

ESTTA Tracking number: **ESTTA777122**

Filing date: **10/17/2016**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Lyst Ltd
Granted to Date of previous extension	10/19/2016
Address	48 Hoxton Square London, N16PB UNITED KINGDOM

Attorney information	Mark S. Leonardo Brown Rudnick LLP One Financial Center Boston, MA 02111 UNITED STATES ip@brownrudnick.com, mleonardo@brownrudnick.com, cftergiotis@brownrudnick.com, Elee@brownrudnick.com Phone:617-856-8145
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Applicant Information

Application No	86851078	Publication date	06/21/2016
Opposition Filing Date	10/17/2016	Opposition Period Ends	10/19/2016
Applicant	Lystable Industries Ltd. 11 Heston Drive Carrickfergus, BT389EL UNITED KINGDOM		

Goods/Services Affected by Opposition


Class 042. First Use: 2014/11/14 First Use In Commerce: 2014/11/14 All goods and services in the class are opposed, namely: Software as a service (SAAS) services featuring software for managing freelancers and vendors; Software as a service (SAAS) services, namely, hosting software for use by others for use managing freelancers and vendors
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
The mark is merely descriptive	Trademark Act Section 2(e)(1)
The mark is generic	Trademark Act Sections 1, 2 and 45
The mark is deceptively misdescriptive	Trademark Act Section 2(e)(1)
Deceptiveness	Trademark Act Section 2(a)

Mark Cited by Opposer as Basis for Opposition

U.S. Registration	5045749	Application Date	04/12/2011
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No.			
Registration Date	09/20/2016	Foreign Priority Date	02/02/2011
Word Mark	LYST		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 2013/02/05 First Use In Commerce: 2013/02/05 Computer application software for use on personal and handheld computers, mobile phones, smartphones and other electronic handheld devices for use in connection with online promotion and purchase of goods, namely, a downloadable software application featuring information on general merchandise and general consumer goods; computer software for allowing users to connect with other users via social networking sites; computer application software for allowing data collection, data retrieval, and storing of data with others electronically</p> <p>Class 035. First use: First Use: 2010/12/31 First Use In Commerce: 2010/12/31 Online retail store services featuring general merchandise and general consumer goods, namely, luggage and eyewear; providing a searchable online advertising website featuring the goods of third party sellers via the Internet; operating online marketplaces for sellers and buyers of goods; providing a website where users can post ratings, reviews and recommendations relating to the purchasing of products of others for commercial purposes; business services, namely, providing a searchable online database featuring goods of vendors; promoting the goods and services of others through advertising via computer communication networks, redirecting users to the websites of online retailers, and listing the most followed users of a website and displaying the goods that they have purchased; advertising on the Internet and other global computer network systems for others; presentation of goods on communication media for retail purposes; computerized online ordering featuring general merchandise and general consumer goods, namely, luggage and eyewear; providing of a web site featuring commercial information on shopping; and providing a web site where users can post ratings and reviews on products and services for commercial purposes</p> <p>Class 038. First use: First Use: 2010/12/31 First Use In Commerce: 2010/12/31 Providing online facilities for real-time interaction with other computer users concerning topics of interest relating to fashion and fashion goods</p> <p>Class 042. First use: First Use: 2010/12/31 First Use In Commerce: 2010/12/31 Hosting of digital content on the Internet</p> <p>Class 045. First use: First Use: 2010/03/31 First Use In Commerce: 2010/03/31 Online social networking services in the field of fashion and fashion accessories; provision of information relating to fashion and fashion accessories</p>		

Attachments	85293510#TMSN.png(bytes)
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	Lystable Opposition .pdf(3261559 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Mark S. Leonardo/
Name	Mark S. Leonardo
Date	10/17/2016

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

In the matter of:
Serial No. 86/851,078
For: Lystable
Published in the Official Gazette on June 21, 2016

-----X		
Lyst Ltd	:	
	:	
OPPOSER	:	
	:	
v.	:	
	:	Opposition No. _____
Lystable Industries Ltd.	:	
	:	
APPLICANT	:	
-----X		

Commissioner for Trademarks
Trademark Trial and Appeal Board
PO Box 1451
Alexandria, VA 22313-1451

NOTICE OF OPPOSITION

Lyst Ltd, a company incorporated in England and Wales (hereinafter, “Opposer”), believes that it will be damaged by registration of the mark Lystable, Serial No. 86/851,078, and hereby opposes registration of the same.

The grounds for opposition are as follows:

1. Opposer is a company organized and existing under the laws of England and Wales, with a business address at 48 Hoxton Square, London, England N1 6PB.

2. Upon information and belief, Lystable Industries Ltd. (hereinafter, “Applicant”) is a corporate entity, organized under the laws of Northern Ireland and has its registered address at 11 Heston Drive, Carrickfergus, County Antrim BT38 9EL.

3. Applicant is the applicant of U.S. Serial No. 86/851,078 for the intent-to-use mark “Lystable”, filed December 16, 2015 and directed to “Software as a service (SaaS) services featuring software for managing freelancers and vendors; Software as a service (SaaS) services, namely, hosting software for use by others for use managing freelancers and vendors” in International Class 42 (the “Lystable Application”).

4. Upon information and belief, Applicant is a technology, computer services, and data company which digitally hosts data and allows companies to manage and aggregate their external workforce “in one simple dashboard.” Upon information and belief, Applicant’s customers include technology companies, fashion brands and retailers. Applicant uses its software platform to allow its consumers to organize and interact with external vendors. A print out of the home page from Applicant's website www.lystable.com is attached as Exhibit A.

5. Opposer is a technology, computer services, and data company which digitally hosts and markets data relating to millions of fashion items that are aggregated from Opposer’s business partners, who are typically fashion brands and retailers. The software platform Opposer provides uses data to enable Opposer’s consumers to discover and ultimately purchase fashion products based on their own personal tastes and preferences. A print out of the home page from Opposer’s website www.lyst.com is attached as Exhibit B. Opposer is the owner of the mark,

“LYST”, US Serial No. 85293510 (the “LYST Mark”), filed on April 12, 2011 (“Opposer’s Priority Date”), in relation to the following goods and services:

IC 009. US 021 023 026 036 038. G & S: Computer application software for use on personal and handheld computers, mobile phones, smartphones and other electronic handheld devices for use in connection with online promotion and purchase of goods, namely, a downloadable software application featuring information on general merchandise and general consumer goods; computer software for allowing users to connect with other users via social networking sites; computer application software for allowing data collection, data retrieval, and storing of data with others electronically.

IC 035. US 100 101 102. G & S: Online retail store services featuring general merchandise and general consumer goods, namely, luggage and eyewear; providing a searchable online advertising website featuring the goods of third party sellers via the Internet; operating online marketplaces for sellers and buyers of goods; providing a website where users can post ratings, reviews and recommendations relating to the purchasing of products of others for commercial purposes; business services, namely, providing a searchable online database featuring goods of vendors; promoting the goods and services of others through advertising via computer communication networks, redirecting users to the websites of online retailers, and listing the most followed users of a website and displaying the goods that they have purchased; advertising on the Internet and other global computer network systems for others; presentation of goods on communication media for retail purposes; computerized online ordering featuring general

merchandise and general consumer goods, namely, luggage and eyewear; providing of a web site featuring commercial information on shopping; and providing a web site where users can post ratings and reviews on products and services for commercial purposes.

IC 038. US 100 101 104. G & S: Providing online facilities for real-time interaction with other computer users concerning topics of interest relating to fashion and fashion goods.

IC 042. US 100 101. G & S: Hosting of digital content on the Internet.

IC 045. US 100 101. G & S: Online social networking services in the field of fashion and fashion accessories; provision of information relating to fashion and fashion accessories.

6. Opposer's Priority Date is long before any priority date available to Applicant. Opposer has used the LYST Mark in connection with the above listed goods and services long before any priority date available to Applicant. Opposer has used the LYST Mark in interstate commerce openly and continuously since its date of first use. Opposer has superior and paramount rights as compared to Applicant, as Opposer has been using the LYST Mark since a date long before any date claimed or available to Applicant for the Lystable Application. Applicant also has superior and paramount rights as compared to Applicant based on Opposer's Priority Date for the LYST Mark.

7. Applicant is not entitled to registration of the Lystable Application on the grounds that it so resembles Opposer's LYST Mark as to cause confusion, mistake and/or deception in contravention of Section 2(d) of the Lanham Act, 15 U.S.C. §1052(d).

