

ESTTA Tracking number: **ESTTA1074690**

Filing date: **08/13/2020**

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	Shopify, Inc.
Granted to Date of previous extension	08/15/2020
Address	150 ELGIN STREET 8TH FLOOR OTTAWA, ON K2P1L4 CANADA
Attorney information	RICHARD J. GROOS KING & SPALDING LLP 500 WEST 2ND STREET, SUITE 1800 AUSTIN, TX 78701 UNITED STATES Primary Email: aotrademark@kslaw.com Secondary Email(s): emolson@kslaw.com, bress@kslaw.com, rgroos@kslaw.com 5124572018
Docket Number	

Applicant Information

Application No.	88801828	Publication date	06/16/2020
Opposition Filing Date	08/13/2020	Opposition Period Ends	08/15/2020
Applicant	Fever4Success LLC 7960 CANARY ISLAND WAY BOYNTON BEACH, FL 33436 UNITED STATES		

Goods/Services Affected by Opposition

Class 035. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: On-line retail store services featuring a wide variety of consumer goods of others; On-line retail store services featuring physical goods, namely, electronics, books, jewelry, baby products, pet products, personal hygiene, outdoor products, sporting goods and clothing not including sunglasses and gloves; Online advertising and promotional services

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.	3840412	Application Date	11/12/2009
Registration Date	08/31/2010	Foreign Priority Date	NONE
Word Mark	SHOPIFY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2006/01/09 First Use In Commerce: 2006/01/09 Computer e-commerce software to allow users to perform electronic business transactions via a global computer network		

U.S. Registration No.	5225833	Application Date	11/03/2015
Registration Date	06/20/2017	Foreign Priority Date	10/29/2015
Word Mark	SHOPIFY		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 0 First Use In Commerce: 0 Software for mobile devices for use in e-commerce and the retail industry to allow users to perform business management via a global computer network, namely, database management, sales and customer tracking and inventory management; Software for mobile devices for use in e-commerce and the retail industry, namely, software for point of sale transactions; Application programming interface (API) software that enables developers to build software applications for use in the retail and e-commerce industry</p> <p>Class 035. First use: First Use: 0 First Use In Commerce: 0 Business management and marketing consulting; business management services for online stores; business management services relating to information and data compiling and analyzing; business marketing consulting</p> <p>Class 036. First use: First Use: 0 First Use In Commerce: 0 Cash advance services for businesses and merchants; Providing electronic processing of credit card transactions and electronic payments via a global computer network</p> <p>Class 039. First use: First Use: 0 First Use In Commerce: 0 Parcel shipping services</p> <p>Class 042. First use: First Use: 0 First Use In Commerce: 0 Creation of online retail stores for others in the nature of web-based service that allows users to create hosted e-commerce stores to sell their goods and services online; providing an online platform featuring technology that enables users to create a unique URL for an online store and the ability for users to manage the content and inventory of their online store; design, creation, hosting and maintenance of internet sites for third parties; Software as a Service (SAAS) featuring software for use in e-commerce and the retail industry to allow users to perform electronic business transactions via a global computer network; Software as a Service (SAAS) services featuring software for use in database management, sales and customer tracking and management, and inventory management for the retail industry; providing an online platform featuring online non-</p>		

	downloadable computer software for use in the retail and e-commerce industry for facilitating retail store services
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U.S. Registration No.	5326574	Application Date	11/10/2015
Registration Date	11/07/2017	Foreign Priority Date	11/09/2015
Word Mark	S SHOPIFY		
Design Mark			
Description of Mark	The mark consists of a bag design with an "S" in the middle, the bag is next to the term "SHOPIFY".		
Goods/Services	<p>Class 009. First use: First Use: 0 First Use In Commerce: 0 Software for mobile devices for use in e-commerce and the retail industry to allow users to perform business management via a global computer network, namely, database management, sales and customer tracking and inventory management; software for mobile devices for use in e-commerce and the retail industry, namely, software for point of sale transactions; application programming interface (API) software that enables developers to build software applications for use in the retail and e-commerce industry</p> <p>Class 016. First use: First Use: 0 First Use In Commerce: 0 Notebooks</p> <p>Class 018. First use: First Use: 0 First Use In Commerce: 0 Tote bags</p> <p>Class 025. First use: First Use: 0 First Use In Commerce: 0 Hooded sweatshirts, t-shirts, toques</p> <p>Class 035. First use: First Use: 0 First Use In Commerce: 0 Business management and marketing consulting; business management services for online stores; business management services relating to information and data compiling and analyzing; business marketing consulting</p> <p>Class 036. First use: First Use: 0 First Use In Commerce: 0 Cash advance services for businesses and merchants; providing electronic processing of credit card transactions and electronic payments via a global computer network</p> <p>Class 039. First use: First Use: 0 First Use In Commerce: 0 Parcel shipping services</p> <p>Class 042. First use: First Use: 0 First Use In Commerce: 0 Creation of online retail stores for others in the nature of web-based service that allows users to create hosted e-commerce stores to sell their goods and services online; providing an online platform featuring technology that enables users to create a unique URL for an online store and the ability for users to manage the content and inventory of their online store; design, creation, hosting and maintenance of internet sites for third parties; Software as a Service (SAAS) featuring software for use in e-commerce and the retail industry to allow users to perform electronic business transactions via a global computer network; Software as a Service (SAAS) services featuring software for use in database management, sales and customer tracking and management, and inventory management for the retail industry; providing an online platform featuring online non-downloadable computer software for use in the retail and e-commerce industry for facilitating retail store services</p>		

U.S. Registration No.	5337842	Application Date	11/10/2015
Registration Date	11/21/2017	Foreign Priority	11/09/2015

		Date	
Word Mark	S SHOPIFY		
Design Mark			
Description of Mark	The mark consists of a bag design in green that is shaded in dark green on the right, an "S" is in the middle of the bag in white, the bag is next to the phrase "SHOPIFY" in black.		
Goods/Services	<p>Class 009. First use: First Use: 0 First Use In Commerce: 0 Software for mobile devices for use in e-commerce and the retail industry to allow users to perform business management via a global computer network, namely, database management, sales and customer tracking and inventory management; software for mobile devices for use in e-commerce and the retail industry, namely, software for point of sale transactions; application programming interface (API) software that enables developers to build software applications for use in the retail and e-commerce industry</p> <p>Class 016. First use: First Use: 0 First Use In Commerce: 0 Notebooks</p> <p>Class 018. First use: First Use: 0 First Use In Commerce: 0 Tote bags</p> <p>Class 025. First use: First Use: 0 First Use In Commerce: 0 Hooded sweatshirts, t-shirts, toques</p> <p>Class 035. First use: First Use: 0 First Use In Commerce: 0 Business management and marketing consulting; business management services for online stores; business management services relating to information and data compiling and analyzing; business marketing consulting</p> <p>Class 036. First use: First Use: 0 First Use In Commerce: 0 Cash advance services for businesses and merchants; providing electronic processing of credit card transactions and electronic payments via a global computer network</p> <p>Class 039. First use: First Use: 0 First Use In Commerce: 0 Parcel shipping services</p> <p>Class 042. First use: First Use: 0 First Use In Commerce: 0 Creation of online retail stores for others in the nature of web-based service that allows users to create hosted e-commerce stores to sell their goods and services online; providing an online platform featuring technology that enables users to create a unique URL for an online store and the ability for users to manage the content and inventory of their online store; design, creation, hosting and maintenance of internet sites for third parties; Software as a Service (SAAS) featuring software for use in e-commerce and the retail industry to allow users to perform electronic business transactions via a global computer network; Software as a Service (SAAS) services featuring software for use in database management, sales and customer tracking and management, and inventory management for the retail industry; providing an online platform featuring online non-downloadable computer software for use in the retail and e-commerce industry for facilitating retail store services</p>		

U.S. Registration No.	3208463	Application Date	04/06/2006
Registration Date	02/13/2007	Foreign Priority Date	NONE
Word Mark	S SHOPIFY		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class 009. First use: First Use: 2005/08/27 First Use In Commerce: 2005/08/27 Computer e-commerce software to allow users to perform electronic business transactions via a global computer network Class 042. First use: First Use: 2005/08/27 First Use In Commerce: 2005/08/27 Design, creation, hosting and maintenance of internet sites for third parties

Attachments	Notice of Opposition.pdf(232802 bytes) Exhibit A.pdf(196670 bytes)
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Signature	/Richard J. Groos/
Name	RICHARD J. GROOS
Date	08/13/2020

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

In the matter of Application Serial No. 88801828
By Fever4Success LLC for the Mark: SHOPAVIE
Published in the *Official Gazette* on June 16, 2020

SHOPIFY INC.,
Opposer,

v.

FEVER4SUCCESS LLC,
Applicant.

Opposition No. _____

NOTICE OF OPPOSITION

Shopify Inc. (hereinafter with its predecessors in interest “Opposer” or “Shopify”), a Canadian corporation, located at 150 Elgin Street, 8th Floor, Ottawa, Ontario, K2P1L4, Canada, believes it will be damaged by the registration of the mark shown in Application Serial No. 88801828, filed February 18, 2020, by Fever4Success LLC DBA Shopavie (hereinafter “Applicant”), and hereby opposes registration of the mark. The grounds for opposition are as follows:

1. Applicant’s mark published for opposition on June 16, 2020 and Opposer extended the time to oppose the same until August 15, 2020. This Notice of Opposition is timely filed.

