

ESTTA Tracking number: **ESTTA1059662**

Filing date: **06/03/2020**

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	Vertex, Inc.
Granted to Date of previous extension	06/03/2020
Address	2301 RENAISSANCE BLVD. KING OF PRUSSIA, PA 19406 UNITED STATES
Attorney information	JENNA P. TORRES ECKERT SEAMANS CHERIN & MELLOTT LLC 50 SOUTH 16TH STREET, 22ND FLOOR Two Liberty Place, 22nd Floor PHILADELPHIA, PA 19102-2516 UNITED STATES jtorres@eckertseamans.com, lmcguinness@eckertseamans.com, ipdock-et@eckertseamans.com, cfrangiosa@eckertseamans.com 2158518408

### Applicant Information

Application No	87706979	Publication date	02/04/2020
Opposition Filing Date	06/03/2020	Opposition Period Ends	06/03/2020
Applicant	Vertex Decisions, LLC 7470 Margarita Place Colorado Springs, CO 80919 UNITED STATES		

### Goods/Services Affected by Opposition

Class 042. First Use: 2017/11/03 First Use In Commerce: 2017/11/03

All goods and services in the class are opposed, namely: Computer modeling services; Data automation and collection service using proprietary software to evaluate, analyze and collect service data; Design and development of on-line computer software systems; Developing of driver and operating system software; Technical consulting services in the fields of datacenter architecture, public and private cloud computing solutions, and evaluation and implementation of internet technology and services; Technology specification, namely, analyzing technology requirements and developing recommendations for the computer software and systems and other technology needed to meet those requirements, in the field of a wide variety of industries

### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
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## Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2033772	Application Date	02/15/1996
Registration Date	01/28/1997	Foreign Priority Date	NONE
Word Mark	VERTEX		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 1973/00/00 First Use In Commerce: 1973/00/00 computer software and instructional manuals sold as a unit to assist businesses-in tax planning assessment and compliance</p> <p>Class 016. First use: First Use: 1973/00/00 First Use In Commerce: 1973/00/00 books, manuals, and pamphlets all featuring tax research, assessment and compliance information and tax preparation and filing tools</p>		

U.S. Registration No.	4039300	Application Date	04/15/2010
Registration Date	10/11/2011	Foreign Priority Date	NONE
Word Mark	VERTEX ENTERPRISE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 2010/10/00 First Use In Commerce: 2010/10/00 computer software for business tax management, tax research and tax filings, all directed to assisting others in tax compliance and corporate tax performance</p> <p>Class 042. First use: First Use: 2010/10/00 First Use In Commerce: 2010/10/00 computer services, namely, providing a technology platform for integrating tax application software with other business and financial systems for assisting others in tax compliance and corporate tax performance; business technology software platform consultation services for software used in business financial matters, namely, business tax management and business tax filings</p>		

Attachments	<p>85014815#TMSN.png( bytes )</p> <p>NOTICE OF OPPOSITION VERTEX DECISIONS.pdf(30363 bytes )</p> <p>EXHIBIT A NOTICE OF OPPOSITION VERTEX DECISIONS.pdf(5847861 bytes )</p> <p>EXHIBIT B NOO VERTEX DECISIONS.pdf(82359 bytes )</p>
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Signature	/Christina D Frangiosa/
Name	Christina D. Frangiosa
Date	06/03/2020

BOX TTAB FEE

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

VERTEX, INC.	:	
	:	
OPPOSER,	:	
	:	Opposition No.: _____
v.	:	Application Serial No.: 87/706,979
	:	Mark: VERTEX DECISIONS
VERTEX DECISIONS, LLC	:	
	:	
	:	
APPLICANT.	:	

Honorable Commissioner for Trademarks  
P. O. Box 1451  
Alexandria, VA 22313-1451

**NOTICE OF OPPOSITION**

In the matter of Trademark Application Serial No. 87/706,979 for the mark VERTEX DECISIONS, filed December 4, 2017, by Vertex Decisions, LLC (“Applicant”), and published for opposition in the Official Gazette of February 4, 2020.

Vertex, Inc. (“Opposer”), a Pennsylvania corporation having a place of business at 2301 Renaissance Blvd., King of Prussia, Pennsylvania 19406, believes that it will be damaged by the registration of the mark shown in the above identified application for the services in International Class 42 and hereby opposes the same. The grounds for opposition are as follows:

1. Applicant Vertex Decisions, LLC, a limited liability company with an address of 7470 Margarita Place, Colorado Springs, Colorado 80919, seeks to register VERTEX DECISIONS as a trademark for “Computer modeling services; Data automation and collection service using proprietary software to evaluate, analyze, and collect service data; Design and development of on-line computer software systems; Developing of driver and operating system

software; Technical consulting services in the fields of datacenter architecture, public and private cloud computing solutions, and evaluation and implementation of internet technology and services; Technology specification, namely, analyzing technology requirements and developing recommendations for the computer software and systems and other technology needed to meet those requirements, in the field of a wide variety of industries” in International Class 42.

