMINT and BETTERMINT marks contain the distinctive MINT element accompanied by a descriptive word as to be likely to cause confusion, or to cause mistake, or to deceive as to the source of the goods/services.

**Priority**

32. Intuit's MINT AND DESIGN Mark, MINT Word Mark, MINT Formative Marks, and its family of MINT Formative Marks have been in use in connection with the MINT Goods and Services well before (1) the May 21, 2012 alleged first use date for the ACHIEVEMINT application alleged herein, (2) the January 20, 2015 alleged first use date for the BETTERMINT Class 42 services alleged herein, and (3) the January 23, 2015 filing date for the BETTERMINT Class 9 services alleged herein.

33. Given the facts herein, there is no issue as to priority.

34. Opposer will be damaged by Applicant's registration of the ACHIEVEMINT and BETTERMINT marks for the goods and services identified in the 86/513,110 and 86/513,111 applications as a result of the aforementioned confusion, mistake and deception.

WHEREFORE, Opposer prays that this Opposition be sustained, and the registrations sought by Applicant be refused.

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Dated: October 28, 2015

Respectfully submitted,

/Katherine M. Basile/  
Katherine M. Basile  
Reed Smith LLP  
1510 Page Mill Road, #110  
Palo Alto, CA 94304  
(650) 352-0500

*Attorneys for Opposer,  
Intuit Inc.*

Certificate of Service

This is to certify that on October 28, 2015, a copy of the foregoing Consolidated Notice of Opposition and exhibits was mailed by First Class mail, postage prepaid, to the following attorney of record:

Lisa Greenwald-Swire, Esq.  
Fish & Richardson P.C.  
P.O. Box 1022  
Minneapolis, MN 55440-1022  
greenwald-swire@fr.com

/Katrina M. Kershner/  
Katrina M. Kershner

# **EXHIBIT 105**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Application No. 86436681  
Published: September 8, 2015  
Mark: MINTLINK

Intuit Inc.	)	
	)	
Opposer	)	
	)	
v.	)	Opposition No. _____
	)	
MintLink, LLC	)	
	)	
Applicant	)	

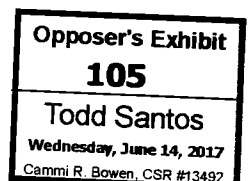
NOTICE OF OPPOSITION

Intuit Inc., and its related and predecessor companies (hereinafter collectively “Opposer” or “Intuit”), a Delaware corporation, having a principal place of business at 2535 Garcia Avenue, Mountain View, California, 94043, believes that it will be damaged by the registration of the above-identified applied-for mark, and having been granted appropriate extensions of time to oppose the above-referenced applications, hereby opposes same. Please charge any additional fees or credit any overpayment to Deposit Account No. (141437).

As grounds for this opposition it is alleged that:

Introduction

1. Intuit brings this Opposition due to the likelihood of confusion between its distinctive and well-known MINT and MINT family of marks and Applicant’s applied-for mark. Since 2007, Intuit’s MINT branded website and corresponding mobile software applications have allowed users to track their bills, payments, financial accounts, and other personal financial data. Additionally, Intuit’s intention to acquire Check, Inc. became public knowledge by April





29, 2014. On May 27, 2014, Intuit announced its acquisition of Check, and, with that acquisition, Intuit integrated bill payments and transaction processing into its web- and mobile-based software applications. Applicant's applied-for mark MINTLINK incorporates the MINT mark, and like Opposer's MINT marks, is allegedly used in conjunction with bill payment and related services. Such use is likely to cause confusion for the reasons described herein.

#### **Applicant's Applications**

2. Application Serial No. 86/436,681 filed on October 28, 2014 to register the mark MINTLINK for the goods and services "Bill payment services; Credit card payment processing services; Credit card transaction processing services; Electronic payment services involving electronic processing and subsequent transmission of bill payment; Gift card transaction processing services; Merchant services, namely, payment transaction processing services; Payment processing services, namely, credit card and debit card transaction processing services; Providing electronic processing of electronic funds transfer, ACH, credit card, debit card, electronic check and electronic payments," in International Class 36 was published for opposition in the Official Gazette of September 8, 2015 at page TM 1162.


3. This Notice of Opposition is timely filed. Two extensions of time to oppose Application Serial No. 86/436,681 were obtained, and the Trademark Trial & Appeal Board of the United States Patent and Trademark Office ("TTAB") extended the time to oppose these two applications to January 6, 2016.

#### **Intuit and its Flagship Brands Including its MINT Brand**

4. Intuit, founded in 1983, provides software and services in a variety of accounting, small business, and personal finance areas. Intuit's flagship products – Quicken, QuickBooks, TurboTax, and Mint – define the company's commitment to revolutionize the way people manage their personal finances, run small businesses, and pay employees.

5. Intuit is the owner of multiple U.S. federal trademark registrations and applications featuring the trademark MINT listed in the table below and in the attached Exhibits A - E (the MINT Marks). These registrations and applications include services for bill payment, payment processing, and money transfer services.