2. Applicant is seeking to register the mark SHOPAVIE in connection with “On-line retail store services featuring a wide variety of consumer goods of others; On-line retail store services featuring physical goods, namely, electronics, books, jewelry, baby products, pet


products, personal hygiene, outdoor products, sporting goods and clothing not including sunglasses and gloves; Online advertising and promotional services” in International Class 35.


3. Shopify is a leading ecommerce platform for the operation of online and mobile retail stores.

4. Since at least 2005, Shopify has been using the trademark SHOPIFY to identify and promote its ecommerce services.

5. Shopify owns numerous registrations for its well-known SHOPIFY marks, including the following (collectively along with the common law usage referred to herein as “Opposer’s Marks”):

Mark/Name	App. No./Reg. No.	App Date/Reg. Date	Full Goods/Services
SHOPIFY	RN: 3840412 SN: 77871407	November 12, 2009 August 31, 2010	(Int'l Class: 09) computer e-commerce software to allow users to perform electronic business transactions via a global computer network
SHOPIFY	RN: 5225833 SN: 86808267	November 3, 2015 June 20, 2017	(Int'l Class: 09) software for mobile devices for use in e-commerce and the retail industry to allow users to perform business management via a global computer network, namely, database management, sales and customer tracking and inventory management; software for mobile devices for use in e-commerce and the retail industry, namely, software for point of sale transactions; application programming interface (api) software that enables developers to build software applications for use in the retail and e-commerce industry (Int'l Class: 35) business management and marketing consulting; business management services for online stores; business management services relating to information and data compiling and analyzing; business marketing consulting (Int'l Class: 36) cash advance services for businesses and merchants; providing electronic processing of credit card transactions and electronic payments via a global computer network (Int'l Class: 39) parcel shipping services (Int'l Class: 42) creation of online retail stores for others in the nature of web-based service that allows users to create hosted e-commerce stores to sell their goods and services online; providing an online platform featuring technology that enables users to create a unique url for an online store and the ability for users to manage the content and inventory of their online store; design, creation, hosting and maintenance of internet sites for third parties; software as a service (saas) featuring software for use in e-commerce and the retail industry to allow users to

			perform electronic business transactions via a global computer network; software as a service (saas) services featuring software for use in database management, sales and customer tracking and management, and inventory management for the retail industry; providing an online platform featuring online non-downloadable computer software for use in the retail and e-commerce industry for facilitating retail store services
S SHOPIFY and Design 	RN: 5326574 SN: 86815370	11/10/2015 November 7, 2017	(Int'l Class: 09) software for mobile devices for use in e-commerce and the retail industry to allow users to perform business management via a global computer network, namely, database management, sales and customer tracking and inventory management; software for mobile devices for use in e-commerce and the retail industry, namely, software for point of sale transactions; application programming interface (api) software that enables developers to build software applications for use in the retail and e-commerce industry (Int'l Class: 16) notebooks (Int'l Class: 18) tote bags (Int'l Class: 25) hooded sweatshirts, t-shirts, toques (Int'l Class: 35) business management and marketing consulting; business management services for online stores; business management services relating to information and data compiling and analyzing; business marketing consulting (Int'l Class: 36) cash advance services for businesses and merchants; providing electronic processing of credit card transactions and electronic payments via a global computer network (Int'l Class: 39) parcel shipping services (Int'l Class: 42) creation of online retail stores for others in the nature of web-based service that allows users to create hosted e-commerce stores to sell their goods and services online; providing an online platform featuring technology that enables users to create a unique url for an online store and the ability for users to manage the content and inventory of their online store; design, creation, hosting and maintenance of internet sites for third parties; software as a service (saas) featuring software for use in e-commerce and the retail industry to allow users to perform electronic business transactions via a global computer network; software as a service (saas) services featuring software for use in database management, sales and customer tracking and management, and inventory management for the retail industry; providing an online platform featuring online non-downloadable computer software for use in the retail and e-commerce industry for facilitating retail store services
S SHOPIFY and Design 	RN: 5337842 SN: 86815377	November 10, 2015 November 21, 2017	(Int'l Class: 09) software for mobile devices for use in e-commerce and the retail industry to allow users to perform business management via a global computer network, namely, database management, sales and customer tracking and inventory management; software for mobile devices for use in e-commerce and the retail industry, namely, software for point of sale transactions; application programming interface (api) software that enables developers to build software applications for use in the retail and e-commerce industry (Int'l Class: 16) notebooks

			(Int'l Class: 18) tote bags (Int'l Class: 25) hooded sweatshirts, t-shirts, toques (Int'l Class: 35) business management and marketing consulting; business management services for online stores; business management services relating to information and data compiling and analyzing; business marketing consulting (Int'l Class: 36) cash advance services for businesses and merchants; providing electronic processing of credit card transactions and electronic payments via a global computer network (Int'l Class: 39) parcel shipping services (Int'l Class: 42) creation of online retail stores for others in the nature of web-based service that allows users to create hosted e- commerce stores to sell their goods and services online; providing an online platform featuring technology that enables users to create a unique url for an online store and the ability for users to manage the content and inventory of their online store; design, creation, hosting and maintenance of internet sites for third parties; software as a service (saas) featuring software for use in e-commerce and the retail industry to allow users to perform electronic business transactions via a global computer network; software as a service (saas) services featuring software for use in database management, sales and customer tracking and management, and inventory management for the retail industry; providing an online platform featuring online non-downloadable computer software for use in the retail and e-commerce industry for facilitating retail store services
S SHOPIFY and Design 	RN: 3208463 SN: 78855486	April 6, 2006 February 13, 2007	(Int'l Class: 09) computer e-commerce software to allow users to perform electronic business transactions via a global computer network (Int'l Class: 42) design, creation, hosting and maintenance of internet sites for third parties

Current printouts of information from the electronic database records of the USPTO showing the current status and title of the registrations are attached hereto as Exhibit A.

6. The registrations listed in the above table have not been canceled, are valid, and are now in full force and effect. In addition, Registration Nos. 3208463 and 3840412 are incontestable under Section 15 of the Lanham Act, 15 U.S.C. § 1065. Consequently, these registrations are conclusive evidence of the validity of the registered marks and of the registration of the marks, of Opposer's ownership of the marks, and of Opposer's exclusive right to use the registered marks in commerce under Section 33 of the Lanham Act, 15 U.S.C. § 1115.

7. Opposer has advertised and promoted Opposer's Marks continuously and extensively, and made substantial sales of products and services under said marks. As a result of such continuous use and promotion, Opposer's Marks have developed and represent valuable goodwill inuring to the benefit of Opposer.

8. There is no issue of priority concerning Application Serial No. 88801828 since Opposer used and registered Opposer's Marks prior to Applicant's February 18, 2020, filing date. Opposer adopted and commenced use of Opposer's Marks as trademarks long before Applicant adopted or used the SHOPAVIE mark. Opposer's usage of the mark SHOPIFY as a trademark commenced at least as early as 2005, which is prior to the filing date of Applicant's application for its SHOPAVIE mark, or any other priority date upon which Applicant can rely. Opposer therefore has priority over Applicant with respect to the marks at issue.

9. Upon information and belief, Applicant had knowledge of the fact that Opposer used Opposer's Marks as trademarks and/or had constructive knowledge of Opposer's Marks registrations before it adopted the SHOPAVIE mark.

10. Applicant's SHOPAVIE mark is confusingly and deceptively similar to Opposer's previously used and duly registered Opposer's Marks.

11. Applicant's SHOPAVIE mark is nearly identical in sight, sound and commercial impression to Opposer's Marks. In particular, both SHOPIFY and SHOPAVIE can be pronounced the same way due to the similarity of the "I" and "A" syllable and the "FY" and "VIE" syllable.

12. Applicant's alleged services are highly related to Opposer's goods and services marketed and sold by Opposer in connection with Opposer's Marks.

13. In particular, Opposer offers ecommerce solutions for online retail stores and Applicant has applied for online retail store services and online advertising and promotional services, which are highly related to each other.

14. Upon information and belief, Opposer's goods and services and Applicant's services are promoted to the same consumers.

15. Due to the similarity between Applicant's claimed mark, SHOPAVIE, and Opposer's previously used and registered Opposer's Marks, the closely related nature of the goods and services of the respective parties, customers and potential customers are likely to believe that Applicant's services originate from Opposer, resulting in a likelihood of confusion in the marketplace, and damage to Opposer.

16. The use and registration by Applicant of the mark SHOPAVIE for Applicant's services is likely to cause confusion or to cause mistake or deception in the trade, and among purchasers and potential purchasers, with Opposer's previously used and registered Opposer's Marks, again resulting in damage to Opposer.

17. Because of the closely related nature of the goods and services of the parties, and the similarity of the marks, use and registration of the term SHOPAVIE by Applicant is likely to cause confusion, mistake, or deception that Applicant's services are those of Opposer, or are otherwise endorsed, sponsored, or approved by Opposer for use with Opposer's goods and services causing further damage to Opposer.

18. Registration of the mark shown in Application Serial No. 88801828 will result in damage to Opposer under the provisions of Section 2 of the U.S. Trademark Act, 15 U.S.C. Section 1052, pursuant to the allegations stated above.

WHEREFORE, Opposer asks that its opposition to this application be sustained and that registration of the mark shown in Application Serial No. 88801828 for the goods and services set forth therein be refused.