2. The application herein opposed was filed on December 4, 2017 on the basis of 1(a), use in commerce, with a claimed first use date of November 3, 2017.

3. Opposer is and has been engaged in the development and provision of software and cloud-based tax solutions and data compilation and analysis and has built a successful business in connection therewith.

4. Since at least as early as 1978, Opposer has continuously used VERTEX as a name and mark and as the dominant element of its names and marks for various tax-related goods and services.

5. The nature and extent of Opposer’s use of its VERTEX names and marks can be viewed at its website at <http://www.vertexinc.com>. *See* screenshots from the website provided as Exhibit A.

6. Opposer has taken steps to protect its VERTEX trademarks and has secured U.S. Trademark Registration Nos. 2,033,772 for VERTEX, issued January 28, 1997 for “computer software and instructional manuals sold as a unit to assist businesses in tax planning assessment and compliance,” in International Class 9, with a date of first use of 1973; and U.S. Registration No. 4,039,300 for VERTEX ENTERPRISE for “computer services, namely providing a technology platform for integrating tax application software with other business and financial systems for assisting others in tax compliance and corporate tax performance; business technology software platform consultation services for software used in business financial

matters, namely, business tax management and business tax filings” in International Class 42, among others, with a date of first use of October, 2010. The pertinent information about the registrations for Opposer’s VERTEX marks from the Trademark Office website showing status and title are attached as Exhibit B.

7. As Opposer is the owner of federal registrations which are valid, subsisting, and incontestable, priority is not an issue.

8. Opposer’s registered VERTEX marks are inherently distinctive as applied to Opposer’s tax software and related goods and services.

9. Opposer’s VERTEX names are inherently distinctive of Opposer’s business.

10. Use of the VERTEX names and marks by Opposer has been commercially significant.

11. By virtue of Opposer’s continuous use in commerce of its registered VERTEX trademarks and its VERTEX marks and names in connection with its goods, services and business, and the nature and extent of such use, such goods, services, and business have become well and favorably known in the relevant trade and to the public under such marks and names and identify the goods, services, and business of Opposer.

12. In the application herein opposed, there are no restrictions on trade channels, so it must be presumed that the services identified in the application will travel through all trade channels appropriate for services of that type.

13. Applicant’s VERTEX DECISIONS mark is confusingly similar to Opposer’s registered VERTEX trademarks, and Opposer’s VERTEX names and marks, in sound and appearance and commercial impression.

14. Applicant's VERTEX DECISIONS mark incorporates the whole of Opposer's VERTEX mark of the '772 registration, the dominant VERTEX element in Opposer's VERTEX ENTERPRISE mark of the '300 registration, and the whole of Opposer's name.

15. The addition of the element DECISIONS in Applicant's mark does not obviate the likelihood that services offered under the mark of the opposed application will be viewed as coming from or being offered in affiliation with Opposer or from the same source as Opposer's VERTEX goods and services. The element DECISIONS along with VERTEX in connection with the services of the application connotes that the mark of the Application will be used in connection with data analytics and consulting that allow customers to make decisions. Because Opposer's software includes data analytics and management capabilities that allow its customers to make decisions, it is likely that customers and other members of the relevant public and trade will mistakenly conclude or assume that services provided under Applicant's VERTEX DECISIONS mark originate from or are being offered in affiliation with Opposer.

16. The goods sold and services rendered by Opposer under the VERTEX mark and the services encompassed by the identification of goods in the application herein opposed are such as are marketed and sold to the same classes of customers through the same type of trade channels, as Opposer markets and provides its tax services and its data analytics and management services to a wide range of businesses and industries.

17. Applicant's use of VERTEX DECISIONS as applied to the services identified in the application herein opposed is likely to cause confusion, or to cause mistake, or to deceive as to its affiliation between the parties, the source of the services, and the sponsorship of Applicant's services by Opposer.

18. On seeing Applicant's VERTEX DECISIONS mark used in connection with Applicant's services, purchasers and potential purchasers are likely to believe in error that such

services are offered by or in association with Opposer, or that Opposer and Applicant are affiliated.

19. If Applicant is permitted to register VERTEX DECISIONS as mark for the services set forth in the application herein opposed, confusion in the relevant trade and public is likely to result, which deprives Opposer of control over its own reputation and so is likely to damage and injure Opposer.