Mark	SN or Registration No.	Goods and Services
MINT	SN: 86302683 Filing Date: Jun. 6, 2014 NOA issued: Jun. 16, 2015	<p><u>Class 9</u>: Computer software for use in processing electronic payments and transferring funds to and from others; computer software for use in transferring funds between financial accounts; computer software for bill presentment and payment; magnetically encoded debit cards, payment cards and stored-value cards</p> <p><u>Class 36</u>: Electronic payment services, namely, receipt, processing and payment of bills, issuance of personal payments; providing bill payment and tax payment processing services via computer and communication networks; money transfer services</p> <p><u>Class 38</u>: Electronic transmission of payment data for others</p> <p><u>Class 42</u>: Providing temporary use of on-line non-downloadable computer software for performing financial transactions and transmitting and receiving information in the fields of electronic payments and electronic bill payments and bill presentment; providing temporary use of non-downloadable computer software for use in sending and receiving payments, transferring funds, bill payment and bill presentment; providing temporary use of non-downloadable computer software for generating bill reminders and bill payment status alerts</p>
MINT BILLS	Reg. 4869554 Filing Date: Dec. 18, 2014 Reg. Date: Dec. 15, 2015	<p><u>Class 9</u>: Computer software for use in processing electronic payments and transferring funds to and from others; computer software for use in transferring funds between financial accounts; computer software for bill presentment and payment; magnetically encoded debit cards, payment</p>

		<p>cards and stored-value cards</p> <p><u>Class 36</u>: Electronic payment services, namely, receipt, processing and payment of bills, issuance of personal payments; providing bill payment and tax payment processing services via computer and communication networks; money transfer services</p> <p><u>Class 38</u>: Electronic transmission of payment data for others</p> <p><u>Class 42</u>: Providing temporary use of on-line non-downloadable computer software for performing financial transactions and transmitting and receiving information in the fields of electronic payments and electronic bill payments and bill presentment; providing temporary use of non-downloadable computer software for use in sending and receiving payments, transferring funds, bill payment and bill presentment; providing temporary use of non-downloadable computer software for generating bill reminders and bill payment status alerts</p>
	<p>Reg. 3526377  Filing Date: Jul. 10, 2007  Reg. Date: Nov. 04, 2008</p>	<p><u>Class 36</u>: Providing web-based, automated and customized personal financial management services, namely, customized management of non-investment personal financial accounts, daily monitoring of transactions and account balances, and budget and spending reporting through a global computer network</p>
MINTLIFE	<p>Reg: 4820578  Filing Date: Apr. 15, 2014  Reg. Date: Sept. 29, 2015</p>	<p><u>Class 36</u>: Providing information related to personal finance; financial information; providing a website featuring personal finance information and guidance; editorial content services related to personal finance, namely, providing an online blog featuring articles, tips, questions and answers, and guidance in the field of personal finance, financial planning, budgeting, and saving money</p> <p><u>Class 41</u>: Providing on-line non-downloadable articles in the field of personal finance</p>
MINT	<p>SN: 86313032  Priority Date: Dec. 18, 2013  Filing Date: Jun. 18, 2014</p>	<p><u>Class 9</u>: Computer software for personal and small business financial management; computer software for online banking, transaction management, financial planning,</p>

		<p>financial management, bill tracking and management, expense tracking and management, accounting, and taxable item tracking and management; computer software for creating reports and graphs; computer software for forecasting and analysis of data; computer software for data aggregation; computer software for providing banking, financial and bill payment alerts; computer software for providing wireless access to data and databases; computer software for enabling users to retrieve financial account balances and financial transaction information using mobile phones, smart phones, and mobile telecommunication networks</p> <p><u>Class 35:</u> Providing information, news, opinions and advice in the fields of accounting, tax preparation and planning, including via computer and communication networks, the internet, and social media; providing commercial information on, and comparisons of, the products and services of others, including through computer and communication networks, the internet, and social media; providing comparison of shopping services, including through computer and communication networks, the internet, and social media; providing economic forecasting and analysis, including through computer or communication networks, the internet, and social media; taxable item tracking and management, namely, tracking of taxable income and expense data for the purpose of personal and business tax planning and filing</p> <p><u>Class 36:</u> Personal and small business financial management services; online banking; financial transaction services, namely, budget planning in the nature of income and expense transaction tracking; financial planning; financial management; financial analysis; bill payment services in the nature of scheduling and payment of bills; financial management services, namely, tracking of personal and business expenses; forecasting and analysis of financial data;</p>
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		<p>financial data aggregation, namely, electronically collecting financial data from multiple accounts into a single location for financial review analysis; financial administration and management services for the management of credit and debit cards, loans, mortgages, investments and financial accounts; providing information, news, opinions and advice in the fields of banking, financial management, saving and financial planning and retirement financial planning, including via computer and communication networks, the internet, and social media; providing information, news, opinion and advice in the fields of personal budgeting and household budgeting, including via computer and communication networks, the internet, and social media; providing financial information, news, opinions and advice in the field of consumer spending, including via computer and communication networks, the internet, and social media</p>
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6. U.S. Federal Registration 3,526,377 is in full force and effect, was declared incontestable on September 26, 2014, and matured to registration well before the May 25, 2014 alleged first use date for the MINTLINK application alleged herein.

7. In 2009 Intuit purchased its predecessor-in-interest Mint Software, Inc., acquiring all of Mint Software, Inc.'s registered and common law trademark and trade name rights, including all goodwill associated therewith, as well as all other intellectual property rights, including but not limited to all rights in the above-referenced Registration No. 3,526,377 (MINT AND DESIGN Mark) and the word mark "MINT" (the Mint Word Mark).