Respectfully submitted,

Dated: August 13, 2020

By: /Brandon M. Ress/
Richard J. Groos
Brandon M. Ress
KING & SPALDING LLP
500 W. 2nd Street, Suite 1800
Austin, TX 78701
T: +1 512 457 2018
F: +1 512 457 2100

ATTORNEYS FOR OPPOSER

EXHIBIT A

Generated on: This page was generated by TSDR on 2020-08-12 10:21:53 EDT

Mark: SHOPIFY

SHOPIFY

US Serial Number: 77871407

Application Filing Date: Nov. 12, 2009

US Registration Number: 3840412

Registration Date: Aug. 31, 2010

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

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. 24, 2016

Publication Date: Jun. 15, 2010

Mark Information

Mark Literal Elements: SHOPIFY

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

Related Properties Information

Claimed Ownership of US Registrations: 3208463

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 e-commerce software to allow users to perform electronic business transactions via a global computer network

International Class(es): 009 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 09, 2006

Use in Commerce: Jan. 09, 2006

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

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: SHOPIFY INC.

Owner Address: 150 Elgin Street, 8th Floor
Ottawa, Ontario CANADA K2P1L4

Legal Entity Type: CORPORATION

State or Country Where Organized: CANADA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Richard J. Groos

Attorney Primary Email Address: aotrademark@kslaw.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Richard J. Groos
King & Spalding LLP
500 West 2nd Street, 1800
Austin, TEXAS UNITED STATES 78701

Phone: 5124572018

Fax: 5124572100

Correspondent e-mail: aotrademark@kslaw.com emolson@kslaw.com

Correspondent e-mail Authorized: Yes

Domestic Representative

Domestic Representative Name: Richard J. Groos

Phone: 5124572018

Fax: 5124572100

Domestic Representative e-mail: aotrademark@kslaw.com

Domestic Representative e-mail Authorized: Yes

Prosecution History

Date	Description	Proceeding Number
Jun. 30, 2020	TEAS SECTION 8 & 9 RECEIVED	
Jun. 02, 2020	REVIEW OF CORRESPONDENCE COMPLETE - ADDRESS UPDATED	59377
Apr. 01, 2020	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Apr. 01, 2020	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Apr. 01, 2020	TEAS CHANGE OF DOMESTIC REPRESENTATIVES ADDRESS	
Apr. 01, 2020	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Apr. 01, 2020	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Apr. 01, 2020	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Aug. 31, 2019	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Oct. 24, 2016	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Oct. 24, 2016	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	70131
Oct. 24, 2016	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	70131
Aug. 18, 2016	TEAS SECTION 8 & 15 RECEIVED	
Mar. 21, 2012	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Mar. 21, 2012	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Feb. 15, 2012	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Sep. 22, 2010	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Sep. 22, 2010	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Aug. 31, 2010	REGISTERED-PRINCIPAL REGISTER	
Jun. 15, 2010	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jun. 15, 2010	PUBLISHED FOR OPPOSITION	

May 11, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	76568
May 10, 2010	ASSIGNED TO LIE	76568
Apr. 29, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 26, 2010	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Apr. 25, 2010	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Apr. 25, 2010	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Feb. 18, 2010	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Feb. 18, 2010	NON-FINAL ACTION E-MAILED	6325
Feb. 18, 2010	NON-FINAL ACTION WRITTEN	70436
Feb. 18, 2010	ASSIGNED TO EXAMINER	70436
Nov. 18, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Nov. 16, 2009	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMO LAW OFFICE 111

Date in Location: Oct. 24, 2016

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: Jaded Pixel Technologies, Inc.

Assignment 1 of 1

Conveyance: CHANGE OF NAME

Reel/Frame: [4712/0109](#)

Pages: 4

Date Recorded: Feb. 07, 2012

Supporting Documents: [assignment-tm-4712-0109.pdf](#)

Assignor

Name: [JADED PIXEL TECHNOLOGIES INC.](#)

Execution Date: Nov. 30, 2011

Legal Entity Type: CORPORATION

State or Country: CANADA

Where Organized:

Assignee

Name: [SHOIFY INC.](#)

Legal Entity Type: CORPORATION

State or Country: CANADA

Where Organized:

Address: 61A YORK STREET
OTTAWA, ONTARIO, CANADA K1N 5T2

Correspondent

Correspondent Name: CATHERINE F. HOFFMAN, ESQ.

Correspondent Address: MAYBACK & HOFFMAN, P.A.
5722 SO. FLAMINGO ROAD, #232
FORT LAUDERDALE, FL 33330

Domestic Representative

Domestic Representative Name: MAYBACK & HOFFMAN, P.A.

Domestic Representative Address: 5722 SO. FLAMINGO ROAD, #232
FORT LAUDERDALE, FL 33330

Proceedings

Summary

Number of Proceedings: 2

Type of Proceeding: Opposition

Proceeding Number: [91244171](#)**Filing Date:** Oct 16, 2018**Status:** Consolidated/Child Case**Status Date:** Jan 30, 2020**Interlocutory Attorney:** MARY B MYLES**Defendant****Name:** Shoppi Inc.**Correspondent Address:** VACANTE SALVATORE
SHOPPI INC
1 RADISSON PLAZA SUITE 800
NEW ROCHELLE NY UNITED STATES , 10801**Correspondent e-mail:** salvatore@Shoppi.email**Associated marks**

Mark	Application Status	Serial Number	Registration Number
SHOPPI	Opposition Pending	8767735	

Plaintiff(s)**Name:** Shopify Inc.**Correspondent Address:** GREGORY GOLLA
MERCHANT & GOULD PC
PO BOX 2910
MINNEAPOLIS MN UNITED STATES , 55402-0910**Correspondent e-mail:** ggolla@merchantgould.com , 00270.0112USTB.active@ef.merchantgould.com , dockmpls@merchantgould.com , aavery@merchantgould.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
SHOPIFY	Registered	86808267	5225833
SHOPIFY	Section 8 and 15 - Accepted and Acknowledged	77871407	3840412
S SHOPIFY	Registered	86815370	5326574
S SHOPIFY	Registered	86815377	5337842
S SHOPIFY	REGISTERED AND RENEWED	78855486	3208463
S	Section 8 and 15 - Accepted and Acknowledged	85120175	4163093
S	Registered	86815365	5337840
S	Registered	86815368	5337841

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 16, 2018	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Oct 16, 2018	Nov 25, 2018
3	PENDING, INSTITUTED	Oct 16, 2018	
4	ANSWER	Nov 10, 2018	
5	TRIAL DATES REMAIN AS SET	Nov 23, 2018	
6	CONSOLIDATION GRANTED (CHILD OF 91243796)	Dec 10, 2018	
7	P OPP/RESP TO MOTION	Mar 27, 2019	
8	ANSWER	Mar 29, 2019	
9	PROCEEDINGS RESUMED	Jul 25, 2019	
10	P MOT FOR SUMMARY JGT DENIED	Apr 29, 2020	

Type of Proceeding: Opposition

Proceeding Number: [91243796](#)**Filing Date:** Sep 25, 2018**Status:** Suspended**Status Date:** Jan 21, 2020**Interlocutory Attorney:** MARY B MYLES

Defendant**Name:** Shoppi Inc. dba Shoppi**Correspondent Address:** VACANTE SALVATORE
SHOPPI INC
1 RADISSON PLAZA, SUITE 800
NEW ROCHELLE NY UNITED STATES , 10801**Correspondent e-mail:** salvatore@shoppiapp.com , salvatore@shoppi.email**Associated marks**

Mark	Application Status	Serial Number	Registration Number
SHOPPI GO	Opposition Pending	87679430	

Plaintiff(s)**Name:** Shopify Inc.**Correspondent Address:** GREGORY GOLLA
MERCHANT & GOULD PC
PO BOX 2910
MINNEAPOLIS MN UNITED STATES , 55402-0910**Correspondent e-mail:** ggolla@merchantgould.com , cschulte@merchantgould.com , aavery@merchantgould.com , dockmpls@merchantgould.com , rgr00s@kslaw.com , bress@kslaw.com , emolson@kslaw.com , aotrademark@kslaw.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
SHOPIFY	Registered	86808267	5225833
SHOPIFY	Section 8 and 15 - Accepted and Acknowledged	77871407	3840412
S SHOPIFY	Registered	86815370	5326574
S SHOPIFY	Registered	86815377	5337842
S SHOPIFY	REGISTERED AND RENEWED	78855486	3208463
S	Section 8 and 15 - Accepted and Acknowledged	85120175	4163093
S	Registered	86815365	5337840
S	Registered	86815368	5337841

