Trademark Trial and Appeal Board Electronic Filing System. http://estta.uspto.gov

ESTTA Tracking number: **ESTTA880610**

Filing date: **03/01/2018**

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	Evernote Corporation		
Entity	Corporation	Citizenship	Delaware
Address	305 Walnut Street Redwood City, CA 94063 UNITED STATES		

Correspondence information	Julia Belagorudsky Gesmer Updegrove LLP 40 Broad Street Boston, MA 02109 UNITED STATES Email: trademarks@gesmer.com

Applicant Information

Application No	87286764	Publication date	01/30/2018
Opposition Filing Date	03/01/2018	Opposition Period Ends	03/01/2018
Applicant	Lotus and Lion, LLC 5318 Broadwood Avenue Peachtree Corners, GA 30092 UNITED STATES		

Goods/Services Affected by Opposition

Class 042. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Electronic storage of digital content including text, photographs, images, video, and audio

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
Dilution by blurring	Trademark Act Sections 2 and 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3609880	Application Date	01/22/2008
Registration Date	04/21/2009	Foreign Priority Date	NONE
Word Mark	NONE		

Design Mark	
Description of Mark	The mark consists of an elephant design.
Goods/Services	Class 009. First use: First Use: 2008/02/20 First Use In Commerce: 2008/02/20 Computer programs for capturing, organizing, searching, storing, synchroniz-ing,recognizing, sharing and transmitting any number of typed, handwritten, or imaged notes or clippings on multiple computer and network platforms

U.S. Registration No.	3907868	Application Date	06/08/2010
Registration Date	01/18/2011	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			

Description of Mark	The mark consists of an elephant design.
Goods/Services	Class 009. First use: First Use: 2008/02/20 First Use In Commerce: 2008/02/20 Computer software for use in capturing,organizing, searching, indexing, storing, synchronizing, recognizing, sharing, transmitting and displaying digital files, including audio, video, text, binary,still images, graphics, digital contentand multimedia files; downloadable computer software for use in capturing, organizing, searching, indexing, storing, synchronizing, recognizing, sharing and transmitting digital files, including audio, video, text, binary, still images, graphics, digital content, and multimedia files

Attachments	77377662#TMSN.png(bytes) 85057354#TMSN.png(bytes) Notice of Opposition.pdf(119537 bytes) Exhibit 1.pdf(733804 bytes) Exhibit 2.pdf(93488 bytes)

Signature	/Julia Belagorudsky/
Name	Julia Belagorudsky
Date	03/01/2018

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

In the Matter of Application Serial No. 87/286,764
Published in the Official Gazette on January 30, 2018

EVERNOTE CORPORATION, Opposer, v. LOTUS AND LION, LLC, Applicant.	Opposition No. _____ Mark: Paradesmith

NOTICE OF OPPOSITION

Evernote Corporation ("Opposer"), a Delaware corporation having its principal place of business at 305 Walnut Street, Redwood City, California 94063 believes it will be damaged by the issuance of a registration for the mark as applied for in Application Serial No. 87/286,764 ("Applicant's Mark") by Lotus and Lion, LLC ("Applicant"), a Georgia limited liability company have a place of business at 5318 Broadwood Avenue, Peachtree Corners, Georgia 30092. As grounds for opposition against the Applicant's Mark, Opposer alleges that:

1. Opposer has continuously and exclusively used its mark (the "Evernote Elephant Design Mark") since at least as early as February 20, 2008 in interstate commerce in the United States and in other countries in connection with the goods identified in its U.S. and foreign registrations for this mark.

2. Opposer is the owner of U.S Registration Nos. 3,609,880 and 3,907,868, both for the Evernote Elephant Design Mark, covering, respectively, the following goods:

a. "[c]omputer programs for capturing, organizing, searching, storing, synchronizing, recognizing, sharing and transmitting any number of typed, handwritten, or imaged notes or clippings on multiple computer and network platforms" and

b. "[c]omputer software for use in capturing, organizing, searching, indexing, storing, synchronizing, recognizing, sharing, transmitting and displaying digital files, including audio, video, text, binary, still images, graphics, digital content and multimedia files; downloadable computer software for use in capturing, organizing, searching, indexing, storing, synchronizing, recognizing, sharing and transmitting digital files, including audio, video, text, binary, still images, graphics, digital content, and multimedia files."

c. True and correct copies of the Certificates of Registration corresponding to Opposer's registrations for the Evernote Elephant Design Mark, U.S. Registration Nos. 3,609,880 and 3,907,868, and copies of the TSDR records showing the current status of each registration, are attached hereto as **Exhibit 1**.