20. Any defect, objection to, or fault found with Applicant's services sold under the VERTEX DECISIONS mark would reflect on and injure the reputation that Opposer has established for its goods, services and business.

21. If Applicant is granted a registration for the VERTEX DECISIONS mark herein opposed, it would obtain thereby at least a *prima facie* exclusive right to use the mark for such services as are identified in the application herein opposed. Such registration would be a source of damage and injury to Opposer to the extent that there would be a likelihood of confusion.

WHEREFORE, Vertex, Inc. prays that registration of the mark of Application Serial No. 87/706,979 for the services identified therein be refused and that this opposition be sustained.

Respectfully submitted,

Dated: June 3, 2020

By: s/Christina D. Frangiosa/  
Christina D. Frangiosa, Esq.  
Jenna P. Torres, Esq.  
ECKERT SEAMANS CHERIN & MELLOTT,  
LLC  
Two Liberty Place  
50 S. 16<sup>th</sup> Street, 22<sup>nd</sup> Floor  
Philadelphia, PA 19102  
(215) 851-8432  
cfrangiosa@eckertseamans.com  
jtorres@eckertseamans.com

ATTORNEYS FOR OPPOSER



**CERTIFICATE OF FILING**

The undersigned hereby certifies that in accordance with 37 C.F.R. § 2.119(b), a true and correct copy of the foregoing Notice of Opposition was filed electronically with the United States Patent and Trademark Office via the Electronic System for Trademark Trial and Appeals (“ESTTA”) on the date shown below.

Pursuant to 37 C.F.R. § 2.105, the Trademark Trial and Appeal Board shall notify applicant, Vertex Decisions, LLC, at the correspondence address of 7470 Margarita Place, Colorado Springs, Colorado 80919.

Dated: June 3, 2020

By: s/ John F. Metzger/

# EXHIBIT A

Document title: Homepage | Vertex, Inc.

Capture URL: <https://www.vertexinc.com/>

Captured site IP: 23.185.0.3

Page loaded at (UTC): Mon, 01 Jun 2020 16:31:41 GMT

Capture timestamp (UTC): Mon, 01 Jun 2020 16:32:01 GMT

Capture tool: v7.0.6

Collection server IP: 54.174.78.137

Browser engine: Chrome/77.0.3865.120

Operating system: Microsoft Windows NT 10.0.14393.0 (10.0.14393.0)

PDF length: 5

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# EXHIBIT B

**Generated on:** This page was generated by TSDR on 2020-05-29 17:26:36 EDT

**Mark:** VERTEX

**US Serial Number:** 75058755

**Application Filing Date:** Feb. 15, 1996

**US Registration Number:** 2033772

**Registration Date:** Jan. 28, 1997

**Register:** Principal

**Mark Type:** Trademark

**TM5 Common Status Descriptor:**



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

**Status:** The registration has been renewed.

**Status Date:** Aug. 16, 2017

**Publication Date:** Nov. 05, 1996

---

## Mark Information

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**Mark Literal Elements:** VERTEX

**Standard Character Claim:** No

**Mark Drawing Type:** 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

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## Goods and Services

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**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 and instructional manuals sold as a unit to assist businesses in tax planning assessment and compliance

**International Class(es):** 009 - Primary Class

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

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** 1973

**Use in Commerce:** 1973

**For:** books, manuals, and pamphlets all featuring tax research, assessment and compliance information and tax preparation and filing tools

**International Class(es):** 016 - Primary Class

**U.S Class(es):** 002, 005, 022, 023, 029, 037, 038, 050

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** 1973

**Use in Commerce:** 1973

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## Basis Information (Case Level)

---

**Filed Use:** Yes

**Filed ITU:** No

**Filed 44D:** No

**Filed 44E:** No

**Filed 66A:** No

**Filed No Basis:** No

**Currently Use:** Yes

**Currently ITU:** No

**Currently 44E:** No

**Currently 66A:** No

**Currently No Basis:** No

## Current Owner(s) Information

**Owner Name:** Vertex, Inc.

**Owner Address:** 2301 Renaissance Blvd.  
King of Prussia, PENNSYLVANIA UNITED STATES 19406

**Legal Entity Type:** CORPORATION

**State or Country** PENNSYLVANIA  
**Where Organized:**

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Roberta Jacobs-Meadway

**Docket Number:** 297786-00008

**Attorney Primary** [rjacobsmeadway@eckertseamans.com](mailto:rjacobsmeadway@eckertseamans.com)  
**Email Address:**

**Attorney Email** Yes  
**Authorized:**

### Correspondent

**Correspondent** ROBERTA JACOBS-MEADWAY  
**Name/Address:** Eckert Seamans Cherin & Mellott, LLC  
50 S. 16th Street  
PHILADELPHIA, PENNSYLVANIA UNITED STATES 19102-2516