8. Since the acquisition of Mint Software Inc. in 2009, Intuit has continued the use of the MINT AND DESIGN Mark and MINT Word Mark, and Intuit has been engaged continuously in the development, distribution and provision of a personal financial management



service, enabled by a computer software platform and a range of software applications (desktop, web-based and mobile applications) for personal and small business financial management. Intuit has continued to use the MINT Marks for related services (like alerts and financial editorial content services), and has provided web-based, automated and customized personal financial management, aggregation of personal data, personal data tracking services, and related computer software enabling users to retrieve financial account balance and transaction information via all major technology platforms, including the Web, the Apple iOS platform, the Android platform, the Windows platform and the Mac OS X platform. Intuit has also continued to expand its business in association with the MINT Marks in the course of its normal business activities, including enabling users to make bill payments, and providing the payment processing services for those payments. The goods and services listed above are hereinafter referred to collectively as the “MINT Goods and Services.” Intuit owns common law trademark rights in the MINT Marks for the MINT Goods and Services.

9. Bill payment, payment processing, and related services are within Intuit’s natural zone of expansion for its MINT branded products and services. Personal finance software and online services naturally and predictably include, or expand to include, bill payment and payment processing services, as exemplified by the past and present similar software and services provided to consumers and small businesses, like Quicken® software and online services, Microsoft® Money software and online services, PageOnce software and online services and Yodlee MoneyCenter software and online services. Each of those services began as a financial transaction tracking and budgeting software offering that expanded into bill payment, payment processing, and related services. In this manner, Intuit also predictably expanded its MINT personal finance software and online services to include payment processing, bill

payment, and related services by acquiring Check, Inc. (formerly PageOnce) and integrating Check's services into its MINT branded family of offerings. Intuit's planned acquisition of Check became public knowledge at least as early as April 29, 2014. Intuit formally announced its acquisition of Check not long after that, on May 27, 2014.

10. Intuit also has used and uses multiple trademarks comprising the term MINT plus another word or multiple words, and currently is using the marks MINT BILLS, MINTLIFE, MINT HELP, MINT QUICKVIEW, MY MINT STORY, and MINTFAMILY. Previously, Intuit also used the mark MINTANSWERS from May of 2010 to August of 2011 and MINTSTYLE from February of 2012 to February of 2013. For the marks currently in use, the MINT BILLS mark has been in continuous use for payment processing, electronic payments, computer software relating to those services, and related services since at least as early as December 2, 2014 (which mark is registered as USPTO federal trademark Registration No. 4869554); the MINTLIFE mark has been in continuous use for financial information and editorial content services related to personal finance (including health-related expenditures and health insurance) since at least as early as August 4, 2009 (which mark is registered as USPTO federal trademark Registration No. 4820578); the MINT HELP mark has been in continuous use for personal financial services support provided to end-users since at least as early as June 14, 2011; the MINT QUICKVIEW mark has been in continuous use in connection with personal financial data aggregation and management services since at least July of 2012; the MY MINT STORY mark has been in continuous use in connection with editorial content services related to personal finance since at least as early as May 11, 2012; and the MINTFAMILY mark has been in continuous use for financial information and editorial content services related to personal finance and family goals since at least as early as February 27, 2012. Collectively the

MINTLIFE, MINT HELP, MINT QUICKVIEW, MY MINT STORY, and MINTFAMILY trademarks are referred to herein as “the MINT Formative Marks.”

11. Each of the MINT Formative Marks, as well as the predecessor marks alleged in Paragraph 9 above, contains the distinctive element MINT. Further in each of the MINT Formative Marks, as well as the predecessor marks alleged in Paragraph 9, the distinctive element MINT is plus an English word or multiple words.

12. Intuit used (and continues to use) a substantial number of the MINT Formative Marks, prior to Applicant’s trademark filing for its MINTLINK mark which are the subject of this opposition, in such a manner as to create public recognition coupled with an association of common origin predicated on the MINT element and/or the MINT element plus a word or multiple words (individually and/or collectively the “MINT Family Feature”).

13. Intuit uses the marks alleged herein, including the MINT Formative Marks, on its website in connection with its various services in such a manner that consumers viewing the website are generally exposed to some or all of the MINT Formative Marks when looking at or using Intuit’s tools and services available through its website. For example, consumers will encounter these marks together much as one might see marks with a common feature used throughout a catalog or brochure.

14. Intuit uses and promotes the marks alleged herein, including the trademarks MINT BILLS, MINTLIFE, MINT HELP, MINT QUICKVIEW, MY MINT STORY, and MINTFAMILY, on its website and in a variety of social media marketing activities. For example, Intuit uses its website to offer a variety of tools or services to consumers (actual or potential customers of Intuit’s offerings) to aggregate, track, and manage their financial information, and also uses social media to market its products and services. The MINT

Formative Marks are used by Intuit throughout its website and multiple of these marks are used in Intuit's social media marketing activities in connection with different MINT Goods and Services. These uses are in connection with different but related services offered by Intuit under the MINT brand and as a result consumers are generally exposed to several of the MINT Formative Marks when reviewing or using Intuit's MINT website or when visiting Intuit's social media offerings. As a result of these uses of the MINT Formative Marks, all of which are available to both registered and unregistered visitors to the MINT.COM website, consumers associate Intuit's marks alleged herein bearing the MINT Family Feature with a common source.

15. Intuit's MINT Formative Marks are used by Intuit in a manner that creates public recognition and association of the MINT Family Feature with a single source. As a result, Intuit has developed a family of marks of which the common feature is the distinctive MINT element and/or the construction of the format of the distinctive element MINT plus a word or multiple words (the "family of MINT formative marks").