8. The mark LYST has no English language meaning. The LYST Mark is an arbitrary and inherently distinctive trademark, and has developed goodwill and reputation exclusive to Opposer. Opposer's use of the mark LYST derives from the word "lyst" which means "to desire" in various Scandinavian languages (including Old Norse, Icelandic, Norwegian and Danish), being the root of the modern English word, "lust." *See* Exhibit C. It is also a visual play on, and composite of, the words "LIST" and "STYLE" (emphasis added to show component parts). It is also an anagram of the word "style" without the "e." Further, the word LYST cannot, for example, be found in the Oxford English Dictionary or the Merriam-Webster Dictionary, which, combined with the fact that it is effectively a unique amalgamation of, and play on, two words ("style" and "list"), renders the mark inherently distinctive. *See* Exhibit D.

9. The LYST Mark should be afforded greater protection because of its inherent distinctiveness and the distinctiveness that it has acquired through use.

10. The Lystable Application that Applicant seeks to register is essentially identical to Opposer's LYST Mark in sight, sound, and commercial impression. Also, Applicant's claimed services (i.e. *Software as a service (SaaS) services featuring software for managing freelancers and vendors*) are very similar to, overlap with, and are likely to appear to the trade and purchasing public to emanate from the same source as Opposer's goods and services (e.g., *Computer application software...for use in connection with online promotion and purchase of goods, hosting of digital content on the Internet, computer application software for allowing data collection, data retrieval, and storing of data with others electronically and business*

services, namely providing a searchable online database). These similarities may cause consumers to, for example, a) mistakenly identify Applicant as Opposer; b) mistakenly identify Applicant's services as Opposer's goods and services; c) mistakenly or deceptively lead consumers to believe that Applicant's goods and services are sponsored, endorsed or licensed by Opposer; or d) mistakenly or deceptively lead consumers to believe that there is some relationship between Applicant and Opposer. The similarity of Applicant's mark is also likely to cause dilution of the distinctive, reputable quality of Opposer's LYST Mark.

11. "Lyst" and "Lystable" are highly similar from a visual, aural, and conceptual perspective. The first and most dominant element of the Lystable application ("Lyst") is identical to the LYST Mark. Accordingly, the mark LYST will be considered identical to the "Lyst" component of the Lystable Application.

12. The second, non-distinctive element of the Lystable Application ("-able") is a common English language adjectival suffix that usually means "able to be ..." or "capable of being," has no distinctiveness at all, and only serves to draw the average consumer's attention to the dominant and distinctive "Lyst" component of the mark. All the addition of the suffix "-able" does is turn the LYST Mark into an adjective, meaning, in this case, 'able to be a "Lyst"' or 'capable of being a "Lyst",' and is purely descriptive. In fact, given its descriptive nature, the visual impact of the "-able" suffix is so minimal and insignificant that the "LYST" Mark and "Lystable" Application are virtually identical, and would likely go unnoticed by the trade, industry and relevant public.

13. The services listed in Applicant's Lystable Application are highly similar to the goods and services covered by the LYST mark.

14. The goods and services under the LYST Mark, identified in paragraph 5 above, are not limited to any specific sector or business area. Accordingly, the goods and services registered under the LYST Mark, namely computer application software for allowing data collection, data retrieval, and storing of data with others electronically; business services, namely, providing a searchable online database featuring goods of vendors; and hosting of digital content on the Internet will necessarily encompass all the specified uses and applications of computer services and SaaS specified in Applicant's application. Due to the identical or highly similar services applied for under the Lystable Application with the goods and services registered under the LYST Mark, the Lystable Application will create a likelihood of confusion and/or deception, and consumers are likely to have the mistaken belief that the goods and services come from a common source.

15. Opposer's business is composed of the aggregation and sharing of detailed analytics and business intelligence data with its business partners (the "business to business" or "B2B" side of Opposer's business) about the performance of their products on Opposer's cloud-based platform, as well as the business to consumer ("B2C") services, where consumers use Opposer's cloud-based platform to make the process of discovering and purchasing products from its business partners simpler. Opposer uses computer analytics software which is made available to its users via cloud services and software as a service ("SaaS") to drive the two key components of its business model. Such use of SaaS is the same or highly similar to the services

covered by the Lystable Application, namely “Software as a service (SaaS) services” to B2B customers.

16. This similarity of goods and services provided by Opposer and the services provided by Applicant is evidenced by the fact that Opposer’s B2B and B2C services are used by its business partners and consumers, which include ASOS and Farfetch - whom Applicant has cited in published articles as a client target and client, respectively. Accordingly, not only are the conditions surrounding the marketing of the goods and services of Opposer and services of Applicant related and confusingly similar, but the trade channels of such goods and services are identical.

17. Given that Applicant has taken Opposer’s name (“Lyst”) and added a common English language suffix to it, “Lystable” may be perceived by potential consumers as an authorized sub-brand of Opposer, or spin-out company or new venture from Opposer under Opposer’s control, particularly given that these are both data-driven, technology businesses whose platforms share similar functionality and purposes (namely to collect, aggregate and manage data) and operate within the same technology start-up scene.

18. Both Opposer and Applicant target the same pool of investors and funds looking to invest in fast-growing technology companies. Both companies also compete to hire software engineering talent in the same recruitment sphere. They are also nominated for and win awards from the same technology start-up industry bodies. *See* Exhibit E.

19. Actual incidents of confusion have already been found where the respective businesses were confused as being one in the same and where Applicant was mistaken as a “run-off” of Opposer by a recruitment agent. *See* Exhibit F. Opposer believes this confusion as to whether the two entities are connected or economically linked is only likely to continue in the future.

20. Applicant is not entitled to registration of the applied-for mark Lystable on grounds that it dilutes the distinctive nature of Opposer’s LYST Mark in violation of Section 43(c) of the Lanham Act, 15 U.S.C. §1125(c).

21. Since Opposer’s incorporation in 2010, the company has grown exponentially and developed a significant reputation in the US and the UK in relation to its activities as a data-driven e-commerce marketplace and the goods and services for which the LYST Mark is registered. Opposer is now one of the world’s leading e-commerce marketplaces for fashion and fashion accessories. *See* Exhibit G. Opposer currently employs over 120 members of staff in New York and London.

22. As is clear from the many articles written about Opposer (*see* Exhibit H), as well as industry awards and recognition Opposer has achieved, the reputation that Opposer has developed in the US and elsewhere is not just as a provider of retail services for fashion products and accessories, but as a technology and data-driven business providing innovative services to its customers and business partners.

23. Throughout the years, Opposer has expended substantial amounts of money, time and effort in advertising, promoting, popularizing, and/or protecting the LYST Mark in conjunction with its goods and services. Opposer has built up substantial goodwill in the LYST Mark and has developed a significant reputation amongst its customers (both on a “business to business” and “business to consumer” basis) globally in relation to the goods and services covered by the LYST Mark as the goods and services are accessed and used in over 100 countries around the world. This reputation has been chiefly derived from extensive marketing efforts and investment in relation to the software-based services Opposer provides as a data-driven e-commerce marketplace which hosts, aggregates and makes available data relating to millions of fashion items and accessories made available for sale by Opposer’s business partners in one place, and enables Opposer’s customers to discover, curate, and purchase fashion products using this data based on their own personal tastes and preferences.

24. In the last twelve months, over 40 million consumers globally (*see Exhibit I*) used Opposer’s platform to communicate with each other and connect with the world’s leading fashion designers and stores, including Net-a-Porter, Harrods, Valentino, Alexander Wang, Selfridges, ASOS, Farfetch, and Burberry. Opposer also partners with 12,000 of the world’s most prestigious and desirable fashion designers on its technology platform.

25. As a result of the above-described use and promotion of Opposer’s mark, the LYST Mark has acquired extensive public recognition amongst the trade, industry and the public, so that the trade, industry and public have associated and attributed usage of the Lyst

Mark to Opposer and Opposer alone, and know that the LYST Mark originates with and belongs solely to Opposer. The LYST Mark therefore qualifies as a distinctive mark.

26. Registration and use of Applicant's Lystable Application will cause and/or is likely to cause dilution of the distinctive quality of Opposer's LYST Mark and will whittle away at the ability of the LYST Mark to identify and distinguish Opposer's goods and services. Such inability to denote one source of goods and services has caused and will continue to lead to actual economic injury to Opposer. Applicant will unjustly benefit from trading on the goodwill and reputation established by Opposer, including by potentially diverting sales, potential investment and employees to Applicant, and eroding the goodwill associated with the mark, LYST, and diluting/weakening the distinctiveness of the LYST Mark (in a similar way that "Googleable" would weaken the trade mark GOOGLE).