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Sep 25, 2018	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 25, 2018	Nov 04, 2018
3	PENDING, INSTITUTED	Sep 25, 2018	
4	ANSWER	Oct 19, 2018	
5	P REQ FOR DISCOVERY CONFERENCE-PHONE	Nov 07, 2018	
6	NOTICE OF CONSOLIDATION - PARENT OF 91244171; TRIAL DATES RESET; AMENDED ANSWER DUE	Dec 07, 2018	
7	NOTICE OF DEFAULT	Feb 14, 2019	
8	D RESP TO BD ORDER/INQUIRY	Mar 01, 2019	
9	RESPONSE DUE	Mar 08, 2019	
10	CORRECTION TO BD ORDER	Mar 08, 2019	
11	D RESP TO BD ORDER/INQUIRY	Mar 10, 2019	
12	P OPP/RESP TO MOTION	Mar 27, 2019	
13	ANSWER	Mar 29, 2019	
14	PROCEEDINGS RESUMED	Jul 25, 2019	
15	P MOT FOR SUMMARY JUDGMENT	Jan 21, 2020	
16	D OPP/RESP TO MOTION	Jan 26, 2020	
17	SUSP PEND DISP OF OUTSTNDNG MOT	Jan 31, 2020	
18	P APPEARANCE / POWER OF ATTORNEY	Mar 31, 2020	
19	P MOT FOR SUMMARY JGT DENIED	Apr 29, 2020	
20	D MOT FOR SUMMARY JUDGMENT	May 17, 2020	
21	P MOT TO COMPEL DISCOVERY	Jun 08, 2020	
22	D OPP/RESP TO MOTION	Jun 08, 2020	
23	CONFIDENTIAL DEFENDANT'S SUPPORTING EVIDENCE/EXHIBITS	Jun 12, 2020	

24

P REPLY IN SUPPORT OF MOTION

Jun 29, 2020

25

D REPLY IN SUPPORT OF MOTION

Jun 30, 2020

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Mark: SHOPIFY

SHOPIFY

US Serial Number: 86808267

Application Filing Date: Nov. 03, 2015

US Registration Number: 5225833

Registration Date: Jun. 20, 2017

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

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: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Jun. 20, 2017

Publication Date: Apr. 04, 2017

Mark Information

Mark Literal Elements: SHOPIFY

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

Foreign Information

Priority Claimed: Yes

Foreign Application Number: 1752594

Foreign Application Filing Date: Oct. 29, 2015

Foreign Registration Number: TMA960,113

Foreign Registration Date: Jan. 13, 2017

Foreign Application/Registration Country: CANADA

Foreign Expiration Date: Jan. 13, 2032

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: Software for mobile devices for use in e-commerce and the retail industry to allow users to perform business management via a global computer network, namely, database management, sales and customer tracking and inventory management; Software for mobile devices for use in e-commerce and the retail industry, namely, software for point of sale transactions; Application programming interface (API) software that enables developers to build software applications for use in the retail and e-commerce industry

International Class(es): 009 - Primary Class

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

Class Status: ACTIVE

Basis: 44(e)

For: Business management and marketing consulting; business management services for online stores; business management services relating to information and data compiling and analyzing; business marketing consulting

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 44(e)

For: Cash advance services for businesses and merchants; Providing electronic processing of credit card transactions and electronic payments via a global computer network

International Class(es): 036 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 44(e)

For: Parcel shipping services

International Class(es): 039 - Primary Class

U.S Class(es): 100, 105

Class Status: ACTIVE

Basis: 44(e)

For: Creation of online retail stores for others in the nature of web-based service that allows users to create hosted e-commerce stores to sell their goods and services online; providing an online platform featuring technology that enables users to create a unique URL for an online store and the ability for users to manage the content and inventory of their online store; design, creation, hosting and maintenance of internet sites for third parties; Software as a Service (SAAS) featuring software for use in e-commerce and the retail industry to allow users to perform electronic business transactions via a global computer network; Software as a Service (SAAS) services featuring software for use in database management, sales and customer tracking and management, and inventory management for the retail industry; providing an online platform featuring online non-downloadable computer software for use in the retail and e-commerce industry for facilitating retail store services

International Class(es): 042 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 44(e)

Basis Information (Case Level)

Filed Use: Yes

Currently Use: No

Filed ITU: Yes

Currently ITU: No

Filed 44D: Yes

Currently 44E: Yes

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: Shopify Inc.

Owner Address: 126 York Street, Suite 200
Ottawa, Ontario CANADA K1N5T5

Legal Entity Type: CORPORATION

State or Country Where Organized: CANADA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Richard J. Groos

Attorney Primary Email Address: aotrademark@kslaw.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Richard J. Groos
King & Spalding LLP
500 West 2nd Street, 1800
500 West 2nd Street, Suite 1800
Austin, TEXAS UNITED STATES 78701

Phone: 5124572018

Fax: 5124572100

Correspondent e-mail: aotrademark@kslaw.com emolson@kslaw.com

Correspondent e-mail Authorized: Yes

Domestic Representative

Domestic Representative Name: Richard J. Groos

Phone: 5124572018

Fax: 5124572100

Domestic Representative e-mail: aotrademark@kslaw.com

Domestic Representative e-mail Authorized: Yes

Prosecution History

Date	Description	Proceeding Number
Jun. 02, 2020	REVIEW OF CORRESPONDENCE COMPLETE - ADDRESS UPDATED	59377
Apr. 01, 2020	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Apr. 01, 2020	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Apr. 01, 2020	TEAS CHANGE OF DOMESTIC REPRESENTATIVES ADDRESS	
Apr. 01, 2020	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Apr. 01, 2020	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Apr. 01, 2020	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jun. 20, 2017	REGISTERED-PRINCIPAL REGISTER	
Apr. 04, 2017	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Apr. 04, 2017	PUBLISHED FOR OPPOSITION	
Mar. 15, 2017	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Feb. 28, 2017	LAW OFFICE PUBLICATION REVIEW COMPLETED	68552
Feb. 08, 2017	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 07, 2017	TEAS/EMAIL CORRESPONDENCE ENTERED	68552
Feb. 07, 2017	CORRESPONDENCE RECEIVED IN LAW OFFICE	68552
Feb. 06, 2017	TEAS RESPONSE TO SUSPENSION INQUIRY RECEIVED	
Jan. 06, 2017	NOTIFICATION OF INQUIRY AS TO SUSPENSION E-MAILED	
Jan. 06, 2017	INQUIRY TO SUSPENSION E-MAILED	
Jan. 06, 2017	SUSPENSION INQUIRY WRITTEN	82094
Jul. 06, 2016	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Jul. 06, 2016	LETTER OF SUSPENSION E-MAILED	6332
Jul. 06, 2016	SUSPENSION LETTER WRITTEN	82094
Jun. 29, 2016	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jun. 29, 2016	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jun. 29, 2016	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jun. 21, 2016	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jun. 21, 2016	NON-FINAL ACTION E-MAILED	6325
Jun. 21, 2016	NON-FINAL ACTION WRITTEN	82094
Jun. 01, 2016	TEAS/EMAIL CORRESPONDENCE ENTERED	68552
Jun. 01, 2016	CORRESPONDENCE RECEIVED IN LAW OFFICE	68552
May 25, 2016	ASSIGNED TO LIE	68552
May 13, 2016	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Feb. 29, 2016	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Feb. 29, 2016	NON-FINAL ACTION E-MAILED	6325
Feb. 29, 2016	NON-FINAL ACTION WRITTEN	82094
Feb. 25, 2016	ASSIGNED TO EXAMINER	82094
Nov. 06, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Nov. 06, 2015	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jun. 20, 2017

Proceedings

Summary

Number of Proceedings: 2

Type of Proceeding: Opposition

Proceeding Number: [91244171](#)

Filing Date: Oct 16, 2018

Status: Consolidated/Child Case

Status Date: Jan 30, 2020

Interlocutory Attorney: MARY B MYLES

Defendant

Name: Shoppi Inc.

Correspondent Address: VACANTE SALVATORE
SHOPPI INC
1 RADISSON PLAZA SUITE 800
NEW ROCHELLE NY UNITED STATES , 10801

Correspondent e-mail: salvatore@Shoppi.email

Associated marks

Mark	Application Status	Serial Number	Registration Number
SHOPPI	Opposition Pending	87677735	

Plaintiff(s)

Name: Shopify Inc.

Correspondent Address: GREGORY GOLLA
MERCHANT & GOULD PC
PO BOX 2910
MINNEAPOLIS MN UNITED STATES , 55402-0910

Correspondent e-mail: ggolla@merchantgould.com , 00270.0112USTB.active@ef.merchantgould.com , dockmpls@merchantgould.com , aavery@merchantgould.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SHOPIFY	Registered	86808267	5225833
SHOPIFY	Section 8 and 15 - Accepted and Acknowledged	77871407	3840412
S SHOPIFY	Registered	86815370	5326574
S SHOPIFY	Registered	86815377	5337842
S SHOPIFY	REGISTERED AND RENEWED	78855486	3208463
S	Section 8 and 15 - Accepted and Acknowledged	85120175	4163093
S	Registered	86815365	5337840
S	Registered	86815368	5337841

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 16, 2018	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Oct 16, 2018	Nov 25, 2018
3	PENDING, INSTITUTED	Oct 16, 2018	
4	ANSWER	Nov 10, 2018	
5	TRIAL DATES REMAIN AS SET	Nov 23, 2018	
6	CONSOLIDATION GRANTED (CHILD OF 91243796)	Dec 10, 2018	
7	P OPP/RESP TO MOTION	Mar 27, 2019	
8	ANSWER	Mar 29, 2019	
9	PROCEEDINGS RESUMED	Jul 25, 2019	

Type of Proceeding: Opposition

Proceeding Number: [91243796](#)

Filing Date: Sep 25, 2018

Status: Suspended

Status Date: Jan 21, 2020

Interlocutory Attorney: MARY B MYLES

Defendant

Name: Shoppi Inc. dba Shoppi

Correspondent Address: VACANTE SALVATORE

SHOPPI INC
1 RADISSON PLAZA, SUITE 800
NEW ROCHELLE NY UNITED STATES , 10801

Correspondent e-mail: salvatore@shoppiapp.com , salvatore@shoppi.email

Associated marks

Mark	Application Status	Serial Number	Registration Number
SHOPPI GO	Opposition Pending	87679430	

Plaintiff(s)

Name: Shopify Inc.