3. Opposer has invested, and continues to invest, substantial resources and considerable time, effort, and energy in advertising, using, promoting, marketing, and developing public awareness of the Evernote Elephant Design Mark. As a result of such efforts, Opposer has developed a valuable reputation and extremely valuable goodwill in the Evernote Elephant Design Mark, belonging exclusively to the Opposer. The Evernote Elephant Design Mark is immediately

recognized and relied upon by the relevant consumers as identifying Opposer's high quality goods, distinguishing them from the goods/services of others, and identifying Opposer as the single source of origin for its goods.

4. The Evernote Elephant Design Mark is highly distinctive with regard to its associated goods. Moreover, through Opposer's widespread use of the Evernote Elephant Design Mark, extensive and continuous media coverage, the high degree of consumer recognition of the Evernote Elephant Design Mark, Opposer's enormous and loyal user base, its trademark registrations, among other factors, the Evernote Elephant Design Mark has become famous within the meaning of Section 43(c) of the United States Trademark Act, 15 U.S.C. § 1125(c).

5. On January 2, 2017, Applicant filed an intent-to-use application to register the mark

for "[e]lectronic storage of digital content including text, photographs, images, video, and audio" in Class 42 (the "Applicant's Mark"). A true and correct copy of the TSDR record showing the current status of Applicant's application is attached hereto as **Exhibit 2**.

6. Opposer's date of first use in commerce of the Evernote Elephant Design Mark, and the filing date of the corresponding applications, predate that of the Applicant and accordingly, Opposer has priority of use.

7. The Evernote Elephant Design Mark is a strong, distinctive, and famous mark, and the commercial impression of the Applicant's Mark is extremely similar to that of Opposer's Evernote Elephant Design Mark.

8. Upon information and belief, the Applicant's Mark was adopted with knowledge of, and the intent to call to mind, create a likelihood of confusion with regard to, and to trade off the fame of the Opposer's Evernote Elephant Design Mark and the goodwill associated therewith.

9. The Applicant's Mark suggest an affiliation or connection between Applicant and Opposer where none exists.

10. Opposer is not affiliated or connected with the Applicant or its goods/services, Opposer has not endorsed or sponsored Applicant or its goods/services or granted the Applicant a license to use Opposer's Evernote Elephant Design Mark.

11. Opposer has no control over the nature and quality of the services that are, and/or will be, offered under the Applicant's Mark, and the value of Opposer's Evernote Elephant Design Mark would be jeopardized by the registration of the Applicant's Mark. Due to the likelihood of confusion between the parties' marks, any defects, improprieties, or faults found with the Applicant's services marketed under the Applicant's Mark would negatively reflect upon and injure the reputation that Opposer has established for the goods it offers in connection with its Evernote Elephant Design Mark.

12. Registration of the Applicant's Mark will damage Opposer because the Applicant's Mark is likely, when used on or in connection with the applied-for services, to cause confusion or to cause mistake with respect to the origin of the services.

13. Registration of the Applicant's Mark is likely to dilute the distinctiveness of Opposer's Evernote Elephant Design Mark by blurring the considerable source-identifying power of Opposer's Evernote Elephant Design Mark.

14. Registration of Applicant's Mark would grant Applicant rights to which it is not entitled and would be inconsistent with the prior and established rights of Opposer in its Evernote Elephant Design Mark.

COUNT I
Likelihood of Confusion
15 U.S.C. § 1052(d)

15. Opposer realleges and incorporates by reference the preceding allegations of its Notice of Opposition.

16. Since well prior to the filing date of the intent-to-use application for the Applicant's Mark, Opposer has used its Evernote Elephant Design Mark in connection with, *inter alia*, the storage of digital files including notes, audio, video, still images, graphics, and digital content.