**Phone:** 215-851-8522

**Fax:** 215-851-8383

**Correspondent e-** [rjacobsmeadway@eckertseamans.com](mailto:rjacobsmeadway@eckertseamans.com) [ipdocket](#)  
**mail:** [@eckertseamans.com](mailto:@eckertseamans.com) [lmcguinness@eckertseamans.com](mailto:lmcguinness@eckertseamans.com)

**Correspondent e-** Yes  
**mail Authorized:**

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Aug. 16, 2017	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Aug. 16, 2017	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	74704
Aug. 16, 2017	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	74704
Aug. 16, 2017	TEAS RESPONSE TO OFFICE ACTION-POST REG RECEIVED	
Aug. 15, 2017	POST REGISTRATION ACTION MAILED - SEC. 8 & 9	74704
Aug. 15, 2017	TEAS RESPONSE TO OFFICE ACTION-POST REG RECEIVED	
Aug. 07, 2017	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Aug. 07, 2017	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Mar. 27, 2017	POST REGISTRATION ACTION MAILED - SEC. 8 & 9	74704
Mar. 27, 2017	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	74704
Jan. 30, 2017	TEAS SECTION 8 & 9 RECEIVED	
Jan. 28, 2016	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Jan. 14, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Mar. 20, 2007	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	60132
Mar. 20, 2007	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Mar. 19, 2007	ASSIGNED TO PARALEGAL	60132
Jan. 18, 2007	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Jan. 18, 2007	TEAS SECTION 8 & 9 RECEIVED	
Dec. 22, 2006	CASE FILE IN TICRS	
Sep. 09, 2003	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Jun. 19, 2003	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Jun. 19, 2003	PAPER RECEIVED	

Jan. 28, 1997 REGISTERED-PRINCIPAL REGISTER  
Nov. 05, 1996 PUBLISHED FOR OPPOSITION  
Oct. 04, 1996 NOTICE OF PUBLICATION  
Aug. 26, 1996 APPROVED FOR PUB - PRINCIPAL REGISTER  
Aug. 20, 1996 EXAMINER'S AMENDMENT MAILED  
Aug. 09, 1996 ASSIGNED TO EXAMINER

73340

## TM Staff and Location Information

### TM Staff Information - None

#### File Location

**Current Location:** GENERIC WEB UPDATE

**Date in Location:** Aug. 16, 2017

## Assignment Abstract Of Title Information

### Summary

**Total Assignments:** 2

**Registrant:** Vertex, Inc.

### Assignment 1 of 2

**Conveyance:** SECURITY INTEREST

**Reel/Frame:** [5658/0216](#)

**Pages:** 8

**Date Recorded:** Nov. 02, 2015

**Supporting Documents:** [assignment-tm-5658-0216.pdf](#)

#### Assignor

**Name:** [VERTEX, INC.](#)

**Execution Date:** Nov. 02, 2015

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** PENNSYLVANIA

#### Assignee

**Name:** [PNC BANK, NATIONAL ASSOCIATION](#)

**Legal Entity Type:** BANK

**State or Country Where Organized:** UNITED STATES

**Address:** 1600 MARKET STREET  
PHILADELPHIA, PENNSYLVANIA 19103

#### Correspondent

**Correspondent Name:** YUNHEE KIM

**Correspondent Address:** BALLARD SPAHR LLP  
1735 MARKET STREET, 51ST FLOOR  
PHILADELPHIA, PA 19103

### Domestic Representative - Not Found

### Assignment 2 of 2

**Conveyance:** SECURITY INTEREST

**Reel/Frame:** [6903/0719](#)

**Pages:** 10

**Date Recorded:** Mar. 31, 2020

**Supporting Documents:** [assignment-tm-6903-0719.pdf](#)

#### Assignor

**Name:** [VERTEX, INC.](#)

**Execution Date:** Mar. 31, 2020

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** PENNSYLVANIA

#### Assignee

**Name:** [PNC BANK, NATIONAL ASSOCIATION](#)

**Legal Entity Type:** BANK

**State or Country Where Organized:** UNITED STATES

**Address:** 1600 MARKET STREET

## Correspondent

**Correspondent Name:** MICHAEL SHORE

**Correspondent Address:** BALLARD SPAHR LLP  
1735 MARKET STREET, 51ST FLOOR  
PHILADELPHIA, PA 19103-7599

## Domestic Representative - Not Found

## Proceedings

## Summary

**Number of Proceedings:** 2

## Type of Proceeding: Opposition

**Proceeding Number:** [91245166](#)

**Filing Date:** Dec 06, 2018

**Status:** Terminated

**Status Date:** Oct 17, 2019

**Interlocutory Attorney:** LAWRENCE (LARRY) T STANLEY

## Defendant

**Name:** Kially M. Ruiz

**Correspondent Address:** ANDREA J MEALEY  
FISHERBROYLES LLP  
470 ATLANTIC AVENUE 4TH FLOOR  
BOSTON MA UNITED STATES , 02210