Correspondent Address: GREGORY GOLLA

MERCHANT & GOULD PC
PO BOX 2910
MINNEAPOLIS MN UNITED STATES , 55402-0910

Correspondent e-mail: ggolla@merchantgould.com , cschulte@merchantgould.com , aavery@merchantgould.com , dockmpls@merchantgould.com , rgruos@kslaw.com , bress@kslaw.com , emolson@kslaw.com , aotrademark@kslaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SHOPIFY	Registered	86808267	5225833
SHOPIFY	Section 8 and 15 - Accepted and Acknowledged	77871407	3840412
S SHOPIFY	Registered	86815370	5326574
S SHOPIFY	Registered	86815377	5337842
S SHOPIFY	REGISTERED AND RENEWED	78855486	3208463
S	Section 8 and 15 - Accepted and Acknowledged	85120175	4163093
S	Registered	86815365	5337840
S	Registered	86815368	5337841

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Sep 25, 2018	
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3	PENDING, INSTITUTED	Sep 25, 2018	
4	ANSWER	Oct 19, 2018	
5	P REQ FOR DISCOVERY CONFERENCE-PHONE	Nov 07, 2018	
6	NOTICE OF CONSOLIDATION - PARENT OF 91244171; TRIAL DATES RESET; AMENDED ANSWER DUE	Dec 07, 2018	
7	NOTICE OF DEFAULT	Feb 14, 2019	
8	D RESP TO BD ORDER/INQUIRY	Mar 01, 2019	
9	RESPONSE DUE	Mar 08, 2019	
10	CORRECTION TO BD ORDER	Mar 08, 2019	
11	D RESP TO BD ORDER/INQUIRY	Mar 10, 2019	
12	P OPP/RESP TO MOTION	Mar 27, 2019	
13	ANSWER	Mar 29, 2019	
14	PROCEEDINGS RESUMED	Jul 25, 2019	
15	P MOT FOR SUMMARY JUDGMENT	Jan 21, 2020	

16	D OPP/RESP TO MOTION	Jan 26, 2020
17	SUSP PEND DISP OF OUTSTNDNG MOT	Jan 31, 2020
18	P APPEARANCE / POWER OF ATTORNEY	Mar 31, 2020
19	P MOT FOR SUMMARY JGT DENIED	Apr 29, 2020
20	D MOT FOR SUMMARY JUDGMENT	May 17, 2020
21	P MOT TO COMPEL DISCOVERY	Jun 08, 2020
22	D OPP/RESP TO MOTION	Jun 08, 2020
23	CONFIDENTIAL DEFENDANT'S SUPPORTING EVIDENCE/EXHIBITS	Jun 12, 2020
24	P REPLY IN SUPPORT OF MOTION	Jun 29, 2020
25	D REPLY IN SUPPORT OF MOTION	Jun 30, 2020

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Mark: S SHOPIFY



US Serial Number: 86815370

Application Filing Date: Nov. 10, 2015

US Registration Number: 5326574

Registration Date: Nov. 07, 2017

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

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: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Nov. 07, 2017

Publication Date: Aug. 22, 2017

Mark Information

Mark Literal Elements: S SHOPIFY

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 a bag design with an "S" in the middle, the bag is next to the term "SHOPIFY".

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

Design Search Code(s): 19.07.11 - Bags, burlap; Bags, paper; Bags, shopping; Grocery bags; Shopping bags; Paper bags; Sacks; Sacks filled with grain; Litter bags

Foreign Information

Priority Claimed: Yes

Foreign Application Number: 1753982

Foreign Application Filing Date: Nov. 09, 2015

Foreign Registration Number: TMA963084

Foreign Registration Date: Feb. 16, 2017

Foreign Application/Registration Country: CANADA

Foreign Expiration Date: Feb. 16, 2032

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: Software for mobile devices for use in e-commerce and the retail industry to allow users to perform business management via a global computer network, namely, database management, sales and customer tracking and inventory management; software for mobile devices for use in e-commerce and the retail industry, namely, software for point of sale transactions; application programming interface (API) software that enables developers to build software applications for use in the retail and e-commerce industry

International Class(es): 009 - Primary Class

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

Class Status: ACTIVE

Basis: 44(e)

For: Notebooks

International Class(es): 016 - Primary Class

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

Class Status: ACTIVE

Basis: 44(e)

For: Tote bags

International Class(es): 018 - Primary Class

U.S Class(es): 001, 002, 003, 022, 041

Class Status: ACTIVE

Basis: 44(e)

For: Hooded sweatshirts, t-shirts, toques

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 44(e)

For: Business management and marketing consulting; business management services for online stores; business management services relating to information and data compiling and analyzing; business marketing consulting

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 44(e)

For: Cash advance services for businesses and merchants; providing electronic processing of credit card transactions and electronic payments via a global computer network

International Class(es): 036 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 44(e)

For: Parcel shipping services

International Class(es): 039 - Primary Class

U.S Class(es): 100, 105

Class Status: ACTIVE

Basis: 44(e)

For: Creation of online retail stores for others in the nature of web-based service that allows users to create hosted e-commerce stores to sell their goods and services online; providing an online platform featuring technology that enables users to create a unique URL for an online store and the ability for users to manage the content and inventory of their online store; design, creation, hosting and maintenance of internet sites for third parties; Software as a Service (SAAS) featuring software for use in e-commerce and the retail industry to allow users to perform electronic business transactions via a global computer network; Software as a Service (SAAS) services featuring software for use in database management, sales and customer tracking and management, and inventory management for the retail industry; providing an online platform featuring online non-downloadable computer software for use in the retail and e-commerce industry for facilitating retail store services

International Class(es): 042 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 44(e)

Basis Information (Case Level)

Filed Use: Yes

Currently Use: No

Filed ITU: Yes

Currently ITU: No

Filed 44D: Yes

Currently 44E: Yes

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: Shopify Inc.

Owner Address: 126 York Street, Suite 200
Ottawa, Ontario CANADA K1N5T5

Legal Entity Type: CORPORATION

State or Country Where Organized: CANADA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Richard J. Groos

Attorney Primary Email Address: aotrademark@kslaw.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Richard J. Groos
King & Spalding LLP
500 West 2nd Street, 1800
500 West 2nd Street, Suite 1800
Austin, TEXAS UNITED STATES 78701

Phone: 5124572018

Fax: 5124572100

Correspondent e-mail: aotrademark@kslaw.com emolson@kslaw.com

Correspondent e-mail Authorized: Yes

Domestic Representative

Domestic Representative Name: Richard J. Groos

Phone: 5124572018

Fax: 5124572100

Domestic Representative e-mail: aotrademark@kslaw.com

Domestic Representative e-mail Authorized: Yes

Prosecution History

Date	Description	Proceeding Number
Jun. 02, 2020	REVIEW OF CORRESPONDENCE COMPLETE - ADDRESS UPDATED	59377
Apr. 01, 2020	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Apr. 01, 2020	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Apr. 01, 2020	TEAS CHANGE OF DOMESTIC REPRESENTATIVES ADDRESS	
Apr. 01, 2020	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Apr. 01, 2020	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Apr. 01, 2020	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Nov. 07, 2017	REGISTERED-PRINCIPAL REGISTER	
Aug. 22, 2017	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Aug. 22, 2017	PUBLISHED FOR OPPOSITION	
Aug. 02, 2017	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jul. 20, 2017	LAW OFFICE PUBLICATION REVIEW COMPLETED	76568
Jul. 14, 2017	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 03, 2017	TEAS/EMAIL CORRESPONDENCE ENTERED	76568
Jul. 03, 2017	CORRESPONDENCE RECEIVED IN LAW OFFICE	76568
Jun. 16, 2017	TEAS RESPONSE TO SUSPENSION INQUIRY RECEIVED	
Dec. 30, 2016	NOTIFICATION OF INQUIRY AS TO SUSPENSION E-MAILED	
Dec. 30, 2016	INQUIRY TO SUSPENSION E-MAILED	
Dec. 30, 2016	SUSPENSION INQUIRY WRITTEN	82094

Jun. 21, 2016	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Jun. 21, 2016	LETTER OF SUSPENSION E-MAILED	6332
Jun. 21, 2016	SUSPENSION LETTER WRITTEN	82094
Jun. 01, 2016	TEAS/EMAIL CORRESPONDENCE ENTERED	76568
Jun. 01, 2016	CORRESPONDENCE RECEIVED IN LAW OFFICE	76568
May 25, 2016	ASSIGNED TO LIE	76568
May 13, 2016	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
May 13, 2016	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Feb. 26, 2016	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Feb. 26, 2016	NON-FINAL ACTION E-MAILED	6325
Feb. 26, 2016	NON-FINAL ACTION WRITTEN	82094
Feb. 25, 2016	ASSIGNED TO EXAMINER	82094
Nov. 14, 2015	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Nov. 13, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Nov. 13, 2015	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Nov. 07, 2017

Proceedings

Summary

Number of Proceedings: 2

Type of Proceeding: Opposition

Proceeding Number: [91244171](#)

Filing Date: Oct 16, 2018

Status: Consolidated/Child Case

Status Date: Jan 30, 2020

Interlocutory Attorney: MARY B MYLES

Defendant

Name: Shoppi Inc.