16. Intuit promotes and advertises, and has expended considerable resources and sums to promote and advertise, the MINT Marks, the MINT Formative Marks, and effectively its family of MINT formative marks in association with the MINT Goods and Services.

17. Intuit provides the MINT Goods and Services to registered users, including through its MINT website and through MINT branded mobile software applications for Apple "iOS" and Google "Android" operating systems, the first such software application of which was launched as early as December 2008. The website and corresponding mobile applications allow users to access the services, to measure and manage personal finances and personal data, to receive bills, to pay bills, to track those bills and bills payments, and Intuit provides the payment processing for those payments. Intuit's MINT mobile software applications are now the most

popular non-bank personal finance mobile applications in the U.S. market. Intuit's MINT business has over 20 million registered users across North America and Intuit has won multiple awards for its MINT Goods and Services (and related applications) from various nationally-recognized technology media outlets.

18. In addition to its federal trademark rights based upon its U.S. trademark Registrations Nos. 4,869,554, 3,526,377, and 4,820,578, Intuit also owns common law trademark rights separately in each of the marks: MINT Word Mark, the MINT AND DESIGN Mark, the MINT LEAF Mark as depicted in U.S. trademark Application No. 86/481,189, each of the MINT Formative Marks, and in its family of MINT formative marks.

19. As a result of Intuit's use of the MINT Word Mark and MINT AND DESIGN Mark, as well as each of the MINT Formative Marks and/or its family of MINT formative marks, and in view of Intuit's extensive advertising, promotion and sale of the goods and services in association with these trademarks, the MINT Word Mark is distinctive and well known to the relevant trade and public as identifying and distinguishing Intuit's MINT Goods and Services.

20. As a result of Intuit's use of the MINT Word Mark and MINT AND DESIGN Mark, as well as each of the MINT Formative Marks and/or its family of MINT formative marks, and in view of Intuit's extensive advertising, promotion and sale of the goods and services in association with these trademarks, the MINT Word Mark, MINT AND DESIGN Mark, and MINT Formative Marks are distinctive and well known to the relevant trade and public as identifying and distinguishing Intuit's MINT Goods and Services.

21. As a result of Intuit's use of the MINT Word Mark and MINT AND DESIGN Mark, as well as each of the MINT Formative Marks and/or its family of MINT formative marks, and in view of Intuit's extensive advertising, promotion and sale of the goods and services in



association with these trademarks, each of the MINT Formative Marks and/or its family of MINT formative marks is distinctive and well known to the relevant trade and public as identifying and distinguishing the services identified in Paragraph 10 above and also Intuit's MINT Goods and Services.

**Applicant's Similar Goods and Services**

22. Applicant allegedly uses MINTLINK in connection with "Bill payment services; Credit card payment processing services; Credit card transaction processing services; Electronic payment services involving electronic processing and subsequent transmission of bill payment; Gift card transaction processing services; Merchant services, namely, payment transaction processing services; Payment processing services, namely, credit card and debit card transaction processing services; Providing electronic processing of electronic funds transfer, ACH, credit card, debit card, electronic check and electronic payments." in International Class 36.

23. The term MINTLINK simply contains the distinctive MINT mark plus the descriptive word "link." Likewise, Opposer's MINT Formative marks each contain the distinctive element MINT accompanied by a descriptive word, such as "life," "help," or "style." Applicant's use of MINTLINK on its website (<https://www.mintlinksolutions.com/>) also emphasizes the MINT element by using a mint green color palette, sometimes depicting MINT in a different color than LINK, and sometimes capitalizing the letter "L," making MINTLINK appear more like the two words MINT and LINK.

24. On information and belief, like Intuit, Applicant provides, and allegedly plans to provide, its products and services under the MINTLINK name through a global computer network and/or through mobile software applications and/or mobile devices.

25. On information and belief, Applicant's goods and services are offered and will be offered to at least some of the same classes of consumers and through at least some of the

channels of trade as the MINT Goods and Services are offered under Intuit's MINT Marks. As applied to Applicant's goods and services, the MINTLINK marks so resemble Intuit's MINT Marks as alleged herein as to be likely to cause confusion, or to cause mistake, or to deceive as to the source of the goods/services.

26. On information and belief, Applicant's goods and services are offered and will be offered to at least some of the same classes of consumers and through at least some of the channels of trade as the MINT Goods and Services above are offered under the MINT Formative Marks. As applied to Applicant's goods and services, the MINTLINK mark so resembles each of the MINT Formative Marks as to be likely to cause confusion, or to cause mistake, or to deceive as to the source of the goods/services.

27. On information and belief, Applicant's goods and services are offered and will be offered to at least some of the same classes of consumers and through at least some of the channels of trade as the MINT Goods and Services are offered in connection with Intuit's family of MINT formative marks. As applied to Applicant's goods and services, the MINTLINK mark so resembles Intuit's MINT Marks and family of MINT formative marks since the MINTLINK mark contains the distinctive MINT element and/or since the MINTLINK mark contains the distinctive MINT element accompanied by a descriptive word as to be likely to cause confusion, or to cause mistake, or to deceive as to the source of the goods/services.

28. Opposer will be damaged by Applicant's registration of the MINTLINK mark for the goods and services identified in the 86/436,681 application as a result of the aforementioned confusion, mistake and deception.

WHEREFORE, Opposer prays that this Opposition be sustained, and the registration sought by Applicant be refused.