17. The Applicant's Mark so resembles Opposer's prior used and registered Evernote Elephant Design Mark as to be likely, when used in connection with the goods set forth in the application for the Applicant's Mark, to cause confusion, or to cause mistake, or to deceive under Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

COUNT II
Likelihood of Dilution
15 U.S.C. § 1125(c)

18. Opposer realleges and incorporates by reference the preceding allegations of its Notice of Opposition.

19. Opposer's Evernote Elephant Design Mark is famous and well known and became famous under 15 U.S.C. § 1125(c) well prior to the filing date of the intent-to-use application for Applicant's Mark.

20. The Applicant's Mark so resembles Opposer's prior used and registered Evernote Elephant Design Mark as to dilute or to be likely to cause dilution of the distinctive quality of

Opposer's Evernote Elephant Design Mark by blurring under Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

WHEREFORE, Opposer respectfully requests that its Notice of Opposition be sustained and that registration of the mark in Application Serial No. 87/286,764 to the Applicant be refused.

Date: March 1, 2018

Respectfully submitted,

GESMER UPDEGROVE LLP

By: /Matthew E. Connors/

Matthew E. Connors
Julia Belagorudsky
Attorney for Applicant
40 Broad Street
Boston, MA 02109
Tel: 617-350-6800
Fax: 617-350-6878
matthew.connors@gesmer.com
julia.belagorudsky@gesmer.com

Attorneys for Opposer Evernote Corporation

EXHIBIT 1

Int. Cl.: 9

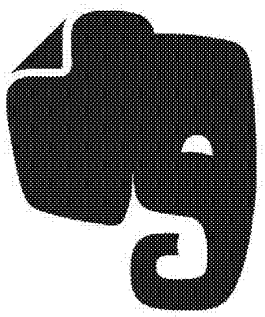
Prior U.S. Cls.: 21, 23, 26, 36, and 38

United States Patent and Trademark Office

Reg. No. 3,609,880

Registered Apr. 21, 2009

TRADEMARK
PRINCIPAL REGISTER



EVERNOTE CORPORATION (DELAWARE CORPORATION)
#290
710 LAKEWAY DRIVE
SUNNYVALE, CA 94086

FOR: COMPUTER PROGRAMS FOR CAPTURING, ORGANIZING, SEARCHING, STORING, SYNCHRONIZING, RECOGNIZING, SHARING AND TRANSMITTING ANY NUMBER OF TYPED, HANDWRITTEN, OR IMAGED NOTES OR CLIPPINGS ON MULTIPLE COMPUTER AND NETWORK PLATFORMS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 2-20-2008; IN COMMERCE 2-20-2008.

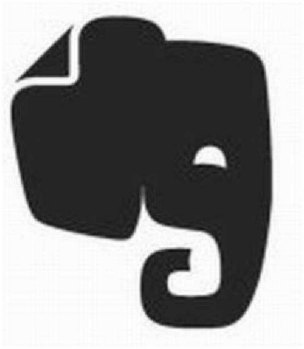
THE MARK CONSISTS OF AN ELEPHANT DESIGN.

SN 77-377,662, FILED 1-22-2008.

KRISTIN CARLSON, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office



Reg. No. 3,907,868

Registered Jan. 18, 2011

Int. Cl.: 9

TRADEMARK

PRINCIPAL REGISTER

EVERNOTE CORPORATION (DELAWARE CORPORATION)
333 WEST EVELYN AVENUE
MOUNTAIN VIEW, CA 94041

FOR: COMPUTER SOFTWARE FOR USE IN CAPTURING, ORGANIZING, SEARCHING, INDEXING, STORING, SYNCHRONIZING, RECOGNIZING, SHARING, TRANSMITTING AND DISPLAYING DIGITAL FILES, INCLUDING AUDIO, VIDEO, TEXT, BINARY, STILL IMAGES, GRAPHICS, DIGITAL CONTENT AND MULTIMEDIA FILES; DOWNLOADABLE COMPUTER SOFTWARE FOR USE IN CAPTURING, ORGANIZING, SEARCHING, INDEXING, STORING, SYNCHRONIZING, RECOGNIZING, SHARING AND TRANSMITTING DIGITAL FILES, INCLUDING AUDIO, VIDEO, TEXT, BINARY, STILL IMAGES, GRAPHICS, DIGITAL CONTENT, AND MULTIMEDIA FILES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 2-20-2008; IN COMMERCE 2-20-2008.

OWNER OF U.S. REG. NO. 3,609,880.

THE MARK CONSISTS OF AN ELEPHANT DESIGN.