27. The addition of the '-able' component to the mark LYST by Applicant has much the same genericising effect that an application for "Googling" or "Googleable" would have on the mark GOOGLE, or "Skyping" or "Skypeable" would have on the mark SKYPE, being a parasitic descriptive variant of each of these registered trademarks. The above-described genericising effect is compounded by Applicant's generic use of the LYST Mark in relation to its own promotional stickers, using the term "lysted," another unauthorized derivative of the LYST Mark, in connection with promoting its goods and services. *See Exhibit J.* Such use, and wholesale disregard for the proprietary nature of the LYST Mark, may, if unchecked, have the effect of rendering the LYST Mark generic, so that "LYST" will have the same or similar

meaning to the common English language word, “list,” and/or so that “LYST,” or derivatives thereof, have no distinctive meaning.

28. Due to the near identity of the Lystable Application with the LYST Mark and the high similarity of the goods and services of Opposer with the services of Applicant, any faults or imperfections in Applicant’s services will reflect adversely on Opposer and its establish goodwill and reputation, all to the detriment of Opposer.

29. Applicant is not entitled to registration of the applied-for mark Lystable on grounds that it consists of or comprises false designation of origin and false or misleading representations which falsely suggests a connection with Opposer in contravention of Section 43(a) of the Lanham Act, 15 U.S.C. §1125(a).

30. Upon information and belief, Opposer believes that Applicant was aware of Opposer’s prior well-known trademark LYST and intended to take advantage of its goodwill and consumer recognition and gain an unfair marketing boost by seeking registration of U.S. Serial No. 86/851,078. Given that Applicant's application for, and use of, “Lystable” is a derivative of the mark, “LYST,” by applying a common English language suffix to it, Opposer believes that Applicant seeks to deceive consumers into believing that there is an affiliation between the business behind the LYST Mark and the business behind Applicant’s Application and/or to derive benefits from Opposer’s goodwill and reputation. Applicant is unfairly benefitting from the reputation, prestige, and acquired public recognition of the LYST Mark which Opposer has developed in relation to its computer-based services for use in connection with Applicant’s own

computer-based services, and rides on the coattails of the LYST mark by exploiting a derivative of Opposer's distinctive LYST Mark.

31. Opposer will be damaged by registration of Applicant's mark due to the likely confusion and dilution.

WHEREFORE, it is respectfully requested that this opposition be sustained and that the registration sought by U.S. Serial No. 86/851,078 be denied.

The opposition fee in the amount of \$300 for a single trademark application, directed to one class, is filed herewith. If for any reason this amount is insufficient, it is requested that Opposer's attorney's deposit account 50-0369 be charged with any deficiency.

Date: October 17, 2016
Boston, MA

Respectfully submitted,

/Mark S. Leonardo/

Mark S. Leonardo
Brown Rudnick LLP
One Financial Center
Boston, MA 02111
Tel.: (617) 856-8145
Attorney for Opposer

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing Notice of Opposition was served this 17th day of October, 2016, by sending a copy thereof via first class mail and e-mail, addressed to counsel for Applicant:

Kristin S. Cornuelle
Orrick Herrington & Sutcliffe LLP
1120 NW Couch St., Suite 200
Portland, OR 97209
Tel.: (503) 943-4800
kcornuelle@orrick.com