**Correspondent e-mail:** [docketing@fisherbroyles.com](mailto:docketing@fisherbroyles.com) , [andrea.mealey@fisherbroyles.com](mailto:andrea.mealey@fisherbroyles.com)

## Associated marks

Mark	Application Status	Serial Number	Registration Number
DATA VERTEX	Registered	<a href="#">87520268</a>	<a href="#">5917552</a>

## Plaintiff(s)

**Name:** Vertex, Inc.

**Correspondent Address:** CHRISTINA D FRANGIOSA  
ECKERT SEAMANS CHERIN & MELLOTT LLC  
TWO LIBERTY PLACE 50 SOUTH 16TH STREET, 22ND FLOOR  
PHILADELPHIA PA UNITED STATES , 19102

**Correspondent e-mail:** [cfrangiosa@eckertseamans.com](mailto:cfrangiosa@eckertseamans.com) , [jtorres@eckertseamans.com](mailto:jtorres@eckertseamans.com) , [ipdocket@eckertseamans.com](mailto:ipdocket@eckertseamans.com)

## Associated marks

Mark	Application Status	Serial Number	Registration Number
VERTEX	REGISTERED AND RENEWED	<a href="#">75058755</a>	<a href="#">2033772</a>
VERTEX ENTERPRISE	Section 8 - Accepted	<a href="#">85014815</a>	<a href="#">4039300</a>

## Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 06, 2018	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 06, 2018	Jan 15, 2019
3	PENDING, INSTITUTED	Dec 06, 2018	
4	D APPEARANCE / POWER OF ATTORNEY	Jan 09, 2019	
5	D MOT FOR EXT W/ CONSENT	Jan 09, 2019	
6	EXTENSION OF TIME GRANTED	Jan 16, 2019	
7	D MOT FOR EXT W/ CONSENT	Mar 08, 2019	
8	EXTENSION OF TIME GRANTED	Mar 08, 2019	
9	D MOT FOR EXT W/ CONSENT	May 14, 2019	
10	EXTENSION OF TIME GRANTED	May 15, 2019	
11	D MOT FOR EXT W/ CONSENT	Jun 14, 2019	

12	EXTENSION OF TIME GRANTED	Jun 14, 2019
13	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Aug 12, 2019
14	SUSPENDED	Aug 12, 2019
15	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Sep 13, 2019
16	SUSPENDED	Sep 13, 2019
17	MOT TO AMEND APPLICATION	Oct 04, 2019
18	BD DECISION: OPP DISMISSED	Oct 17, 2019
19	TERMINATED	Oct 17, 2019

#### Type of Proceeding: Opposition

**Proceeding Number:** [91227141](#)

**Filing Date:** Mar 30, 2016

**Status:** Terminated

**Status Date:** Jul 12, 2016

**Interlocutory Attorney:** GEOFFREY MCNUTT

#### Defendant

**Name:** McMillian with Associates, Inc.

**Correspondent Address:** NIGAMNARAYAN ACHARYA  
SEYFARTH SHAW LP  
1075 PEACHTREE ST NE , SUITE 2500  
ATLANTA GA UNITED STATES , 30309-3958

**Correspondent e-mail:** [imatlanta@seyfarth.com](mailto:imatlanta@seyfarth.com)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
VORTAX	Abandoned - After Inter-Partes Decision	<a href="#">86699830</a>	

#### Plaintiff(s)

**Name:** Vertex, Inc.

**Correspondent Address:** ROBERTA JACOBS-MEADWAY  
ECKERT SEAMANS CHERIN & MELLOTT LLC  
50 SOUTH 16TH STREET, 22ND FLOOR  
PHILADELPHIA PA UNITED STATES , 19102