Correspondent Address: VACANTE SALVATORE
SHOPPI INC
1 RADISSON PLAZA SUITE 800
NEW ROCHELLE NY UNITED STATES , 10801

Correspondent e-mail: salvatore@Shoppi.email

Associated marks

Mark	Application Status	Serial Number	Registration Number
SHOPPI	Opposition Pending	87677735	

Plaintiff(s)

Name: Shopify Inc.

Correspondent Address: GREGORY GOLLA
MERCHANT & GOULD PC
PO BOX 2910
MINNEAPOLIS MN UNITED STATES , 55402-0910

Correspondent e-mail: ggolla@merchantgould.com , 00270.0112USTB.active@ef.merchantgould.com , dockmpls@merchantgould.com , aavery@merchantgould.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SHOPIFY	Registered	86808267	5225833
SHOPIFY	Section 8 and 15 - Accepted and Acknowledged	77871407	3840412

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S	Section 8 and 15 - Accepted and Acknowledged	85120175	4163093
S	Registered	86815365	5337840
S	Registered	86815368	5337841

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4	ANSWER	Nov 10, 2018	
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8	ANSWER	Mar 29, 2019	
9	PROCEEDINGS RESUMED	Jul 25, 2019	
10	P MOT FOR SUMMARY JGT DENIED	Apr 29, 2020	

Type of Proceeding: Opposition

Proceeding Number: [91243796](#)

Filing Date: Sep 25, 2018

Status: Suspended

Status Date: Jan 21, 2020

Interlocutory Attorney: MARY B MYLES

Defendant

Name: Shoppi Inc. dba Shoppi

Correspondent Address: VACANTE SALVATORE

SHOPPI INC
1 RADISSON PLAZA, SUITE 800
NEW ROCHELLE NY UNITED STATES , 10801

Correspondent e-mail: salvatore@shoppiapp.com , salvatore@shoppi.email

Associated marks

Mark	Application Status	Serial Number	Registration Number
SHOPPI GO	Opposition Pending	87679430	

Plaintiff(s)

Name: Shopify Inc.

Correspondent Address: GREGORY GOLLA

MERCHANT & GOULD PC
PO BOX 2910
MINNEAPOLIS MN UNITED STATES , 55402-0910

Correspondent e-mail: ggolla@merchantgould.com , cschulte@merchantgould.com , aavery@merchantgould.com , dockmpls@merchantgould.com , rgruos@kslaw.com , bress@kslaw.com , emolson@kslaw.com , aotrademark@kslaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SHOIFY	Registered	86808267	5225833
SHOIFY	Section 8 and 15 - Accepted and Acknowledged	77871407	3840412
S SHOIFY	Registered	86815370	5326574
S SHOIFY	Registered	86815377	5337842
S SHOIFY	REGISTERED AND RENEWED	78855486	3208463
S	Section 8 and 15 - Accepted and Acknowledged	85120175	4163093
S	Registered	86815365	5337840
S	Registered	86815368	5337841

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Sep 25, 2018	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 25, 2018	Nov 04, 2018
3	PENDING, INSTITUTED	Sep 25, 2018	
4	ANSWER	Oct 19, 2018	
5	P REQ FOR DISCOVERY CONFERENCE-PHONE	Nov 07, 2018	
6	NOTICE OF CONSOLIDATION - PARENT OF 91244171; TRIAL DATES RESET; AMENDED ANSWER DUE	Dec 07, 2018	
7	NOTICE OF DEFAULT	Feb 14, 2019	
8	D RESP TO BD ORDER/INQUIRY	Mar 01, 2019	
9	RESPONSE DUE	Mar 08, 2019	
10	CORRECTION TO BD ORDER	Mar 08, 2019	
11	D RESP TO BD ORDER/INQUIRY	Mar 10, 2019	
12	P OPP/RESP TO MOTION	Mar 27, 2019	
13	ANSWER	Mar 29, 2019	
14	PROCEEDINGS RESUMED	Jul 25, 2019	
15	P MOT FOR SUMMARY JUDGMENT	Jan 21, 2020	
16	D OPP/RESP TO MOTION	Jan 26, 2020	
17	SUSP PEND DISP OF OUTSTNDNG MOT	Jan 31, 2020	
18	P APPEARANCE / POWER OF ATTORNEY	Mar 31, 2020	
19	P MOT FOR SUMMARY JGT DENIED	Apr 29, 2020	
20	D MOT FOR SUMMARY JUDGMENT	May 17, 2020	
21	P MOT TO COMPEL DISCOVERY	Jun 08, 2020	
22	D OPP/RESP TO MOTION	Jun 08, 2020	
23	CONFIDENTIAL DEFENDANT'S SUPPORTING EVIDENCE/EXHIBITS	Jun 12, 2020	
24	P REPLY IN SUPPORT OF MOTION	Jun 29, 2020	
25	D REPLY IN SUPPORT OF MOTION	Jun 30, 2020	

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Mark: S SHOPIFY



US Serial Number: 86815377

Application Filing Date: Nov. 10, 2015

US Registration Number: 5337842

Registration Date: Nov. 21, 2017

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

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: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Nov. 21, 2017

Publication Date: Sep. 05, 2017

Mark Information

Mark Literal Elements: S SHOPIFY

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 a bag design in green that is shaded in dark green on the right, an "S" is in the middle of the bag in white, the bag is next to the phrase "SHOPIFY" in black.

Color Drawing: Yes

Color(s) Claimed: The color(s) green, dark green, white, and black is/are claimed as a feature of the mark.

Design Search Code(s): 19.07.11 - Bags, burlap; Bags, paper; Bags, shopping; Grocery bags; Shopping bags; Paper bags; Sacks; Sacks filled with grain; Litter bags

Foreign Information

Priority Claimed: Yes

Foreign Application Number: 1753983

Foreign Application Filing Date: Nov. 09, 2015

Foreign Registration Number: TMA963059

Foreign Registration Date: Feb. 16, 2017

Application/Registration Country: CANADA

Foreign Expiration Date: Feb. 16, 2032

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: Software for mobile devices for use in e-commerce and the retail industry to allow users to perform business management via a global computer network, namely, database management, sales and customer tracking and inventory management; software for mobile

devices for use in e-commerce and the retail industry, namely, software for point of sale transactions; application programming interface (API) software that enables developers to build software applications for use in the retail and e-commerce industry

International Class(es): 009 - Primary Class

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

Class Status: ACTIVE

Basis: 44(e)

For: Notebooks

International Class(es): 016 - Primary Class

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

Class Status: ACTIVE

Basis: 44(e)

For: Tote bags

International Class(es): 018 - Primary Class

U.S Class(es): 001, 002, 003, 022, 041

Class Status: ACTIVE

Basis: 44(e)

For: Hooded sweatshirts, t-shirts, toques

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 44(e)

For: Business management and marketing consulting; business management services for online stores; business management services relating to information and data compiling and analyzing; business marketing consulting

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 44(e)

For: Cash advance services for businesses and merchants; providing electronic processing of credit card transactions and electronic payments via a global computer network

International Class(es): 036 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 44(e)

For: Parcel shipping services

International Class(es): 039 - Primary Class

U.S Class(es): 100, 105

Class Status: ACTIVE

Basis: 44(e)

For: Creation of online retail stores for others in the nature of web-based service that allows users to create hosted e-commerce stores to sell their goods and services online; providing an online platform featuring technology that enables users to create a unique URL for an online store and the ability for users to manage the content and inventory of their online store; design, creation, hosting and maintenance of internet sites for third parties; Software as a Service (SAAS) featuring software for use in e-commerce and the retail industry to allow users to perform electronic business transactions via a global computer network; Software as a Service (SAAS) services featuring software for use in database management, sales and customer tracking and management, and inventory management for the retail industry; providing an online platform featuring online non-downloadable computer software for use in the retail and e-commerce industry for facilitating retail store services

International Class(es): 042 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 44(e)

Basis Information (Case Level)

Filed Use: Yes

Currently Use: No

Filed ITU: Yes

Currently ITU: No

Filed 44D: Yes
Filed 44E: No
Filed 66A: No
Filed No Basis: No

Currently 44E: Yes
Currently 66A: No
Currently No Basis: No

Current Owner(s) Information

Owner Name: Shopify Inc.
Owner Address: 126 York Street, Suite 200
Ottawa, Ontario CANADA K1N5T5
Legal Entity Type: CORPORATION
State or Country Where Organized: CANADA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Richard J. Groos
Attorney Primary Email Address: aotrademark@kslaw.com
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Richard J. Groos
King & Spalding LLP
500 West 2nd Street, 1800
500 West 2nd Street, Suite 1800
Austin, TEXAS UNITED STATES 78701
Phone: 5124572018
Fax: 5124572100
Correspondent e-mail: aotrademark@kslaw.com emolson@kslaw.com
Correspondent e-mail Authorized: Yes

Domestic Representative

Domestic Representative Name: Richard J. Groos
Phone: 5124572018
Fax: 5124572100
Domestic Representative e-mail: aotrademark@kslaw.com
Domestic Representative e-mail Authorized: Yes