EXHIBIT A

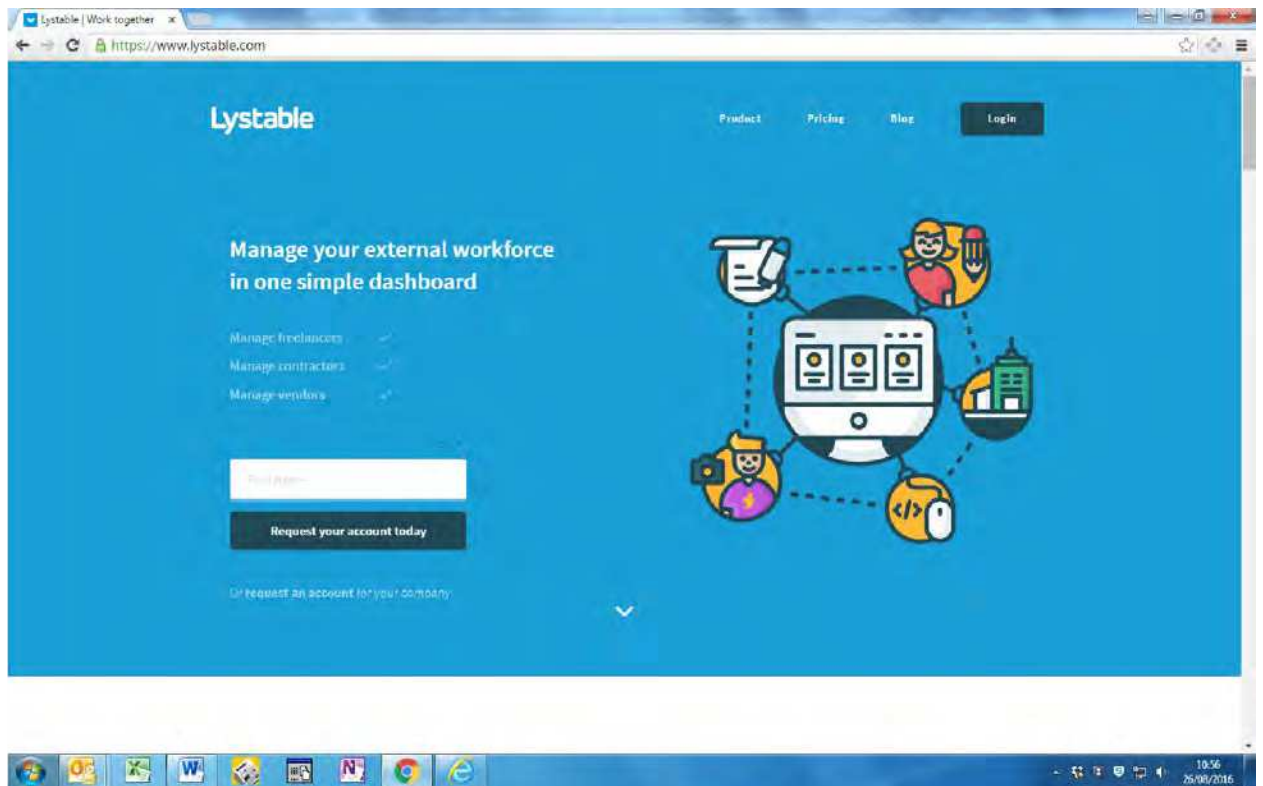


EXHIBIT B

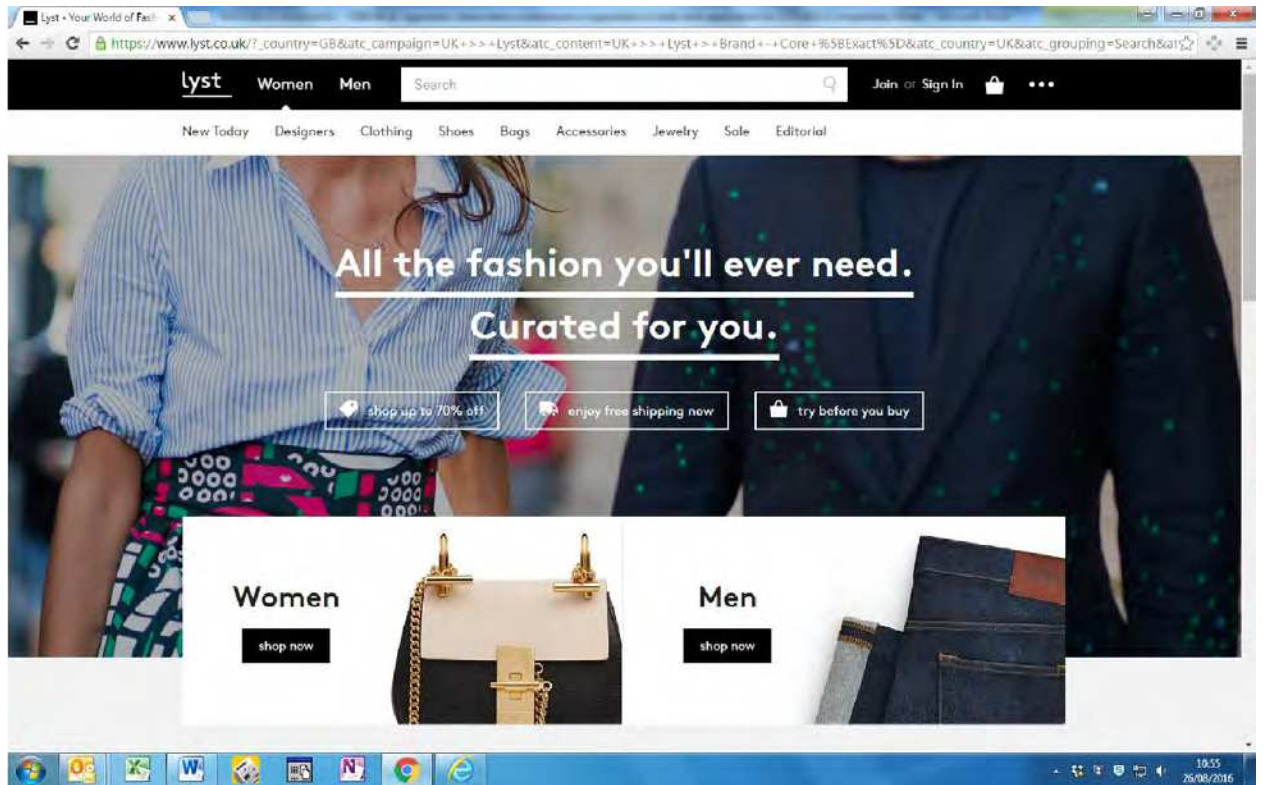


EXHIBIT C



lyst (Danish)

Origin & history I

From Old Norse *losti* (late Old Norse *lyst*).

Pronunciation

- IPA: /løst/

Noun

- inclination (/inclination/).
- desire (/desire/), wish (/wish/).
- lust (/lust/), passion (/passion/).
- delight (/delight/), pleasure (/pleasure/).

Derived words & phrases

- lyste (/lyste/).
- ulyst (/ulyst/) (*common*)

Origin & history II

See lys (/lys/#Danish) ("bright, clear, light").

Pronunciation

- IPA: /lyst/

Adjective

lyst

- neuter of* lys (/lys/#Danish).

Origin & history III

See lyse (/lyse/#Danish) ("to shine, give out light").

Pronunciation

- IPA: /ly:st/

Verb

lyst

- past participle of* lyse (/lyse/#Danish).

Origin & history IV

See *lyste (/lyste/#Danish)* ("want, desire").

Pronunciation

- IPA: /løst/

Verb

lyst

1. *(rare) imperative of lyste (/lyste/#Danish)*.

lyst (Norwegian)

Noun

1. delight
2. desire
3. lust
4. passion
5. pleasure
6. zest

Verb

lyst

1. Past participle of *lyse (/lyse/)*.

lyst (Swedish)

Verb

lyst

1. *Form of **lysa (/lysa/#Swedish)***.
2. *Form of **lysa (/lysa/#Swedish)***.

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EXHIBIT D

1472739 v1



SINCE 1828

Dictionary

GAMES | THESAURUS | WORD OF THE DAY | VIDEO | WORDS AT PLAY | FAVORITES

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lost
lust
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Liszt
LST
lusty
lysate
lowest
rest
rust
west
wist
LSD
LASIK




TRENDING NOW

- big league, bigly**
Both are real words
- stamina**
The word means "staying power"
- temperament**
The candidates attacked each ot...
- braggadocio**
Trump said 'braggadocious'
- skittle**
What is a 'skittle'?

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EXHIBIT E




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The Europas – Europe's Tech Startup Oscars – Showcases A Booming European Scene

Posted Jun 22, 2015 by [Mike Butcher \(@mikebutcher\)](#)

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THE EUROPAS
EUROPEAN TECH STARTUP AWARDS


The *Europas* – Europe's tech startup awards – hit Berlin on Tuesday evening with over 1,000 guests gathering to celebrate the best of the continent's tech entrepreneurship.

ZeptoLab, the Moscow-based makers of the smash hit Cut The Rope game took the 'winner of winners' Grand Prix award after hitting 300 million downloads, marking it out as potentially the next Rovio/AngryBirds killer combination. Another gaming firm, Wooga, snatched the People's Choice Award. The Berlin-based social gaming company won after 300,000 votes were cast by Europe's tech industry. London's Wonga was named Best "Heavyweight" Startup after a year, which saw the online short-term loans pioneer's profits surge. The best Startup Founders were named as the team behind science platform Mendeley. And Atomico was named Best VC of the year in Europe by the judges.

As someone who [created the awards](#) four years ago – initially just in a bar in London – it's been fascinating for me to see the scene grow. The Europas were an order of magnitude bigger this year, with over 1,000 entries making it a tremendously difficult task for the 75 judges – drawn from entrepreneurs, investors and the media – to pick out the winners. From recent successes like Sketchfab, to titans of the industry like the Hall of Fame winner Niklas Zennstrom, the awards showed that, despite its fragmented nature and a tough economic climate, Europe's startup scene now has a real head of steam.