SER. NO. 85-057,354, FILED 6-8-2010.

BERYL GARDNER, EXAMINING ATTORNEY

UNITED STATES PATENT AND TRADEMARK OFFICE · DEPARTMENT OF COMMERCE

David J. Kappos

Director of the United States Patent and Trademark Office

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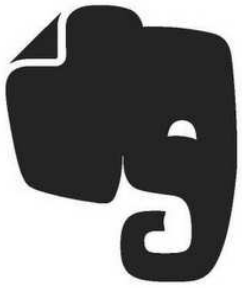
Mark:



US Serial Number:	77377662	**Application Filing Date:**	Jan. 22, 2008
US Registration Number:	3609880	**Registration Date:**	Apr. 21, 2009
Register:	Principal		
Mark Type:	Trademark		
TM5 Common Status Descriptor:	LIVE/REGISTRATION/Issued and Active The trademark application has been registered with the Office.		
Status:	A Sections 8 and 15 combined declaration has been accepted and acknowledged.		
Status Date:	Nov. 05, 2014		
Publication Date:	Jun. 03, 2008	**Notice of Allowance Date:**	Aug. 26, 2008

Mark Information

Mark Literal Elements:	None
Standard Character Claim:	No
Mark Drawing Type:	2 - AN ILLUSTRATION DRAWING WITHOUT ANY WORDS(S)/ LETTER(S)/NUMBER(S)
Description of Mark:	The mark consists of an elephant design.
Color(s) Claimed:	Color is not claimed as a feature of the mark.
Design Search Code(s):	03.03.01 - Elephants; Mammoths; Mastodons 03.03.16 - Heads of Elephants, hippopotami, rhinoceri, giraffes, alpacas, camels, llamas 03.03.24 - Stylized Elephants, hippopotami, rhinoceri, giraffes, alpacas, camels, llamas

Related Properties Information

International Registration Number:	1013679
International Application(s) /Registration(s) Based on this Property:	A0016891/1013679

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [..] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For:	Computer programs for capturing, organizing, searching, storing, synchronizing, recognizing, sharing and transmitting any number of typed, handwritten, or imaged notes or clippings on multiple computer and network platforms
International Class(es):	009 - Primary Class
U.S Class(es):	021, 023, 026, 036, 038
Class Status:	ACTIVE
Basis:	1(a)
First Use:	Feb. 20, 2008
Use in Commerce:	Feb. 20, 2008

Basis Information (Case Level)

Filed Use:	No	**Currently Use:**	Yes	**Amended Use:**	No
Filed ITU:	Yes	**Currently ITU:**	No	**Amended ITU:**	No
Filed 44D:	No	**Currently 44D:**	No	**Amended 44D:**	No
Filed 44E:	No	**Currently 44E:**	No	**Amended 44E:**	No
Filed 66A:	No	**Currently 66A:**	No		
Filed No Basis:	No	**Currently No Basis:**	No		

Current Owner(s) Information

Owner Name:	Evernote Corporation
Owner Address:	305 Walnut Street Redwood City, CALIFORNIA UNITED STATES 94063
Legal Entity Type:	CORPORATION
State or Country Where Organized:	DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name:	Susan M. Mulholland	**Docket Number:**	002725-1002
Attorney Primary Email Address:	trademarks@gesmer.com	**Attorney Email Authorized:**	Yes

Correspondent

Correspondent Name/Address:	Susan M. Mulholland GESMER UPDEGROVE LLP 40 Broad Street Boston, MASSACHUSETTS UNITED STATES 02109		
Phone:	617.350.6800	**Fax:**	617.350.6878
Correspondent e-mail:	trademarks@gesmer.com	**Correspondent e-mail Authorized:**	Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Oct. 05, 2016	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Nov. 05, 2014	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Nov. 05, 2014	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	76293
Nov. 05, 2014	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76293
Oct. 24, 2014	TEAS SECTION 8 & 15 RECEIVED	
Jan. 15, 2013	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jan. 15, 2013	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Aug. 14, 2009	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Aug. 14, 2009	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Aug. 13, 2009	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Aug. 13, 2009	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Apr. 21, 2009	REGISTERED-PRINCIPAL REGISTER	