Dated: January 6, 2016

Respectfully submitted,

/Katherine M. Basile/

Katherine M. Basile

Reed Smith LLP

1510 Page Mill Road, #110

Palo Alto, CA 94304

(650) 352-0500

*Attorneys for Opposer,  
Intuit Inc.*

Certificate of Service

This is to certify that on January 6, 2016, a copy of the foregoing Notice of Opposition and exhibits was mailed by First Class mail, postage prepaid, to the following non-attorney correspondent of record:

Jack Avera  
Mintlink LLC  
10 Airport Road, Ste. 103  
Saint Simons Island, GA 31522  
(912) 268-0357  
jack@mintlinksolutions.com  
contact@mintlinksolutions.com

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/Katrina M. Kershner/  
Katrina M. Kershner

# **EXHIBIT 106**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application No. 86376694  
Published: October 13, 2015  
Mark: EMINT

Intuit Inc.	)	
	)	
Opposer	)	
	)	
v.	)	Opposition No. _____
	)	
Frans Reitsma	)	
	)	
Applicant	)	

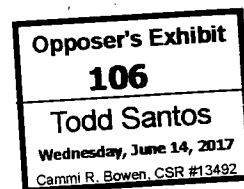
**NOTICE OF OPPOSITION**

Intuit Inc., and its related and predecessor companies (hereinafter collectively “Opposer” or “Intuit”), a Delaware corporation, having a principal place of business at 2535 Garcia Avenue, Mountain View, California 94041, believes that it will be damaged by the registration of the above-identified mark, and having been granted appropriate extensions of time to oppose the above-referenced application, hereby opposes same. Please charge any additional fees or credit any overpayment to Deposit Account No. (141437).

As grounds for this opposition it is alleged that:

**Introduction**

1. Intuit brings this Opposition due to the likelihood of confusion between its distinctive and well-known MINT and MINT family of marks and Applicant’s applied-for mark. Since 2007, Intuit’s MINT branded website and corresponding mobile software applications have allowed users to track their bills, payments, financial accounts, and other personal financial data. Since at least as early as January 2014, the MINT website and applications allow





integration with and tracking of financial accounts that hold digital currency (namely Bitcoin) and transactions related to same. Additionally, Intuit's intention to acquire Check, Inc. became public knowledge by April 29, 2014. On May 27, 2014, Intuit announced its acquisition of Check, and, with that acquisition, Intuit integrated bill payments and transaction processing into its web- and mobile-based software applications. Applicant's applied-for mark EMINT incorporates the MINT mark, and like Opposer's MINT marks, is allegedly used in conjunction with financial exchange services, payment transfer services, and other related services. Such use is likely to cause confusion for the reasons described herein.

#### **Applicant's Application**

2. Application Serial No. 86/376,694 filed on August 26, 2014 to register the mark EMINT for the goods "computer downloadable peer-to-peer financial exchange software for allowing businesses and individuals to store funds in digital currency equivalents, transfer funds in the digital currency equivalents, process payments in the digital currency equivalents, and make payments between one another using the digital currency equivalents" in International Class 9 was published for opposition in the Official Gazette of October 13, 2015 at page TM 483.

3. This Notice of Opposition is timely filed. Two extensions of time to oppose Application Serial No. 86/376,694 were obtained, and the Trademark Trial & Appeal Board of the United States Patent and Trademark Office ("TTAB") extended the time to oppose these two applications to February 10, 2016.


#### **Intuit and its Flagship Brands Including its MINT Brand**

4. Intuit, founded in 1983, provides software and services in a variety of accounting, small business, and personal finance areas. Intuit's flagship products – Quicken, QuickBooks,

TurboTax, and Mint – define the company’s commitment to revolutionize the way people manage their personal finances, run small businesses, and pay employees.

5. Intuit is the owner of multiple U.S. federal trademark registrations and applications featuring the trademark MINT listed in the table below and in the attached Exhibits A - E (the MINT Marks). These registrations and applications include financial services, payment services, payment processing services, and money transfer services.

<b>Mark</b>	<b>SN or Registration No.</b>	<b>Goods and Services</b>
MINT	SN: 86302683 Filing Date: Jun. 6, 2014 NOA issued: Jun. 16, 2015	<p><u>Class 9</u>: Computer software for use in processing electronic payments and transferring funds to and from others; computer software for use in transferring funds between financial accounts; computer software for bill presentment and payment; magnetically encoded debit cards, payment cards and stored-value cards</p> <p><u>Class 36</u>: Electronic payment services, namely, receipt, processing and payment of bills, issuance of personal payments; providing bill payment and tax payment processing services via computer and communication networks; money transfer services</p> <p><u>Class 38</u>: Electronic transmission of payment data for others</p> <p><u>Class 42</u>: Providing temporary use of on-line non-downloadable computer software for performing financial transactions and transmitting and receiving information in the fields of electronic payments and electronic bill payments and bill presentment; providing temporary use of non-downloadable computer software for use in sending and receiving payments, transferring funds, bill payment and bill presentment; providing temporary use of non-downloadable computer software for generating bill reminders and bill payment status alerts</p>
MINT BILLS	Reg. 4869554 Filing Date: Dec. 18, 2014 Reg. Date: Dec. 15, 2015	<u>Class 9</u> : Computer software for use in processing electronic payments and transferring funds to and from others;