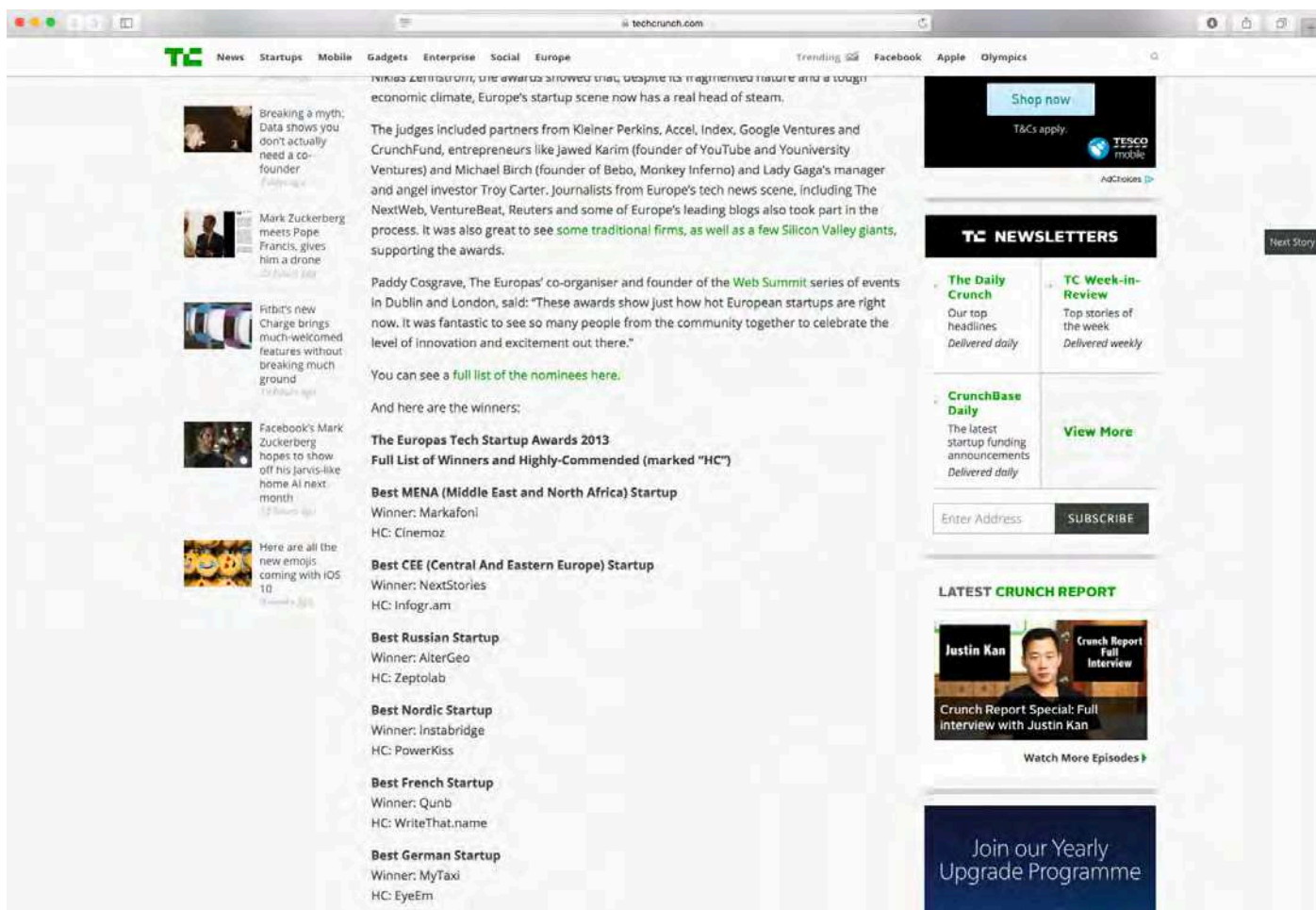
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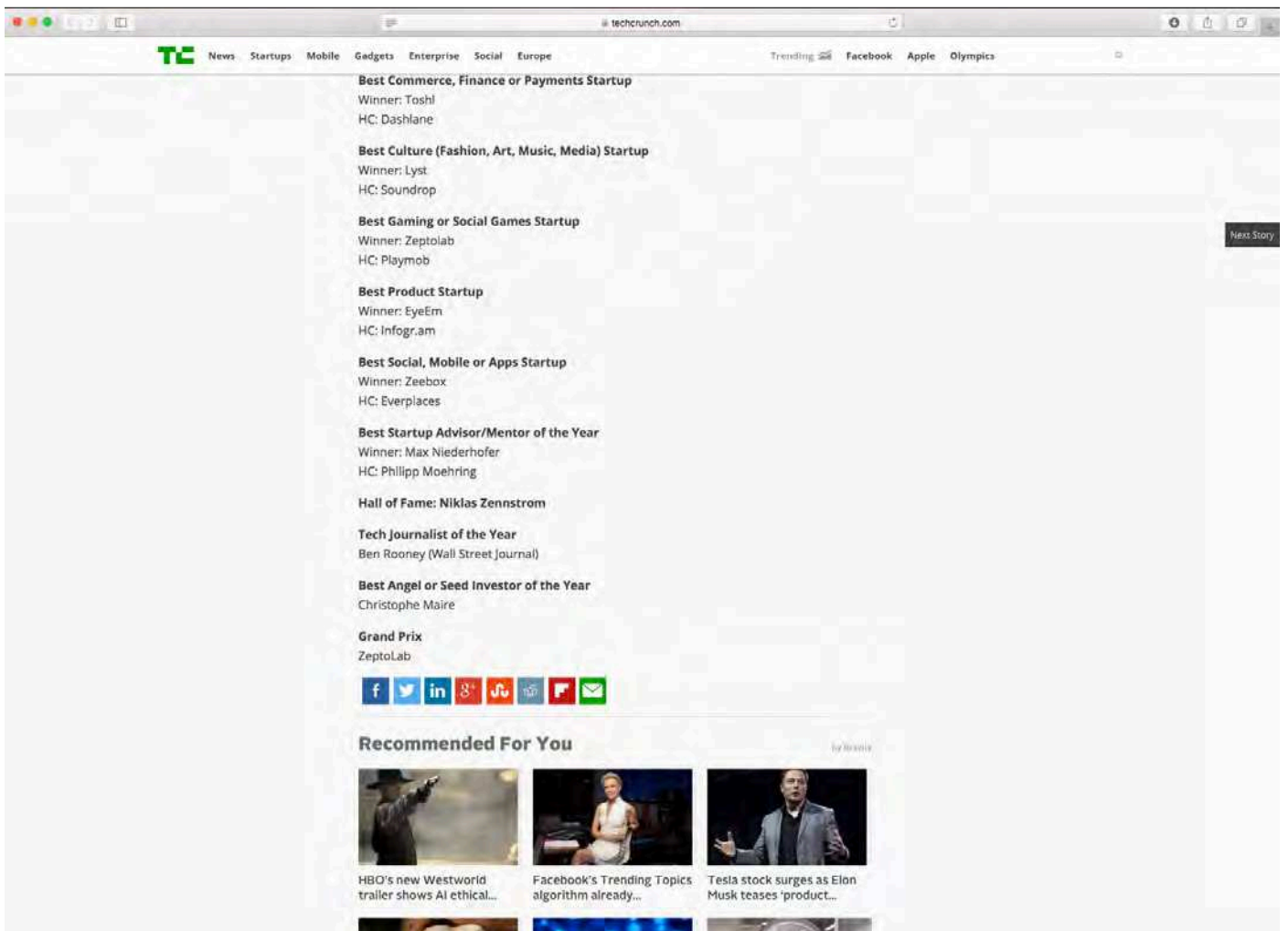
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The 2016 Europas Conference And Awards Shortlist for European startups

Held annually, The Europas are the main European Awards for technology startups. The whole thing comes together on a special awards night in London, on June 14, which is preceded by a smaller scale, but intimate conference where there is no VIP list and plenty of amazing discussions between founders and investors.

VOTE NOW!

Best Media/Entertainment Startup – Sponsored by Raine

Dubsmash – <https://angel.co/dubsmash>

Jukedek – <https://www.crunchbase.com/organization/jukedek#/entity>

Car Throttle – <https://www.crunchbase.com/organization/car-throttle>

Encore – <https://www.crunchbase.com/organization/encore-technologies>

Touchvie – <https://www.crunchbase.com/organization/touchvie#/entity>

Grabyo – <https://www.crunchbase.com/organization/grabyo#/entity>

TV Player – <http://tvplayer.com/>

Best E-Commerce Startup – Sponsored by Forward Partners

Deliveroo <https://angel.co/deliveroo>

Gousto <https://www.crunchbase.com/organization/gousto>

Bizdaq <https://www.crunchbase.com/organization/bizdaq#/entity>

LendInvest <https://www.crunchbase.com/organization/lendinvest>

Ormsby Street <https://www.crunchbase.com/organization/ormsby-street>

Best Enterprise, SaaS or B2B Startup – Sponsored by Metro Group – BI

Onfido <https://www.crunchbase.com/organization/onfido>

Mainframe <https://www.crunchbase.com/organization/mainframe-2#/entity>

jobandtalent <https://www.crunchbase.com/organization/jobandtalent>

Lystable <https://www.crunchbase.com/organization/lystable#/entity>

MOVE Guides <https://www.crunchbase.com/organization/move-guides>

Forter <https://www.crunchbase.com/organization/forter#/entity>

ProdPad <https://www.crunchbase.com/organization/prodpad>

iZettle <https://www.crunchbase.com/organization/izettle>

Klarna <https://www.crunchbase.com/organization/klarna>

Best Hardware Startup

Sphericam <https://www.crunchbase.com/organization/sphericam>

Micro Drone <https://www.crunchbase.com/product/micro-drone-3-0>

Vector Watch <https://www.crunchbase.com/organization/vector-watch>

Robo Wunderkind <https://www.crunchbase.com/organization/robo>

MysteryVibe <https://www.crunchbase.com/organization/mysteryvibe>

Kokoon <https://www.crunchbase.com/organization/kokoon-technology>

Braille Pad <https://www.crunchbase.com/organization/braille-pad>

Blaze <https://www.crunchbase.com/organization/blaze-2>

Technology Will Save Us <https://www.crunchbase.com/organization/technology-will-save-us>

EXHIBIT F



Rob Nunn 3:17 PM

anyone used this? <https://www.lystable.com/product/>



lystable.com

Lystable | Work together


The leading freelancer and vendor management platform

thought @mattbuckland & @brdbrn had created a little run off from Lyst!



EXHIBIT G

Shenton Mini-Bond 10% gross interest p.a. for 4 years. Capital at risk.



You Have 30 Days To Stop WhatsApp Sharing Your Data With Facebook

lyst Women Men Join or Sign In

New Today Designers Clothing Shoes Bags Accessories Jewelry Sale \$ USD

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Top 5 Fashion E-commerce Websites That Change The Way You Shop

+63k views in the last 24 hours

iPhone 7 Plus Dual Camera Takes Surprising Twist

New iPhone 7 Photos Leaked By Taiwanese Pop Star

+8k views in the last 24 hours

Uber Debates Amazon Prime-Style Ride Service To Lock In Users

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Nonstop Benioff: Inside The Master Networker's Audacious Plan To Disrupt Salesforce -- And The World

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iPhone 6 'Touch Disease' Threatens Consumer Trust In Apple

Active on Twitter

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forbes.com

These sites take everything that is listed in any brand, like Guess or ASOS, website and nicely presents it together with thousands of other fashionable websites. It is not only more convenient for the shopper to have everything in one place but also, it increase sales for sellers. Here is the list of TOP 5 fashion e-commerce websites, who are the first and biggest ones to offer this unique experience.