Mar. 18, 2009	LAW OFFICE REGISTRATION REVIEW COMPLETED	68658
Mar. 17, 2009	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Mar. 13, 2009	STATEMENT OF USE PROCESSING COMPLETE	66230
Feb. 26, 2009	USE AMENDMENT FILED	66230
Mar. 13, 2009	EXTENSION 1 GRANTED	66230
Feb. 26, 2009	EXTENSION 1 FILED	66230
Mar. 13, 2009	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66230
Feb. 26, 2009	TEAS EXTENSION RECEIVED	
Feb. 26, 2009	TEAS STATEMENT OF USE RECEIVED	
Aug. 26, 2008	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jun. 03, 2008	PUBLISHED FOR OPPOSITION	
May 14, 2008	NOTICE OF PUBLICATION	
Apr. 28, 2008	LAW OFFICE PUBLICATION REVIEW COMPLETED	68658
Apr. 28, 2008	ASSIGNED TO LIE	68658
Apr. 28, 2008	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 28, 2008	ASSIGNED TO EXAMINER	85319
Jan. 26, 2008	NOTICE OF DESIGN SEARCH CODE MAILED	
Jan. 25, 2008	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMEG LAW OFFICE 105 **Date in Location:** Nov. 05, 2014

Assignment Abstract Of Title Information

Summary

Total Assignments: 2 **Registrant:** Evernote Corporation

Assignment 1 of 2

Conveyance: SECURITY AGREEMENT

Reel/Frame: 5888/0572 **Pages:** 28

Date Recorded: Sep. 30, 2016

Supporting Documents: assignment-tm-5888-0572.pdf

Assignor

Name: EVERNOTE CORPORATION **Execution Date:** Sep. 30, 2016

Legal Entity Type: CORPORATION **State or Country Where Organized:** DELAWARE

Assignee

Name: SILICON VALLEY BANK

Legal Entity Type: CORPORATION **State or Country Where Organized:** CALIFORNIA

Address: 3003 TASMAN DRIVE
HF 150
SANTA CLARA, CALIFORNIA 95054

Correspondent

Correspondent Name: DARLENA BARI STARK

Correspondent Address: 1025 VERMONT AVE NW, SUITE 1130
NATIONAL CORPORATE RESEARCH, LTD.

WASHINGTON, DC 20005

Domestic Representative - Not Found

Assignment 2 of 2

Conveyance: SECURITY INTEREST

Reel/Frame: 5893/0841 **Pages:** 25

Date Recorded: Oct. 05, 2016

Supporting Documents: assignment-tm-5893-0841.pdf

Assignor

Name: EVERNOTE CORPORATION **Execution Date:** Sep. 30, 2016

Legal Entity Type: CORPORATION **State or Country Where Organized:** DELAWARE

Name: EVERNOTE GMBH **Execution Date:** Sep. 30, 2016

Legal Entity Type: CORPORATION **State or Country Where Organized:** SWITZERLAND

Assignee

Name: HERCULES CAPITAL, INC., AS AGENT

Legal Entity Type: CORPORATION **State or Country Where Organized:** MARYLAND

Address: 400 HAMILTON AVENUE, SUITE 310
PALO ALTO, CALIFORNIA 94301

Correspondent

Correspondent Name: JENNIFER FITZPATRICK

Correspondent Address: C/O COOLEY LLP
4401 EASTGATE MALL
SAN DIEGO, CA 92121

Domestic Representative - Not Found

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Mark:

US Serial Number: 85057354

Application Filing Date: Jun. 08, 2010

US Registration Number: 3907868

Registration Date: Jan. 18, 2011

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:

LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: Oct. 13, 2016

Publication Date: Nov. 02, 2010

Mark Information

Mark Literal Elements: None

Standard Character Claim: No

Mark Drawing Type: 2 - AN ILLUSTRATION DRAWING WITHOUT ANY WORDS(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of an elephant design.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Design Search Code(s): 03.03.01 - Elephants; Mammoths; Mastodons
03.03.16 - Heads of Elephants, hippopotami, rhinoceri, giraffes, alpacas, camels, llamas

Related Properties Information

Claimed Ownership of US Registrations: 3609880

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [..] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Computer software for use in capturing, organizing, searching, indexing, storing, synchronizing, recognizing, sharing, transmitting and displaying digital files, including audio, video, text, binary, still images, graphics, digital content and multimedia files; downloadable computer software for use in capturing, organizing, searching, indexing, storing, synchronizing, recognizing, sharing and transmitting digital files, including audio, video, text, binary, still images, graphics, digital content, and multimedia files