		<p>computer software for use in transferring funds between financial accounts; computer software for bill presentment and payment; magnetically encoded debit cards, payment cards and stored-value cards</p> <p><u>Class 36:</u> Electronic payment services, namely, receipt, processing and payment of bills, issuance of personal payments; providing bill payment and tax payment processing services via computer and communication networks; money transfer services</p> <p><u>Class 38:</u> Electronic transmission of payment data for others</p> <p><u>Class 42:</u> Providing temporary use of on-line non-downloadable computer software for performing financial transactions and transmitting and receiving information in the fields of electronic payments and electronic bill payments and bill presentment; providing temporary use of non-downloadable computer software for use in sending and receiving payments, transferring funds, bill payment and bill presentment; providing temporary use of non-downloadable computer software for generating bill reminders and bill payment status alerts</p>
	<p>Reg. 3526377  Filing Date: Jul. 10, 2007  Reg. Date: Nov. 04, 2008</p>	<p><u>Class 36:</u> Providing web-based, automated and customized personal financial management services, namely, customized management of non-investment personal financial accounts, daily monitoring of transactions and account balances, and budget and spending reporting through a global computer network</p>
<p>MINTLIFE</p>	<p>Reg: 4820578  Filing Date: Apr. 15, 2014  Reg. Date: Sept. 29, 2015</p>	<p><u>Class 36:</u> Providing information related to personal finance; financial information; providing a website featuring personal finance information and guidance; editorial content services related to personal finance, namely, providing an online blog featuring articles, tips, questions and answers, and guidance in the field of personal finance, financial planning, budgeting, and saving money</p> <p><u>Class 41:</u> Providing on-line non-downloadable articles in the field of personal finance</p>

MINT	SN: 86313032 Priority Date: Dec. 18, 2013 Filing Date: Jun. 18, 2014	<p><u>Class 9</u>: Computer software for personal and small business financial management; computer software for online banking, transaction management, financial planning, financial management, bill tracking and management, expense tracking and management, accounting, and taxable item tracking and management; computer software for creating reports and graphs; computer software for forecasting and analysis of data; computer software for data aggregation; computer software for providing banking, financial and bill payment alerts; computer software for providing wireless access to data and databases; computer software for enabling users to retrieve financial account balances and financial transaction information using mobile phones, smart phones, and mobile telecommunication networks</p> <p><u>Class 35</u>: Providing information, news, opinions and advice in the fields of accounting, tax preparation and planning, including via computer and communication networks, the internet, and social media; providing commercial information on, and comparisons of, the products and services of others, including through computer and communication networks, the internet, and social media; providing comparison of shopping services, including through computer and communication networks, the internet, and social media; providing economic forecasting and analysis, including through computer or communication networks, the internet, and social media; taxable item tracking and management, namely, tracking of taxable income and expense data for the purpose of personal and business tax planning and filing</p> <p><u>Class 36</u>: Personal and small business financial management services; online banking; financial transaction services, namely, budget planning in the nature of income and expense transaction tracking; financial planning; financial management; financial analysis; bill payment services in the</p>
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		<p>nature of scheduling and payment of bills; financial management services, namely, tracking of personal and business expenses; forecasting and analysis of financial data; financial data aggregation, namely, electronically collecting financial data from multiple accounts into a single location for financial review analysis; financial administration and management services for the management of credit and debit cards, loans, mortgages, investments and financial accounts; providing information, news, opinions and advice in the fields of banking, financial management, saving and financial planning and retirement financial planning, including via computer and communication networks, the internet, and social media; providing information, news, opinion and advice in the fields of personal budgeting and household budgeting, including via computer and communication networks, the internet, and social media; providing financial information, news, opinions and advice in the field of consumer spending, including via computer and communication networks, the internet, and social media</p>
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6. U.S. Federal Registration 3,526,377 is in full force and effect, was declared incontestable on September 26, 2014, and matured to registration well before the May 30, 2014 alleged first use date for the EMINT application alleged herein.

7. In 2009 Intuit purchased its predecessor-in-interest Mint Software, Inc., acquiring all of Mint Software, Inc.'s registered and common law trademark and trade name rights, including all goodwill associated therewith, as well as all other intellectual property rights, including but not limited to all rights in the above-referenced Registration No. 3,526,377 (MINT AND DESIGN Mark) and the word mark "MINT" (the Mint Word Mark).

8. Since the acquisition of Mint Software Inc. in 2009, Intuit has continued the use of the MINT AND DESIGN Mark and MINT Word Mark, and Intuit has been engaged continuously in the development, distribution and provision of a personal financial management service, enabled by a computer software platform and a range of software applications (desktop, web-based and mobile applications) for personal and small business financial management. Intuit has continued to use the MINT Marks for related services (like alerts and financial editorial content services), and has provided web-based, automated and customized personal financial management, aggregation of personal data, personal data tracking services, and related computer software enabling users to retrieve financial account balance and transaction information via all major technology platforms, including the Web, the Apple iOS platform, the Android platform, the Windows platform and the Mac OS X platform. Intuit has also continued to expand its business in association with the MINT Marks in the course of its normal business activities, including enabling users to make payments, and providing the payment processing services for those payments. Intuit's expansion of its services also includes the ability to track digital currency accounts, transactions and balances. The goods and services listed above are hereinafter referred to collectively as the "MINT Goods and Services." Intuit also owns common law trademark rights in the MINT Marks for the MINT Goods and Services.