Lyst

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[Men](#)

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[Sign In](#)

[New Today](#)
[Designers](#)
[Clothing](#)
[Shoes](#)
[Bags](#)
[Accessories](#)
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Long Live This Summer's Top 10 It-Bags

shop now

New Today

48 hand-picked arrivals from the best designers

shop now

Trending in Womenswear Just Now

- Saint Laurent Bags
- Gucci Bags
- Self-Portrait Dresses

Lyst website

In 2010 Chris Morton launched one of the biggest e-commerce website, which was the first to launch a universal cart in the fashion space, enabling shoppers to check out from multiple retailers in a single, unified checkout. "Today the world of fashion is scattered across thousands of websites around the globe. The opportunity is to create a curated customer experience for shoppers, where they can find all the things they love in one place." states CEO and Founder, Chris Morton. At the moment, Lyst connects millions of shoppers globally with over 12,000 designers and stores, from Burberry, Valentino, Alexander McQueen and J.Crew to Lane Crawford, Saks Fifth Avenue, Harrods and Neiman Marcus.

Prices vary from \$10 for a dress from Akira to \$40 000 Valentino dress.

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8

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Prices vary from \$10 for a dress from Akira to \$40 000 Valentino dress.

Check it out: [Desktop](#) | [iOS](#) | [Android](#)

Polyvore

Recommended by Forbes

SAPVoice: If E-Commerce Is The New Normal, What's Next?

Why Fashion Is Not a Frivolous Matter: E-Commerce with Impact

CargillVoice: How One Farmer Built A Dairy Dynasty In India

POLYVORE

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STYLE YOUR FIND

SIGN UP WITH

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EXHIBIT H

ABOUT #FASHMASH



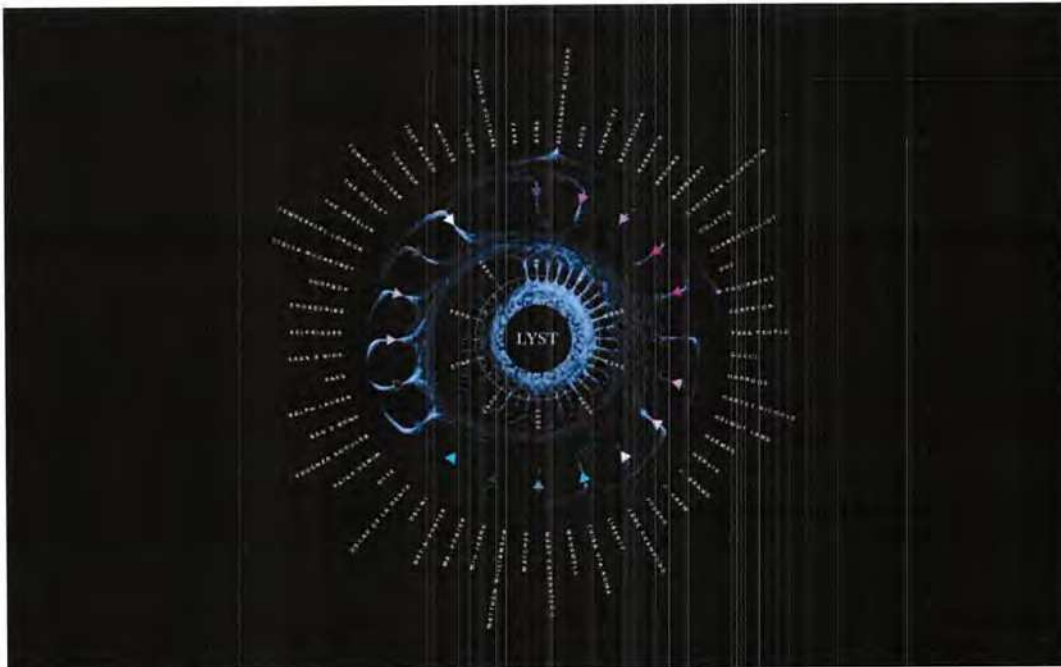
FASHION & MASH



HOME SOCIAL MEDIA E-COMMERCE FILM TECHNOLOGY MOBILE START-UPS COMMENT

LYST'S 'BIG DATA' VISUALISED IN PROJECTION MAPPING FROM HOLITION

Rachel Arthur - August 13,
2014



With an inventory of over one million items from more than 9,000 global fashion designers and retail stores, not to mention a solid group of actively purchasing consumers (a record \$10m in sales was generated in a recent month), it might come as no surprise to hear Lyst has also got a lot in the way of data.

The once social curation site, now e-commerce platform, recently showcased that fact in collaboration with Holition. The latter created a projection that visualised the vast amount of data Lyst receives daily, in real-time. As per the video below, it documented around 250,000 items of clothing and accessories on the screen at any one time. Prices were shown, as were brands, combined designed to enable the viewer to understand and spot popular trends.

This "engaging and colourful piece of digital art", as Holition refers to it, was on show at Lyst Studios, the company's headquarters, in Shoreditch, London.

Said Holition CTO, Russell Freeman: "[Lyst] sucks up a huge amount of information every day and we wanted to be able to visualise that in a really beautiful way."

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firm in a million
July 13, 2016



Imagining the virtual future: what connected clothing

might do for us
July 18, 2016



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designers with tech focus
July 14, 2016



#FashionMash hosts third annual summer party with

Google
July 15, 2016



Mango's latest trend campaign goes social media-

heavy

July 19, 2016

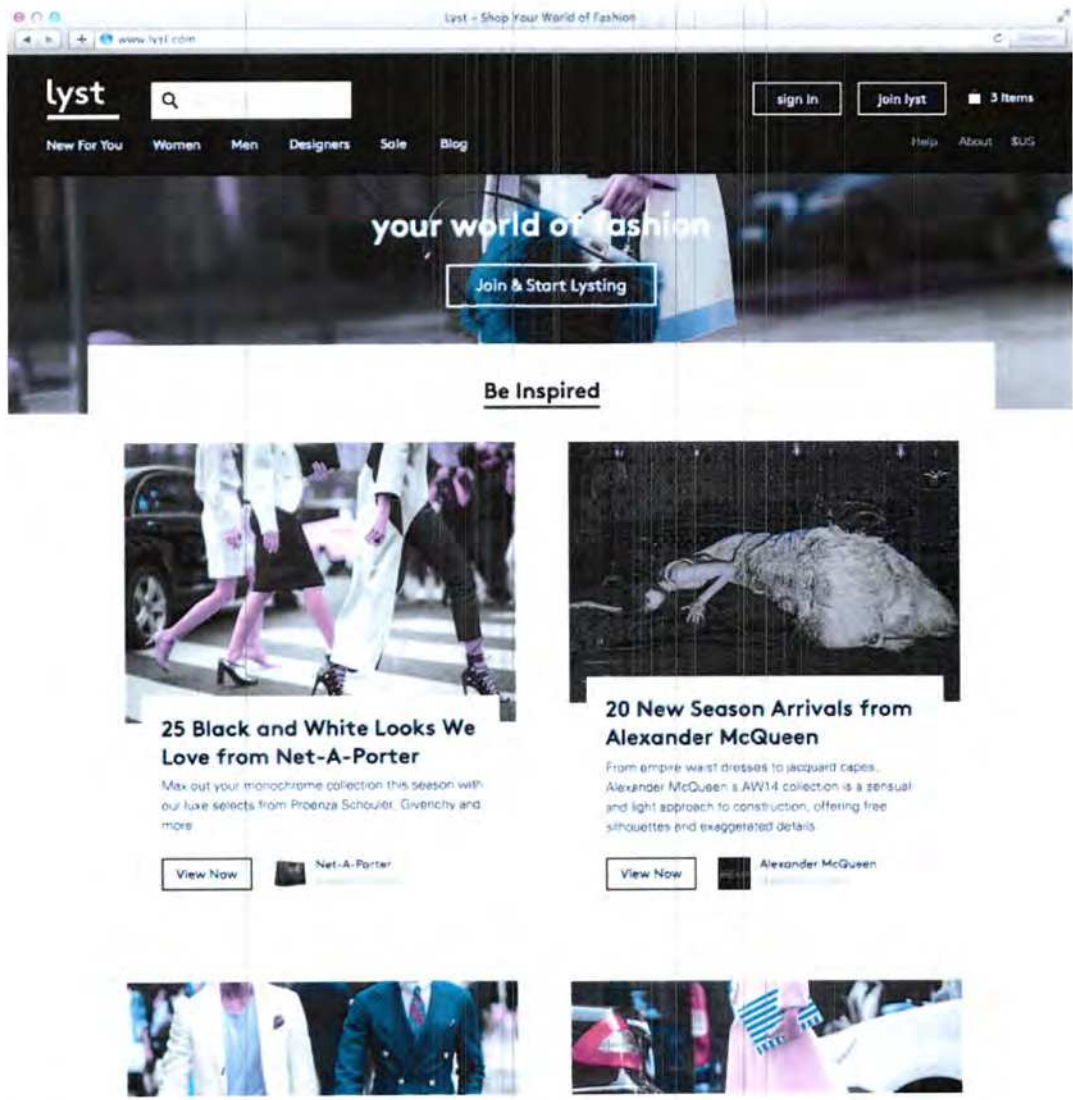
Lyst, which launched in 2010, has also just announced what it refers to as a "complete brand refresh". A new logo, a content-led homepage (as below) and a redesign across desktop, tablet and mobile are included. Working in partnership with creative agency Wednesday, the company has introduced a new aesthetic that it refers to as "modern, bolder and more distinctive".