Prosecution History

Date	Description	Proceeding Number
Jun. 02, 2020	REVIEW OF CORRESPONDENCE COMPLETE - ADDRESS UPDATED	59377
Apr. 01, 2020	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Apr. 01, 2020	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Apr. 01, 2020	TEAS CHANGE OF DOMESTIC REPRESENTATIVES ADDRESS	
Apr. 01, 2020	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Apr. 01, 2020	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Apr. 01, 2020	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Nov. 21, 2017	REGISTERED-PRINCIPAL REGISTER	
Sep. 05, 2017	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Sep. 05, 2017	PUBLISHED FOR OPPOSITION	
Aug. 16, 2017	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jul. 28, 2017	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 28, 2017	EXAMINER'S AMENDMENT ENTERED	88888
Jul. 28, 2017	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Jul. 28, 2017	EXAMINERS AMENDMENT E-MAILED	6328
Jul. 28, 2017	EXAMINERS AMENDMENT -WRITTEN	82094
Jul. 03, 2017	TEAS/EMAIL CORRESPONDENCE ENTERED	76568
Jul. 03, 2017	CORRESPONDENCE RECEIVED IN LAW OFFICE	76568

Jun. 16, 2017	TEAS RESPONSE TO SUSPENSION INQUIRY RECEIVED	
Dec. 30, 2016	NOTIFICATION OF INQUIRY AS TO SUSPENSION E-MAILED	
Dec. 30, 2016	INQUIRY TO SUSPENSION E-MAILED	
Dec. 30, 2016	SUSPENSION INQUIRY WRITTEN	82094
Jun. 21, 2016	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Jun. 21, 2016	LETTER OF SUSPENSION E-MAILED	6332
Jun. 21, 2016	SUSPENSION LETTER WRITTEN	82094
Jun. 01, 2016	TEAS/EMAIL CORRESPONDENCE ENTERED	76568
Jun. 01, 2016	CORRESPONDENCE RECEIVED IN LAW OFFICE	76568
May 25, 2016	ASSIGNED TO LIE	76568
May 13, 2016	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Feb. 26, 2016	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Feb. 26, 2016	NON-FINAL ACTION E-MAILED	6325
Feb. 26, 2016	NON-FINAL ACTION WRITTEN	82094
Feb. 25, 2016	ASSIGNED TO EXAMINER	82094
Nov. 14, 2015	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Nov. 13, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Nov. 13, 2015	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None
File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Nov. 21, 2017

Proceedings

Summary

Number of Proceedings: 2

Type of Proceeding: Opposition

Proceeding Number: [91244171](#)

Filing Date: Oct 16, 2018

Status: Consolidated/Child Case

Status Date: Jan 30, 2020

Interlocutory Attorney: MARY B MYLES

Defendant

Name: Shoppi Inc.

Correspondent Address: VACANTE SALVATORE
SHOPPI INC
1 RADISSON PLAZA SUITE 800
NEW ROCHELLE NY UNITED STATES , 10801

Correspondent e-mail: salvatore@Shoppi.email

Associated marks

Mark	Application Status	Serial Number	Registration Number
SHOPPI	Opposition Pending	87677735	

Plaintiff(s)

Name: Shopify Inc.

Correspondent Address: GREGORY GOLLA
MERCHANT & GOULD PC
PO BOX 2910
MINNEAPOLIS MN UNITED STATES , 55402-0910

Correspondent e-mail: ggolla@merchantgould.com , 00270.0112USTB.active@ef.merchantgould.com , dockmpls@merchantgould.com , aavery@merchantgould.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SHOPIFY	Registered	86808267	5225833
SHOPIFY	Section 8 and 15 - Accepted and Acknowledged	77871407	3840412
S SHOPIFY	Registered	86815370	5326574
S SHOPIFY	Registered	86815377	5337842
S SHOPIFY	REGISTERED AND RENEWED	78855486	3208463
S	Section 8 and 15 - Accepted and Acknowledged	85120175	4163093
S	Registered	86815365	5337840
S	Registered	86815368	5337841

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 16, 2018	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Oct 16, 2018	Nov 25, 2018
3	PENDING, INSTITUTED	Oct 16, 2018	
4	ANSWER	Nov 10, 2018	
5	TRIAL DATES REMAIN AS SET	Nov 23, 2018	
6	CONSOLIDATION GRANTED (CHILD OF 91243796)	Dec 10, 2018	
7	P OPP/RESP TO MOTION	Mar 27, 2019	
8	ANSWER	Mar 29, 2019	
9	PROCEEDINGS RESUMED	Jul 25, 2019	
10	P MOT FOR SUMMARY JGT DENIED	Apr 29, 2020	

Type of Proceeding: Opposition

Proceeding Number: [91243796](#)

Filing Date: Sep 25, 2018

Status: Suspended

Status Date: Jan 21, 2020

Interlocutory Attorney: MARY B MYLES

Defendant

Name: Shoppi Inc. dba Shoppi

Correspondent Address: VACANTE SALVATORE
SHOPPI INC
1 RADISSON PLAZA, SUITE 800
NEW ROCHELLE NY UNITED STATES , 10801

Correspondent e-mail: salvatore@shoppiapp.com , salvatore@shoppi.email

Associated marks

Mark	Application Status	Serial Number	Registration Number
SHOPPI GO	Opposition Pending	87679430	

Plaintiff(s)

Name: Shopify Inc.

Correspondent Address: GREGORY GOLLA
MERCHANT & GOULD PC
PO BOX 2910
MINNEAPOLIS MN UNITED STATES , 55402-0910

Correspondent e-mail: ggolla@merchantgould.com , cschulte@merchantgould.com , aavery@merchantgould.com , dockmpls@merchantgould.com , rgruos@kslaw.com , bress@kslaw.com , emolson@kslaw.com , aotrademark@kslaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SHOPIFY	Registered	86808267	5225833
SHOPIFY	Section 8 and 15 - Accepted and Acknowledged	77871407	3840412
S SHOPIFY	Registered	86815370	5326574
S SHOPIFY	Registered	86815377	5337842
S SHOPIFY	REGISTERED AND RENEWED	78855486	3208463

S	Section 8 and 15 - Accepted and Acknowledged	85120175	4163093
S	Registered	86815365	5337840
S	Registered	86815368	5337841

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Sep 25, 2018	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 25, 2018	Nov 04, 2018
3	PENDING, INSTITUTED	Sep 25, 2018	
4	ANSWER	Oct 19, 2018	
5	P REQ FOR DISCOVERY CONFERENCE-PHONE	Nov 07, 2018	
6	NOTICE OF CONSOLIDATION - PARENT OF 91244171; TRIAL DATES RESET; AMENDED ANSWER DUE	Dec 07, 2018	
7	NOTICE OF DEFAULT	Feb 14, 2019	
8	D RESP TO BD ORDER/INQUIRY	Mar 01, 2019	
9	RESPONSE DUE	Mar 08, 2019	
10	CORRECTION TO BD ORDER	Mar 08, 2019	
11	D RESP TO BD ORDER/INQUIRY	Mar 10, 2019	
12	P OPP/RESP TO MOTION	Mar 27, 2019	
13	ANSWER	Mar 29, 2019	
14	PROCEEDINGS RESUMED	Jul 25, 2019	
15	P MOT FOR SUMMARY JUDGMENT	Jan 21, 2020	
16	D OPP/RESP TO MOTION	Jan 26, 2020	
17	SUSP PEND DISP OF OUTSTNDNG MOT	Jan 31, 2020	
18	P APPEARANCE / POWER OF ATTORNEY	Mar 31, 2020	
19	P MOT FOR SUMMARY JGT DENIED	Apr 29, 2020	
20	D MOT FOR SUMMARY JUDGMENT	May 17, 2020	
21	P MOT TO COMPEL DISCOVERY	Jun 08, 2020	
22	D OPP/RESP TO MOTION	Jun 08, 2020	
23	CONFIDENTIAL DEFENDANT'S SUPPORTING EVIDENCE/EXHIBITS	Jun 12, 2020	
24	P REPLY IN SUPPORT OF MOTION	Jun 29, 2020	
25	D REPLY IN SUPPORT OF MOTION	Jun 30, 2020	

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Mark: S SHOPIFY



US Serial Number: 78855486

Application Filing Date: Apr. 06, 2006

US Registration Number: 3208463

Registration Date: Feb. 13, 2007

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: The registration has been renewed.

Status Date: Apr. 07, 2017

Publication Date: Nov. 28, 2006

Mark Information

Mark Literal Elements: S SHOPIFY

Standard Character Claim: No

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

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

Design Search Code(s): 19.07.11 - Bags, burlap; Bags, paper; Bags, shopping; Grocery bags; Shopping bags; Paper bags; Sacks; Sacks filled with grain; Litter bags

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 e-commerce software to allow users to perform electronic business transactions via a global computer network

International Class(es): 009 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 27, 2005

Use in Commerce: Aug. 27, 2005

For: Design, creation, hosting and maintenance of internet sites for third parties

International Class(es): 042 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 27, 2005

Use in Commerce: Aug. 27, 2005

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

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: SHOPIFY INC.