9. Bill payment, payment processing, and related services are within Intuit's natural zone of expansion for its MINT branded products and services. Personal finance software and online services naturally and predictably include, or expand to include, bill payment and payment processing services, as exemplified by the past and present similar software and services provided to consumers and small businesses, like Quicken® software and online services, Microsoft® Money software and online services, PageOnce software and online



services and Yodlee MoneyCenter software and online services. Each of those services began as a financial account tracking and budgeting software offering which then expanded into bill payment, payment processing, and related services. In this manner, Intuit also predictably expanded its MINT personal finance software and online services to include payment processing, bill payment, and related services by acquiring Check, Inc. (formerly PageOnce) and integrating Check's products and services into its MINT branded family of offerings. Intuit's planned acquisition of Check became public knowledge at least as early as April 29, 2014. Intuit formally announced its acquisition of Check not long after that, on May 27, 2014.

10. Digital currency services are also within Intuit's natural zone of expansion for its MINT branded products and services. Intuit's MINT applications have always allowed users to track their financial account information, and expanding those services to include users' digital currency accounts is a natural and predictable move. Intuit announced to users the ability to integrate their digital currency accounts into the MINT financial management application at least as early as January 2014.

11. Intuit also has used and uses multiple trademarks comprising the term MINT plus another word or multiple words, and currently is using the marks MINT BILLS, MINTLIFE, MINT HELP, MY MINT STORY, and MINTFAMILY. Previously, Intuit also used the mark MINTANSWERS from May of 2010 to August of 2011, MINTSTYLE from February of 2012 to February of 2013 and MINT QUICKVIEW from July of 2012 to November of 2015. For the marks currently in use, the MINT BILLS mark has been in continuous use for payment processing, electronic payments, computer software relating to those services, and related services since at least as early as December 2, 2014 (which mark is registered as USPTO federal trademark Registration No. 4869554); the MINTLIFE mark has been in continuous use for

financial information and editorial content services related to personal finance (including health-related expenditures and health insurance) since at least as early as August 4, 2009 (which mark is registered as USPTO federal trademark Registration No. 4820578); the MINT HELP mark has been in continuous use for personal financial services support provided to end-users since at least as early as June 14, 2011; the MY MINT STORY mark has been in continuous use in connection with editorial content services related to personal finance since at least as early as May 11, 2012; and the MINTFAMILY mark has been in continuous use for financial information and editorial content services related to personal finance and family goals since at least as early as February 27, 2012. Collectively the MINTLIFE, MINT HELP, MY MINT STORY, and MINTFAMILY trademarks are referred to herein as “the MINT Formative Marks.”

12. Each of the MINT Formative Marks, as well as the predecessor marks alleged in Paragraph 11 above, contains the distinctive element MINT.

13. Intuit used (and continues to use) a substantial number of the MINT Formative Marks, prior to Applicant’s trademark filing for its EMINT mark which is the subject of this opposition, in such a manner as to create public recognition coupled with an association of common origin predicated on the MINT element and/or the MINT element plus a word or multiple words (individually and/or collectively the “MINT Family Feature”).

14. Intuit uses the marks alleged herein, including the MINT Formative Marks, on its website in connection with its various services in such a manner that consumers viewing the website are generally exposed to some or all of the MINT Formative Marks when looking at or using Intuit’s tools and services available through its website. For example, consumers will encounter these marks together much as one might see marks with a common feature used throughout a catalog or brochure.

15. Intuit uses and promotes the marks alleged herein, including the trademarks MINT BILLS, MINTLIFE, MINT HELP, MY MINT STORY, and MINTFAMILY, on its website and in a variety of social media marketing activities. For example, Intuit uses its website to offer a variety of tools or services to consumers (actual or potential customers of Intuit's offerings) to aggregate, track, and manage their financial information, and also uses social media to market its products and services. The MINT Formative Marks are used by Intuit throughout its website and multiple of these marks are used in Intuit's social media marketing activities in connection with different MINT Goods and Services. These uses are in connection with different but related services offered by Intuit under the MINT brand and as a result consumers are generally exposed to several of the MINT Formative Marks when reviewing or using Intuit's MINT website or when visiting Intuit's social media offerings. As a result of these uses of the MINT Formative Marks, all of which are available to both registered and unregistered visitors to the MINT.COM website, consumers associate Intuit's marks alleged herein bearing the MINT Family Feature with a common source.

16. Intuit's MINT Formative Marks are used by Intuit in a manner that creates public recognition and association of the MINT Family Feature with a single source. As a result, Intuit has developed a family of marks of which the common feature is the distinctive MINT element and a common term (the "family of MINT formative marks").

17. Intuit promotes and advertises, and has expended considerable resources and sums to promote and advertise, the MINT Marks, the MINT Formative Marks, and effectively its family of MINT formative marks in association with the MINT Goods and Services.

18. Intuit provides the MINT Goods and Services to registered users, including through its MINT website and through MINT branded mobile software applications for Apple

“iOS” and Google “Android” operating systems, the first such software application of which was launched as early as December 2008. The website and corresponding mobile applications allow users to access the services, to measure and manage personal finances and personal data, to receive bills, to pay bills, to track those bills and bills payments, and Intuit provides the payment processing for those payments. Intuit’s MINT mobile software applications are now the most popular non-bank personal finance mobile applications in the U.S. market. Intuit’s MINT business has over 20 million registered users across North America and Intuit has won multiple awards for its MINT Goods and Services (and related applications) from various nationally-recognized technology media outlets.