International 009 - Primary Class

U.S Class(es): 021, 023, 026, 036, 038

Class(es):

Class Status: ACTIVE

Basis: 1(a)

First Use: Feb. 20, 2008 **Use in Commerce:** Feb. 20, 2008

Basis Information (Case Level)

Filed Use:	Yes	**Currently Use:**	Yes	**Amended Use:**	No
Filed ITU:	No	**Currently ITU:**	No	**Amended ITU:**	No
Filed 44D:	No	**Currently 44D:**	No	**Amended 44D:**	No
Filed 44E:	No	**Currently 44E:**	No	**Amended 44E:**	No
Filed 66A:	No	**Currently 66A:**	No		
Filed No Basis:	No	**Currently No Basis:**	No		

Current Owner(s) Information

Owner Name: EVERNOTE CORPORATION

Owner Address: 305 Walnut Street
Redwood City, CALIFORNIA UNITED STATES 94063

Legal Entity Type: CORPORATION **State or Country Where Organized:** DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Matthew E. Connors **Docket Number:** 002725-1028

Attorney Primary Email Address: trademarks@gesmer.com **Attorney Email Authorized:** Yes

Correspondent

Correspondent Name/Address: Matthew E. Connors
GESMER UPDEGROVE LLP
40 BROAD ST
BOSTON, MASSACHUSETTS UNITED STATES 02109-4316

Phone: 617.350.6800 **Fax:** 617.350.6878

Correspondent e-mail: trademarks@gesmer.com **Correspondent e-mail Authorized:** Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Oct. 13, 2016	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Oct. 13, 2016	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	68335
Oct. 06, 2016	TEAS RESPONSE TO OFFICE ACTION-POST REG RECEIVED	
Oct. 05, 2016	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Sep. 28, 2016	POST REGISTRATION ACTION MAILED - SEC. 8 & 15	68335
Sep. 28, 2016	POST REGISTRATION ACTION MAILED - SEC. 8 & 15	68335
Apr. 09, 2016	POST REGISTRATION ACTION MAILED - SEC. 8 & 15	68335
Apr. 07, 2016	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68335
Feb. 10, 2016	TEAS SECTION 8 & 15 RECEIVED	
Jan. 15, 2013	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jan. 15, 2013	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jan. 18, 2011	REGISTERED-PRINCIPAL REGISTER	
Nov. 02, 2010	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Nov. 02, 2010	PUBLISHED FOR OPPOSITION	
Sep. 27, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	73797
Sep. 27, 2010	ASSIGNED TO LIE	73797

Sep. 17, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 17, 2010	ASSIGNED TO EXAMINER	74677
Jun. 15, 2010	NOTICE OF DESIGN SEARCH CODE MAILED	
Jun. 14, 2010	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 11, 2010	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMO LAW OFFICE 112 **Date in Location:** Oct. 13, 2016

Assignment Abstract Of Title Information

Summary

Total Assignments: 2 **Registrant:** EVERNOTE CORPORATION

Assignment 1 of 2

Conveyance: SECURITY AGREEMENT

Reel/Frame: 5888/0572 **Pages:** 28

Date Recorded: Sep. 30, 2016

Supporting Documents: assignment-tm-5888-0572.pdf

Assignor

Name: EVERNOTE CORPORATION **Execution Date:** Sep. 30, 2016

Legal Entity Type: CORPORATION **State or Country Where Organized:** DELAWARE

Assignee

Name: SILICON VALLEY BANK

Legal Entity Type: CORPORATION **State or Country Where Organized:** CALIFORNIA

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SANTA CLARA, CALIFORNIA 95054

Correspondent

Correspondent Name: DARLENA BARI STARK

Correspondent Address: 1025 VERMONT AVE NW, SUITE 1130
NATIONAL CORPORATE RESEARCH, LTD.
WASHINGTON, DC 20005

Domestic Representative - Not Found

Assignment 2 of 2

Conveyance: SECURITY INTEREST

Reel/Frame: 5893/0841 **Pages:** 25

Date Recorded: Oct. 05, 2016

Supporting Documents: assignment-tm-5893-0841.pdf

Assignor

Name: EVERNOTE CORPORATION **Execution Date:** Sep. 30, 2016

Legal Entity Type: CORPORATION **State or Country Where Organized:** DELAWARE

Name:	EVERNOTE GMBH	**Execution Date:**	Sep. 30, 2016
Legal Entity Type:	CORPORATION	**State or Country Where Organized:**	SWITZERLAND