**Correspondent e-mail:** [rjacobsmeadway@eckertseamans.com](mailto:rjacobsmeadway@eckertseamans.com), [ipdocket@eckertseamans.com](mailto:ipdocket@eckertseamans.com), [lmcginness@eckertseamans.com](mailto:lmcginness@eckertseamans.com), [jtorres@eckertseamans.com](mailto:jtorres@eckertseamans.com)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
VERTEX	REGISTERED AND RENEWED	<a href="#">75058755</a>	<a href="#">2033772</a>
VERTEX	REGISTERED AND RENEWED	<a href="#">76434358</a>	<a href="#">3089039</a>
VERTEX TAXGIS	Cancelled - Section 8	<a href="#">77659920</a>	<a href="#">3849291</a>
VERTEX ENTERPRISE	Section 8 - Accepted	<a href="#">85014815</a>	<a href="#">4039300</a>

#### Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 30, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 30, 2016	May 09, 2016
3	PENDING, INSTITUTED	Mar 30, 2016	
4	NOTICE OF DEFAULT	May 21, 2016	
5	BD DECISION: SUSTAINED	Jul 12, 2016	
6	TERMINATED	Jul 12, 2016	

**Generated on:** This page was generated by TSDR on 2020-05-29 17:27:07 EDT

**Mark:** VERTEX ENTERPRISE

VERTEX ENTERPRISE

**US Serial Number:** 85014815

**Application Filing Date:** Apr. 15, 2010

**US Registration Number:** 4039300

**Registration Date:** Oct. 11, 2011

**Register:** Principal

**Mark Type:** Trademark, Service Mark

**TM5 Common Status Descriptor:**



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

**Status:** A Section 8 declaration has been accepted.

**Status Date:** Nov. 09, 2017

**Publication Date:** Apr. 05, 2011

**Notice of Allowance Date:** May 31, 2011

## Mark Information

**Mark Literal Elements:** VERTEX ENTERPRISE

**Standard Character Claim:** Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK

**Disclaimer:** "ENTERPRISE"

## Related Properties Information

**Claimed Ownership of US Registrations:** 2033772, 2907050, 3089039

## 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 business tax management, tax research and tax filings, all directed to assisting others in tax compliance and corporate tax performance

**International Class(es):** 009 - Primary Class

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

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Oct. 2010

**Use in Commerce:** Oct. 2010

**For:** computer services, namely, providing a technology platform for integrating tax application software with other business and financial systems for assisting others in tax compliance and corporate tax performance; business technology software platform consultation services for software used in business financial matters, namely, business tax management and business tax filings

**International Class(es):** 042 - Primary Class

**U.S Class(es):** 100, 101

**Class Status:** ACTIVE



**Basis:** 1(a)

**First Use:** Oct. 2010

**Use in Commerce:** Oct. 2010

## Basis Information (Case Level)

**Filed Use:** No

**Currently Use:** Yes

**Filed ITU:** Yes

**Currently ITU:** No

**Filed 44D:** No

**Currently 44E:** No

**Filed 44E:** No

**Currently 66A:** No

**Filed 66A:** No

**Currently No Basis:** No

**Filed No Basis:** No

## Current Owner(s) Information

**Owner Name:** Vertex, Inc.

**Owner Address:** 2301 Renaissance Blvd.  
King of Prussia, PENNSYLVANIA UNITED STATES 19406

**Legal Entity Type:** CORPORATION

**State or Country** PENNSYLVANIA  
**Where Organized:**

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Roberta Jacobs-Meadway

**Docket Number:** 297786-00017

**Attorney Primary** [ipdocket@eckertseamans.com](mailto:ipdocket@eckertseamans.com)  
**Email Address:**

**Attorney Email** Yes  
**Authorized:**

### Correspondent

**Correspondent** ROBERTA JACOBS-MEADWAY  
**Name/Address:** ECKERT SEAMANS CHERIN & MELLOTT, LLC  
50 S 16TH ST  
Two Liberty Place, 22nd Floor  
PHILADELPHIA, PENNSYLVANIA UNITED STATES 19102-2516

**Phone:** 215-851-8522

**Fax:** 215-851-8383

**Correspondent e-** [ipdocket@eckertseamans.com](mailto:ipdocket@eckertseamans.com) [rjacobsmeadway@eckertseamans.com](mailto:rjacobsmeadway@eckertseamans.com)  
**mail:** [@eckertseamans.com](mailto:@eckertseamans.com) [lcolflesh@eckertseamans.com](mailto:lcolflesh@eckertseamans.com)  
[eckertseamans.com](http://eckertseamans.com)