Chris Morton, Lyst CEO and cofounder, said: "We've spent much of the last four years focussed on building a deeply engaging product that delivers a truly personalised shopping experience for each of our millions of users around the world, and that's now generating very meaningful sales for our partner brands and stores globally. I'm delighted that we have now been able to turn more attention to our brand, with this new identity and content based homepage forming the first of several exciting brand-led initiatives in the coming months."

The move comes off the back of the aforementioned successful sales figures as well as the fact the company is on track to grow 400% year-on-year for the third year in a row. Its [universal checkout](#) launched in 2013, which enables shoppers to buy from different fashion brands and stores in one basket on Lyst's website and mobile apps, is reportedly behind the growth.

READING LIST

Advertising Age
AdWeek
BrandChannel
Brand Republic
Business Insider
The Business of Fashion
The Cut
Decoded Fashion
Digiday
DigitalBuzzBlog
Drapers
The Drum
Fashion Gone Rogue
Fashion REDEF
Fashionista
Fashionotes
FashNerd
Fast Company
FC Tech Group
FT: Luxury 360
The Inspiration Room
Mashable
The Next Web
NY Times: On the Runway



- PSFK
- Quartz
- Re/code
- Retail Prophet
- Retail Week
- Style.com
- TechCrunch
- Telegraph Fashion
- Third Wave Fashion
- Vogue.com
- Vogue.fr
- Vogue UK
- Wareable
- Wired UK
- Women's Wear Daily

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Rachel Arthur

Rachel is an award-winning business journalist specialising in fashion and technology. Alongside her work setting up and running Fashion & Mash, she regularly contributes to titles including Forbes, The International New York Times, The Daily Telegraph, Wired, The Business of Fashion, Fashionista, Mashable and more. She also acts as a consultant on digital strategy and innovation to leading retail and luxury brands, and a mentor to start-ups on the likes of John Lewis' JLAB accelerator programme. She regularly speaks on such subjects at conferences around the world, including SXSW, CES, Web Summit and the Cannes Lions International Festival of Creativity. Rachel was awarded trade/B2B fashion journalist of the year by Fashion Monitor in 2015. She oversees the global #FashMash events including networking drinks, dinners and workshops. Rachel was previously based in New York as a senior editor for leading online fashion trade publication and trend forecaster WGSN, where she managed global coverage of the industry from a communications, branding and technology standpoint.

Ecommerce

'Half our 70 staff are data scientists' reveals Lyst cofounder

By **LIAT CLARK**

24 Nov 2014



Credit **Nate Lanxon**

"We haven't scratched the surface of what we can do with [ecommerce](#) -- the only constant is that the rate of change is accelerating faster and faster, so there's an awful lot of work to do."

Chris Morton, cofounder of [Lyst](#), is working to propel that progress forward with his platform, a personalised shopping list feed for consumers. Speaking at [WIRED Retail](#), he explains that his team of 70 is made up of around half data scientists, who are tracking every moment of user behaviour to help brands monopolise on mobile shopping. As a result, they know that customers will shop at their desktop on a Monday morning in the office, on their iPads at home in the evening, and their mobiles at the weekend. "The same consumer is using three devices; they are not being used in isolation. A typical journey starts on mobile, and then the consumer goes back to desktop to see it in more detail before they finally pull the trigger." Mobile consumers, he says, are split into two categories. "Snacking", when they peruse Lyst along with Facebook or Twitter, when they have time to waste. In the second case, the consumer wants instant results and wants to purchase a product immediately having already decided on it. To capitalise on that, Lyst built a universal checkout where ten items can be added from five different sites, and that has instantly improved conversion rates.

That's all straight forward enough. But delve in, combining the data individual boutiques and stores have on a customer with Lyst's own tracking, and it gets interesting. Lyst knows that purchases made on a Monday have the highest rate of return. That clothes the colour red have the highest rate of return. General assumptions like these, can be combined with store-specific data. "The shopper's location [at the time of purchase], the time of day, all these things can be used to make clothes work better. The hypothetical data can be used, in theory, to help department stores make better decisions on what they carry.

So a customer at Bloomingdales buys one brand they carry, and another they don't, the store can use this information to work out what they should buy in for their California store versus their New York one. Or they might find that if they discount a certain brand by 20 percent there's an uplift, but they see the same uplift at 30 percent -- all that stuff is easily tracked on mobile devices."

Lyst is doing its part to propel the mobile commerce revolution forward. But Morton points that the acceleration of change is going to be sped up infinitely as we see rich content across the web, be it on social media or blogs and online magazines, become outlets for instant purchases. The barrier between the desire to purchase and the purchase itself will become infinitely slim, both online and in the real world with the likes of Apple Pay and NFC payments.

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RECOMMENDED

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During Fashion Week, 'tech' is the hot new style

REBECCA GRANT ([HTTP://VENTUREBEAT.COM/AUTHOR/REBECCA-GRANT/](http://venturebeat.com/author/rebecca-grant/)) SEPTEMBER 23, 2012 8:00 AM

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(<http://venturebeat.com/2012/09/23/during-fashion-week-tech-is-the-hot-new-style/fashion-little-girl/>)

Like floral prints, leather, and the color white, 'democratization' is a hot trend in the fashion world — and the internet is a strong force driving that evolution.

For this year's series of Fashion Week events (in New York, Milan, and Paris), big name designers are holding digital fashion shows accessible to the public, not just the fashion elite. There is real time video footage of models walking down the runway. Google+ hangouts backstage with designers also provided a rare glimpse into the behind-the-scenes action. Even

fashion doyenne Diane Von Furstenberg wore Google Glass spectacles (<http://venturebeat.com/2012/09/13/dvf-google-glass-video/>) to produce a first-person video of her adventures.

Democratization goes further than merely broadcasting fashion shows in new ways. Now, instead of a core group of tastemakers, social media activity reveals which collections are hits and which fall flat. Similarly, content from bloggers and Instagram is just as prevalent as content created by magazine editors and professional photographers, and can be just as influential.

Furthermore, fashion companies are using big data analytics and forecasting technology to predict trends, rather than relying solely on words from industry leaders.

This embrace of technology has been a long time coming. There are several reasons why the fashion industry has been slow to jump on the cutting edge of tech. Many designers want to maintain the prestige of their brand and tight control over how it is presented. Every detail, from the shade of lipstick to the order of the models to the lighting, is meticulously chosen, as are the members of the audience.

But that's finally starting to change.

"Fashion Week was once only accessible to the elite," said Eventup CEO Tony Adams. "I think the fashion industry has been slow to adopt new forms of media because initially, most designers felt that fashion is an experience that is hard to replicate online, but the abundance of online fashion portals, live streaming, and social media are making fashion more accessible than it has ever been."

Eventup (<http://eventup.com>) is a startup that matches events to venues. This year at New York fashion week, the company helped multiple designers plan their runway shows and published an infographic (<http://eventup.com/blog/2012/08/30/new-york-fashion-week/>) on the evolution of fashion week.