Assignee

Name:	HERCULES CAPITAL, INC., AS AGENT		
Legal Entity Type:	CORPORATION	**State or Country Where Organized:**	MARYLAND
Address:	400 HAMILTON AVENUE, SUITE 310 PALO ALTO, CALIFORNIA 94301		

Correspondent

Correspondent Name:	JENNIFER FITZPATRICK
Correspondent Address:	C/O COOLEY LLP 4401 EASTGATE MALL SAN DIEGO, CA 92121

Domestic Representative - Not Found

EXHIBIT 2

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Mark: PARADESMITH

Paradesmith

US Serial Number: 87286764

Application Filing Date: Jan. 02, 2017

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Service Mark

TM5 Common Status Descriptor:

LIVE/APPLICATION/Published for Opposition

A pending trademark application has been examined by the Office and has been published in a way that provides an opportunity for the public to oppose its registration.

Status: Application has been published for opposition. The opposition period begins on the date of publication.

Status Date: Jan. 30, 2018

Publication Date: Jan. 30, 2018

Mark Information

Mark Literal Elements: PARADESMITH

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of the word "PARADESMITH" under the side profile of an elephant carrying a flag in its trunk and looking to the left.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Design Search Code(s): 03.03.01 - Mammoths; Elephants; Mastodons
24.09.02 - Pennants; Flags, triangular (pennants); Pennants (flags in the form of a triangle), flags with forked sides

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [..] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Electronic storage of digital content including text, photographs, images, video, and audio

International Class(es): 042 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

Filed Use:	No	**Currently Use:**	No	**Amended Use:**	No
Filed ITU:	Yes	**Currently ITU:**	Yes	**Amended ITU:**	No
Filed 44D:	No	**Currently 44D:**	No	**Amended 44D:**	No
Filed 44E:	No	**Currently 44E:**	No	**Amended 44E:**	No
Filed 66A:	No	**Currently 66A:**	No		
Filed No Basis:	No	**Currently No Basis:**	No		

Current Owner(s) Information

Owner Name: Lotus and Lion, LLC

Owner Address: 5318 Broadwood Avenue
Peachtree Corners, GEORGIA UNITED STATES 30092

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: GEORGIA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Sonia F. Lakhany

Attorney Primary Email Address: sonia@lakhanylaw.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: SONIA F. LAKHANY
LAKHANY LAW PC
1800 PEACHTREE STREET, SUITE 300
ATLANTA, GEORGIA UNITED STATES 30309

Phone: (404) 668-3795

Correspondent e-mail: sonia@lakhanylaw.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jan. 30, 2018	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jan. 30, 2018	PUBLISHED FOR OPPOSITION	
Jan. 10, 2018	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Dec. 21, 2017	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 05, 2017	TEAS/EMAIL CORRESPONDENCE ENTERED	70884
Dec. 05, 2017	CORRESPONDENCE RECEIVED IN LAW OFFICE	70884
Dec. 05, 2017	ASSIGNED TO LIE	70884
Nov. 23, 2017	NOTICE OF REVIVAL - E-MAILED	
Nov. 22, 2017	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Nov. 22, 2017	PETITION TO REVIVE-GRANTED	88889
Nov. 22, 2017	TEAS PETITION TO REVIVE RECEIVED	
Nov. 07, 2017	ABANDONMENT NOTICE MAILED - FAILURE TO RESPOND	
Nov. 06, 2017	ABANDONMENT - FAILURE TO RESPOND OR LATE RESPONSE	
May 05, 2017	ASSIGNED TO EXAMINER	92565
Apr. 01, 2017	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Apr. 01, 2017	NON-FINAL ACTION E-MAILED	6325
Apr. 01, 2017	NON-FINAL ACTION WRITTEN	92564
Mar. 28, 2017	ASSIGNED TO EXAMINER	92564
Jan. 12, 2017	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Jan. 11, 2017	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jan. 05, 2017	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: JOHNSON, DANYTHE ELIZA

Law Office Assigned: LAW OFFICE 120

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Dec. 22, 2017