**Correspondent e-** Yes  
**mail Authorized:**

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Nov. 09, 2017	SEC. 15 ACKNOWLEDGEMENT - E-MAILED	
Nov. 09, 2017	NOTICE OF ACCEPTANCE OF SEC. 8 - E-MAILED	
Nov. 09, 2017	REGISTERED - SEC. 15 ACKNOWLEDGED	77315
Nov. 09, 2017	REGISTERED - SEC. 8 (6-YR) ACCEPTED	77315
Nov. 06, 2017	TEAS RESPONSE TO OFFICE ACTION-POST REG RECEIVED	
Nov. 06, 2017	POST REGISTRATION ACTION MAILED - SEC. 8 & 15	77315
Nov. 05, 2017	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	77315
Oct. 12, 2017	TEAS SECTION 8 & 15 RECEIVED	
Aug. 07, 2017	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Aug. 07, 2017	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Oct. 11, 2011	REGISTERED-PRINCIPAL REGISTER	
Sep. 03, 2011	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Sep. 02, 2011	LAW OFFICE REGISTRATION REVIEW COMPLETED	66213
Sep. 02, 2011	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Aug. 31, 2011	STATEMENT OF USE PROCESSING COMPLETE	69302
Aug. 22, 2011	USE AMENDMENT FILED	69302

Aug. 31, 2011	CASE ASSIGNED TO INTENT TO USE PARALEGAL	69302
Aug. 22, 2011	TEAS STATEMENT OF USE RECEIVED	
May 31, 2011	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Apr. 05, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Apr. 05, 2011	PUBLISHED FOR OPPOSITION	
Mar. 02, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	66213
Mar. 02, 2011	ASSIGNED TO LIE	66213
Feb. 02, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 24, 2011	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jan. 24, 2011	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jan. 24, 2011	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jul. 24, 2010	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jul. 24, 2010	NON-FINAL ACTION E-MAILED	6325
Jul. 24, 2010	NON-FINAL ACTION WRITTEN	78324
Jul. 22, 2010	ASSIGNED TO EXAMINER	78324
Apr. 20, 2010	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Apr. 19, 2010	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information - None File Location

**Current Location:** TMO LAW OFFICE 114

**Date in Location:** Nov. 09, 2017

## Assignment Abstract Of Title Information

### Summary

**Total Assignments:** 2

**Registrant:** Vertex, Inc.

### Assignment 1 of 2

**Conveyance:** SECURITY INTEREST

**Reel/Frame:** [5658/0216](#)

**Pages:** 8

**Date Recorded:** Nov. 02, 2015

**Supporting Documents:** [assignment-tm-5658-0216.pdf](#)

### Assignor

**Name:** [VERTEX, INC.](#)

**Execution Date:** Nov. 02, 2015

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** PENNSYLVANIA

### Assignee

**Name:** [PNC BANK, NATIONAL ASSOCIATION](#)

**Legal Entity Type:** BANK

**State or Country Where Organized:** UNITED STATES

**Address:** 1600 MARKET STREET  
PHILADELPHIA, PENNSYLVANIA 19103

### Correspondent

**Correspondent Name:** YUNHEE KIM

**Correspondent Address:** BALLARD SPAHR LLP  
1735 MARKET STREET, 51ST FLOOR  
PHILADELPHIA, PA 19103

### Domestic Representative - Not Found

### Assignment 2 of 2

**Conveyance:** SECURITY INTEREST

**Reel/Frame:** [6903/0719](#)

**Pages:** 10

**Date Recorded:** Mar. 31, 2020

Supporting Documents: [assignment-tm-6903-0719.pdf](#)

#### Assignor

Name: [VERTEX, INC.](#)  
Legal Entity Type: CORPORATION  
Execution Date: Mar. 31, 2020  
State or Country Where Organized: PENNSYLVANIA

#### Assignee

Name: [PNC BANK, NATIONAL ASSOCIATION](#)  
Legal Entity Type: BANK  
State or Country Where Organized: UNITED STATES  
Address: 1600 MARKET STREET  
PHILADELPHIA, PENNSYLVANIA 19103

#### Correspondent

Correspondent Name: MICHAEL SHORE  
Correspondent Address: BALLARD SPAHR LLP  
1735 MARKET STREET, 51ST FLOOR  
PHILADELPHIA, PA 19103-7599

#### Domestic Representative - Not Found

## Proceedings

#### Summary

Number of Proceedings: 2

#### Type of Proceeding: Opposition

Proceeding Number: [91245166](#)  
Filing Date: Dec 06, 2018  
Status: Terminated  
Status Date: Oct 17, 2019  
Interlocutory Attorney: LAWRENCE (LARRY) T STANLEY

#### Defendant

Name: Kially M. Ruiz  
Correspondent Address: ANDREA J MEALEY  
FISHERBROYLES LLP  
470 ATLANTIC AVENUE 4TH FLOOR  
BOSTON MA UNITED STATES , 02210  
Correspondent e-mail: [docketing@fisherbroyles.com](mailto:docketing@fisherbroyles.com) , [andrea.mealey@fisherbroyles.com](mailto:andrea.mealey@fisherbroyles.com)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
DATA VERTEX	Registered	<a href="#">87520268</a>	<a href="#">5917552</a>