Owner Address: 126 York Street, Suite 200
Ottawa, Ontario CANADA K1N5T5

Legal Entity Type: CORPORATION

State or Country CANADA
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Richard J. Groos

Attorney Primary aotrademark@kslaw.com
Email Address:

Attorney Email Yes
Authorized:

Correspondent

Correspondent Richard J. Groos
Name/Address: King & Spalding LLP
500 West 2nd Street, 1800
500 West 2nd Street, Suite 1800
Austin, TEXAS UNITED STATES 78701

Phone: 5124572018

Fax: 5124572100

Correspondent e- aotrademark@kslaw.com emolson@kslaw.com
mail:

Correspondent e- Yes
mail Authorized:

Domestic Representative

Domestic Richard J. Groos
Representative
Name:

Phone: 5124572018

Fax: 5124572100

Domestic aotrademark@kslaw.com
Representative e-
mail:

Domestic Yes
Representative e-
mail Authorized:

Prosecution History

Date	Description	Proceeding Number
Jun. 02, 2020	REVIEW OF CORRESPONDENCE COMPLETE - ADDRESS UPDATED	59377
Apr. 01, 2020	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Apr. 01, 2020	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Apr. 01, 2020	TEAS CHANGE OF DOMESTIC REPRESENTATIVES ADDRESS	
Apr. 01, 2020	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Apr. 01, 2020	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Apr. 01, 2020	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Apr. 07, 2017	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Apr. 07, 2017	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	76873
Apr. 07, 2017	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	76873
Apr. 07, 2017	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76873
Feb. 10, 2017	TEAS SECTION 8 & 9 RECEIVED	
Feb. 13, 2016	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Mar. 05, 2013	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Mar. 05, 2013	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	69471
Mar. 05, 2013	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	69471
Feb. 13, 2013	TEAS SECTION 8 & 15 RECEIVED	

Mar. 21, 2012	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Mar. 21, 2012	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Feb. 15, 2012	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Sep. 22, 2010	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Sep. 22, 2010	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Sep. 14, 2010	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Sep. 14, 2010	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Feb. 13, 2007	REGISTERED-PRINCIPAL REGISTER	
Nov. 28, 2006	PUBLISHED FOR OPPOSITION	
Nov. 08, 2006	NOTICE OF PUBLICATION	
Oct. 02, 2006	LAW OFFICE PUBLICATION REVIEW COMPLETED	68602
Oct. 02, 2006	ASSIGNED TO LIE	68602
Sep. 18, 2006	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 15, 2006	EXAMINER'S AMENDMENT ENTERED	88888
Sep. 15, 2006	EXAMINERS AMENDMENT E-MAILED	6328
Sep. 15, 2006	EXAMINERS AMENDMENT -WRITTEN	81840
Sep. 15, 2006	ASSIGNED TO EXAMINER	81840
Apr. 12, 2006	NOTICE OF DESIGN SEARCH CODE MAILED	
Apr. 11, 2006	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Apr. 07, 2017

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: Jaded Pixel Technologies Inc.

Assignment 1 of 1

Conveyance: CHANGE OF NAME

Reel/Frame: [4712/0109](#)

Pages: 4

Date Recorded: Feb. 07, 2012

Supporting Documents: [assignment-tm-4712-0109.pdf](#)

Assignor

Name: [JADED PIXEL TECHNOLOGIES INC.](#)

Execution Date: Nov. 30, 2011

Legal Entity Type: CORPORATION

State or Country Where Organized: CANADA

Assignee

Name: [SHOPIFY INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: CANADA

Address: 61A YORK STREET
OTTAWA, ONTARIO, CANADA K1N 5T2

Correspondent

Correspondent Name: CATHERINE F. HOFFMAN, ESQ.

Correspondent Address: MAYBACK & HOFFMAN, P.A.
5722 SO. FLAMINGO ROAD, #232
FORT LAUDERDALE, FL 33330

Domestic Representative

Domestic Representative Name: MAYBACK & HOFFMAN, P.A.

Domestic Representative Address: 5722 SO. FLAMINGO ROAD, #232 FORT LAUDERDALE, FL 33330

Proceedings

Summary

Number of Proceedings: 2

Type of Proceeding: Opposition

Proceeding Number: [91244171](#)

Filing Date: Oct 16, 2018

Status: Consolidated/Child Case

Status Date: Jan 30, 2020

Interlocutory Attorney: MARY B MYLES

Defendant

Name: Shoppi Inc.

Correspondent Address: VACANTE SALVATORE SHOPPI INC 1 RADISSON PLAZA SUITE 800 NEW ROCHELLE NY UNITED STATES , 10801

Correspondent e-mail: salvatore@Shoppi.email

Associated marks

Mark	Application Status	Serial Number	Registration Number
SHOPPI	Opposition Pending	87677735	

Plaintiff(s)

Name: Shopify Inc.

Correspondent Address: GREGORY GOLLA MERCHANT & GOULD PC PO BOX 2910 MINNEAPOLIS MN UNITED STATES , 55402-0910

Correspondent e-mail: ggolla@merchantgould.com , 00270.0112USTB.active@ef.merchantgould.com , dockmpls@merchantgould.com , aavery@merchantgould.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SHOPIFY	Registered	86808267	5225833
SHOPIFY	Section 8 and 15 - Accepted and Acknowledged	77871407	3840412
S SHOPIFY	Registered	86815370	5326574
S SHOPIFY	Registered	86815377	5337842
S SHOPIFY	REGISTERED AND RENEWED	78855486	3208463
S	Section 8 and 15 - Accepted and Acknowledged	85120175	4163093
S	Registered	86815365	5337840
S	Registered	86815368	5337841

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 16, 2018	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Oct 16, 2018	Nov 25, 2018
3	PENDING, INSTITUTED	Oct 16, 2018	
4	ANSWER	Nov 10, 2018	
5	TRIAL DATES REMAIN AS SET	Nov 23, 2018	
6	CONSOLIDATION GRANTED (CHILD OF 91243796)	Dec 10, 2018	
7	P OPP/RESP TO MOTION	Mar 27, 2019	
8	ANSWER	Mar 29, 2019	
9	PROCEEDINGS RESUMED	Jul 25, 2019	

Type of Proceeding: Opposition**Proceeding Number:** [91243796](#)**Filing Date:** Sep 25, 2018**Status:** Suspended**Status Date:** Jan 21, 2020**Interlocutory Attorney:** MARY B MYLES**Defendant****Name:** Shoppi Inc. dba Shoppi**Correspondent Address:** VACANTE SALVATORE
SHOPPI INC
1 RADISSON PLAZA, SUITE 800
NEW ROCHELLE NY UNITED STATES , 10801**Correspondent e-mail:** salvatore@shoppiapp.com , salvatore@shoppi.email**Associated marks**

Mark	Application Status	Serial Number	Registration Number
SHOPPI GO	Opposition Pending	87679430	

Plaintiff(s)**Name:** Shopify Inc.**Correspondent Address:** GREGORY GOLLA
MERCHANT & GOULD PC
PO BOX 2910
MINNEAPOLIS MN UNITED STATES , 55402-0910**Correspondent e-mail:** ggolla@merchantgould.com , cschulte@merchantgould.com , aavery@merchantgould.com , dockmpls@merchantgould.com , rgr00s@kslaw.com , bress@kslaw.com , emolson@kslaw.com , aotrademark@kslaw.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
SHOPIFY	Registered	86808267	5225833
SHOPIFY	Section 8 and 15 - Accepted and Acknowledged	77871407	3840412
S SHOPIFY	Registered	86815370	5326574
S SHOPIFY	Registered	86815377	5337842
S SHOPIFY	REGISTERED AND RENEWED	78855486	3208463
S	Section 8 and 15 - Accepted and Acknowledged	85120175	4163093
S	Registered	86815365	5337840
S	Registered	86815368	5337841

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Sep 25, 2018	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 25, 2018	Nov 04, 2018
3	PENDING, INSTITUTED	Sep 25, 2018	
4	ANSWER	Oct 19, 2018	
5	P REQ FOR DISCOVERY CONFERENCE-PHONE	Nov 07, 2018	
6	NOTICE OF CONSOLIDATION - PARENT OF 91244171; TRIAL DATES RESET; AMENDED ANSWER DUE	Dec 07, 2018	
7	NOTICE OF DEFAULT	Feb 14, 2019	
8	D RESP TO BD ORDER/INQUIRY	Mar 01, 2019	
9	RESPONSE DUE	Mar 08, 2019	
10	CORRECTION TO BD ORDER	Mar 08, 2019	
11	D RESP TO BD ORDER/INQUIRY	Mar 10, 2019	
12	P OPP/RESP TO MOTION	Mar 27, 2019	
13	ANSWER	Mar 29, 2019	
14	PROCEEDINGS RESUMED	Jul 25, 2019	
15	P MOT FOR SUMMARY JUDGMENT	Jan 21, 2020	
16	D OPP/RESP TO MOTION	Jan 26, 2020	

17	SUSP PEND DISP OF OUTSTNDNG MOT	Jan 31, 2020
18	P APPEARANCE / POWER OF ATTORNEY	Mar 31, 2020
19	P MOT FOR SUMMARY JGT DENIED	Apr 29, 2020
20	D MOT FOR SUMMARY JUDGMENT	May 17, 2020
21	P MOT TO COMPEL DISCOVERY	Jun 08, 2020
22	D OPP/RESP TO MOTION	Jun 08, 2020
23	CONFIDENTIAL DEFENDANT'S SUPPORTING EVIDENCE/EXHIBITS	Jun 12, 2020
24	P REPLY IN SUPPORT OF MOTION	Jun 29, 2020
25	D REPLY IN SUPPORT OF MOTION	Jun 30, 2020