19. In addition to its federal trademark rights based upon its U.S. trademark Registration Nos. 4,869,554, 3,526,377, and 4,820,578, Intuit also owns common law trademark rights separately in the each of the marks: MINT Word Mark, the MINT AND DESIGN Mark, the MINT LEAF Mark as depicted in U.S. trademark Application No. 86/481,189, each of the MINT Formative Marks, and in its family of MINT formative marks.

20. As a result of Intuit’s use of the MINT Word Mark and MINT AND DESIGN Mark, as well as each of the MINT Formative Marks and/or its family of MINT formative marks, and in view of Intuit’s extensive advertising, promotion and sale of the goods and services in association with these trademarks, the MINT Word Mark is distinctive and well known to the relevant trade and public as identifying and distinguishing Intuit’s MINT Goods and Services.

21. As a result of Intuit’s use of the MINT Word Mark and MINT AND DESIGN Mark, as well as each of the MINT Formative Marks and/or its family of MINT formative marks, and in view of Intuit’s extensive advertising, promotion and sale of the goods and services in association with these trademarks, the MINT Word Mark, MINT AND DESIGN Mark, and

MINT Formative Marks are distinctive and well known to the relevant trade and public as identifying and distinguishing Intuit's MINT Goods and Services.

22. As a result of Intuit's use of the MINT Word Mark and MINT AND DESIGN Mark, as well as each of the MINT Formative Marks and/or its family of MINT formative marks, and in view of Intuit's extensive advertising, promotion and sale of the goods and services in association with these trademarks, each of the MINT Formative Marks and/or its family of MINT formative marks is distinctive and well known to the relevant trade and public as identifying and distinguishing the services identified in Paragraphs 8-10 above and also Intuit's MINT Goods and Services.

#### **Applicant's Similar Goods and Services**

23. Applicant allegedly uses EMINT in connection with "Computer downloadable peer-to-peer financial exchange software for allowing businesses and individuals to store funds in digital currency equivalents, transfer funds in the digital currency equivalents, process payments in the digital currency equivalents, and make payments between one another using the digital currency equivalents" in International Class 9.

24. The term EMINT simply contains the distinctive MINT mark plus the prefix "e," which is in common use for software and web-based products to stand for the descriptive word "electronic." Applicant's use of EMINT on its website (<https://emint.us/>) also emphasizes the MINT element by using a lower case "e" and capitalizing "MINT," appearing as "eMINT." The dominant portion of the mark is simply MINT. Further, adding the prefix "e" does not distinguish Applicant's services. Intuit's MINT Goods and Services are electronic, insofar as they are provided through web- and mobile-based software applications. The overall commercial impression of the marks is thus effectively identical. Additionally, Applicant's mark is similar to Opposer's MINT Formative marks, because both contain the distinctive element MINT

accompanied by a descriptive word, such as “life,” “help,” or “style,” in the case of Opposer’s MINT Formative marks, or “e” as an abbreviation for “electronic” in the case of Applicant’s mark.

25. On information and belief, like Intuit, Applicant allegedly plans to provide its products and services under the EMINT name through a global computer network and/or through web- and mobile-based software applications and/or mobile devices.

26. On information and belief, Applicant’s goods and services will be offered to at least some of the same classes of consumers and through at least some of the channels of trade as the MINT Goods and Services are offered under Intuit’s MINT Marks. As applied to Applicant’s goods and services, the EMINT mark so resembles Intuit’s MINT Marks as alleged herein as to be likely to cause confusion, or to cause mistake, or to deceive as to the source of the goods/services.

27. On information and belief, Applicant’s goods and services will be offered to at least some of the same classes of consumers and through at least some of the channels of trade as the MINT Goods and Services above are offered under the MINT Formative Marks. As applied to Applicant’s goods and services, the EMINT mark so resembles each of the MINT Formative Marks as to be likely to cause confusion, or to cause mistake, or to deceive as to the source of the goods/services.

28. On information and belief, Applicant’s goods and services will be offered to at least some of the same classes of consumers and through at least some of the channels of trade as the MINT Goods and Services are offered in connection with Intuit’s family of MINT formative marks. As applied to Applicant’s goods and services, the EMINT mark so resembles Intuit’s MINT Marks and family of MINT formative marks since the EMINT mark contains the



distinctive MINT element and/or since the EMINT mark contains the distinctive MINT element accompanied by an abbreviation for a descriptive word as to be likely to cause confusion, or to cause mistake, or to deceive as to the source of the goods/services.

29. Opposer will be damaged by Applicant's registration of the EMINT mark for the goods and services identified in the 86/376,694 application as a result of the aforementioned confusion, mistake and deception.

WHEREFORE, Opposer prays that this Opposition be sustained, and the registration sought by Applicant be refused.

Dated: February 10, 2016

Respectfully submitted,

/Katherine M. Basile/  
Katherine M. Basile  
Reed Smith LLP  
1510 Page Mill Road, #110  
Palo Alto, CA 94304  
(650) 352-0500

*Attorneys for Opposer,  
Intuit Inc.*

**Certificate of Service**

This is to certify that on February 10, 2016, a copy of the foregoing First Amended Consolidated Notice of Opposition and exhibits was mailed by First Class mail, postage prepaid, to the following attorney of record:

Paul E. Rossler  
100 W. 5th Street, 11th Floor  
Tulsa, OK 74103  
(918) 595-4963  
iplaw@gablelaw.com; prossler@gablelaw.com

/Katrina M. Kershner/  
Katrina M. Kershner