#### Plaintiff(s)

Name: Vertex, Inc.  
Correspondent Address: CHRISTINA D FRANGIOSA  
ECKERT SEAMANS CHERIN & MELLOTT LLC  
TWO LIBERTY PLACE 50 SOUTH 16TH STREET, 22ND FLOOR  
PHILADELPHIA PA UNITED STATES , 19102  
Correspondent e-mail: [cfrangiosa@eckertseamans.com](mailto:cfrangiosa@eckertseamans.com) , [itorres@eckertseamans.com](mailto:itorres@eckertseamans.com) , [ipdocket@eckertseamans.com](mailto:ipdocket@eckertseamans.com)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
VERTEX	REGISTERED AND RENEWED	<a href="#">75058755</a>	<a href="#">2033772</a>
VERTEX ENTERPRISE	Section 8 - Accepted	<a href="#">85014815</a>	<a href="#">4039300</a>

#### Prosecution History

Entry Number	History Text	Date	Due Date
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1	FILED AND FEE	Dec 06, 2018	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 06, 2018	Jan 15, 2019
3	PENDING, INSTITUTED	Dec 06, 2018	
4	D APPEARANCE / POWER OF ATTORNEY	Jan 09, 2019	
5	D MOT FOR EXT W/ CONSENT	Jan 09, 2019	
6	EXTENSION OF TIME GRANTED	Jan 16, 2019	
7	D MOT FOR EXT W/ CONSENT	Mar 08, 2019	
8	EXTENSION OF TIME GRANTED	Mar 08, 2019	
9	D MOT FOR EXT W/ CONSENT	May 14, 2019	
10	EXTENSION OF TIME GRANTED	May 15, 2019	
11	D MOT FOR EXT W/ CONSENT	Jun 14, 2019	
12	EXTENSION OF TIME GRANTED	Jun 14, 2019	
13	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Aug 12, 2019	
14	SUSPENDED	Aug 12, 2019	
15	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Sep 13, 2019	
16	SUSPENDED	Sep 13, 2019	
17	MOT TO AMEND APPLICATION	Oct 04, 2019	
18	BD DECISION: OPP DISMISSED	Oct 17, 2019	
19	TERMINATED	Oct 17, 2019	

### Type of Proceeding: Opposition

**Proceeding Number:** [91227141](#)

**Filing Date:** Mar 30, 2016

**Status:** Terminated

**Status Date:** Jul 12, 2016

**Interlocutory Attorney:** GEOFFREY MCNUTT

#### Defendant

**Name:** McMillian with Associates, Inc.

**Correspondent Address:** NIGAMNARAYAN ACHARYA  
SEYFARTH SHAW LP  
1075 PEACHTREE ST NE , SUITE 2500  
ATLANTA GA UNITED STATES , 30309-3958

**Correspondent e-mail:** [tmatlanta@seyfarth.com](mailto:tmatlanta@seyfarth.com)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
VORTAX	Abandoned - After Inter-Partes Decision	<a href="#">86699830</a>	

#### Plaintiff(s)

**Name:** Vertex, Inc.

**Correspondent Address:** ROBERTA JACOBS-MEADWAY  
ECKERT SEAMANS CHERIN & MELLOTT LLC  
50 SOUTH 16TH STREET, 22ND FLOOR  
PHILADELPHIA PA UNITED STATES , 19102

**Correspondent e-mail:** [rjacobsmeadway@eckertseamans.com](mailto:rjacobsmeadway@eckertseamans.com), [ipdocket@eckertseamans.com](mailto:ipdocket@eckertseamans.com), [lmcguinness@eckertseamans.com](mailto:lmcguinness@eckertseamans.com), [itorres@eckertseamans.com](mailto:itorres@eckertseamans.com)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
VERTEX	REGISTERED AND RENEWED	<a href="#">75058755</a>	<a href="#">2033772</a>
VERTEX	REGISTERED AND RENEWED	<a href="#">76434358</a>	<a href="#">3089039</a>
VERTEX TAXGIS	Cancelled - Section 8	<a href="#">77659920</a>	<a href="#">3849291</a>
VERTEX ENTERPRISE	Section 8 - Accepted	<a href="#">85014815</a>	<a href="#">4039300</a>

#### Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 30, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 30, 2016	May 09, 2016

3	PENDING, INSTITUTED	Mar 30, 2016
4	NOTICE OF DEFAULT	May 21, 2016
5	BD DECISION: SUSTAINED	Jul 12, 2016
6	TERMINATED	Jul 12, 2016