Media companies like IMG (<http://img.com>) and KCD (<http://kcdworldwide.com>) are producing digital shows that sends the glitter and drama of haute couture into living rooms, while media outlets like the New York Times (<http://www.nytimes.com/packages/html/style/fashionweek/runway.html>) and Wall Street Journal (<http://stream.wsj.com/story/new-york-fashion-week/SS-2-43370/?mg=inert-wsj>)

provided live stream coverage of events. Now those of us who don't have closets full of Dior dresses and Jimmy Choo shoes can watch an event at the same time as the A-List celebrities do. But this does not necessarily undermine a collection's status.

"Ten years ago, the idea of someone in South Dakota watching a live stream of a runway show was outlandish," said John Jannuzzi, a digital editor at Conde Nast's Lucky Magazine (<http://luckymag.com>). "Now, everyone is watching it at the same time, but accessibility does not make it less exclusive. Nothing compares to being at the actual show."

Big data and internet broadcasting

Broadcasting event footage to the masses opens collections up to tremendous amounts of discussion across social networks. People of all backgrounds and ages can offer their opinions, but the power of social media means these opinions actually have an impact. Viewer reactions to runway outfits can indicate what themes were the most well-received and popular with potential consumers.

Editd (<http://editd.com>) is a big data company that provides actionable information for fashion brands. It not only analyzes the amount of traffic surrounding designers or trends, but also looks at the sentiment surrounding data points. According to its reports, New York (<http://editd.com/reports/ss-13/new-york-fashion-week/>) consumers like feminine and retro aesthetics, while Londoners (<http://editd.com/reports/ss-13/london-fashion-week/>) dislike the presence of dip-dye.

Another fashion big data company, The Whispr Group (<http://whisprgroup.com>), provides a "social media intelligence service" to help designers assess the effectiveness of their social media efforts. The team created an infographic (<http://www.harpersbazaar.com/bazaar-blog/social-media-statistics-nyfw-091412>) about which designers "stole the social show", with Victoria Beckham, Marc Jacobs, and Diane Von Furstenberg rising to the top.

"Brands can see which hash tags drive the most engagement," said Whispr exec Linda Harleman. "They see the top themes and looks people were most excited about, and maybe use that to develop new strategies and inform their content calendar."

Reinventing fashion shopping

For some of the most luxe, avant-garde design houses, paying attention to social media may not be a top priority. However, brands marketing their clothes to customers outside of a wealthy minority have to adapt to a new paradigm for exposure.

"An advantage of social media is it exposes a more widespread audience to brands at fashion week," said Adams. "Twitter and Facebook are key platforms for customer sales and engagement, as well as driving traffic to brands sites. Also, Instagram has been a great platform for designers to test their new designs by posting a picture and tracking how often it's "liked" by the brand's followers. Social media should be a personal and authentic experience."

Startups have also revolutionized the way shopping happens at fashion week. Before, standard practice was to sit in the audience, frantically take notes as models flit past on the runway, and then scramble to place orders and be put on wait lists for items. This year, there are apps for show attendees (<http://www.wwd.com/media-news/digital/made-fashion-week-launches-digital-platform-5619060>) dedicated to documenting looks, as well as for live blogging and managing hectic schedules.

Social commerce site Lyst (<http://lyst.com>) lets users browse through the inventories of thousands of brands and add desired items to their "list." Users can also subscribe to feeds centered around designers, bloggers, stores, magazines, and their friends. The company offers a runway tracking feature where fashionistas can add make a list of their favorite looks and receive alerts when they become available. This year, Lyst offered "Live Lysting" with style mavens Nina Garcia and Olivia Palermo, as well as the Google Plus hangouts with big names like Rebecca Minkoff.

"Lyst is all about empowering the consumers," said head of business development Hilary Peterson. "The hangouts gave them unprecedented access and a glimpse of the backstage atmosphere, while also allowing them to ask the designers anything they wanted live before the show. So we really felt like we were giving consumers, who aren't normally at fashion week, access to something special."

Fashion's tech invasion

Technology infiltrated fashion week in other ways. Digital prints were a popular trend, as were retro aesthetics reminiscent of Instagram (<http://instagram.com>). The internet also provides a useful tool for fledgling designers to cheaply produce and publicize their own fashion shows and potentially rise to stardom. Microsoft even partnered with Bloomingdales (http://blogs.technet.com/b/microsoft_blog/archive/2012/09/07/microsoft-fashion-and-technology.aspx) to create a high-fashion, high-concept, high-tech dress, complete with circuit boards, and style startups were able to get off the ground (<http://runway.blogs.nytimes.com/2012/09/04/digital-style-start-ups-get-nimble-at-new-york-fashion-week/>) amidst all the noise.

For this grown up little girl who loves both fashion and technology, this is a trend I am thrilled about.

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EXHIBIT I



 [in](#) [f](#) 

Changing Lifestyle

Lyst

Chris Morton, Sebastjan Trepca

Facts

Founded:

2010

HQ:

48 Hoxton Square, London N1 6PB

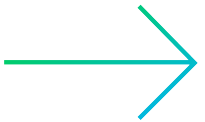
Lyst aggregates fashion brands from luxury e-commerce sites into a personalised web or mobile feed and universal shopping cart. The site has grown 300% year on year for the past four years and is now used by 40 million shoppers annually. In April 2015 the company raised a \$40 million Series C round to continue its international expansion. The company's 120-strong team is based in London and New York.

[Click photo to launch slideshow](#)

Photographer: Jeremy Liebman | Words: Olivia Solon | Editor: Nate Lanxon

Do you know an innovator you would like to nominate to be included in
next year's list?

NOMINATE AN INNOVATOR



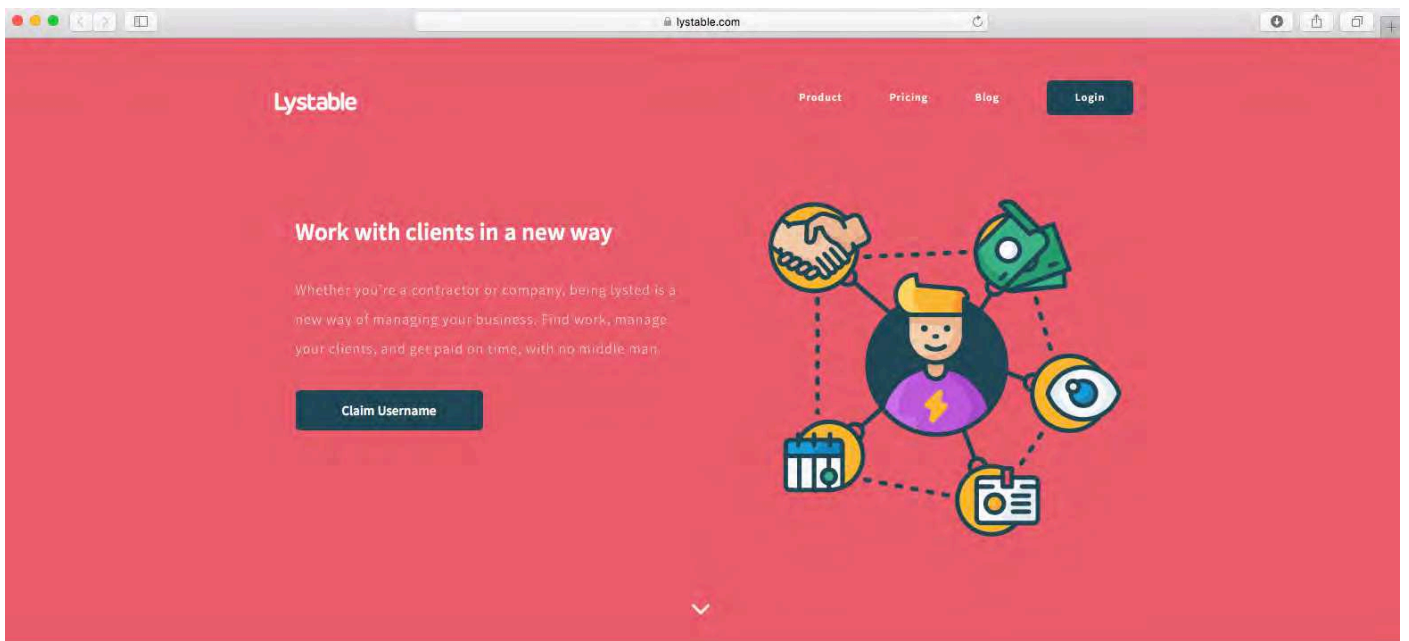
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EXHIBIT J



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