

ESTTA Tracking number: **ESTTA1104929**

Filing date: **12/30/2020**

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	ITS, Inc.
Granted to Date of previous extension	12/30/2020
Address	6700 PIONEER PARKWAY DES MOINES, IA 50131 UNITED STATES
Attorney information	CLINTON G. NEWTON SHOOK, HARDY & BACON L.L.P. 2555 GRAND BLVD. KANSAS CITY, MO 64108 UNITED STATES Primary Email: cgntmdocket@shb.com 816-474-6550
Docket Number	41057.349358

Applicant Information

Application No.	88891706	Publication date	09/01/2020
Opposition Filing Date	12/30/2020	Opposition Period Ends	12/30/2020
Applicant	Sezzle Inc. 251 1ST AVENUE NORTH, SUITE 200 MINNEAPOLIS, MN 55401 UNITED STATES		

Goods/Services Affected by Opposition

<p>Class 009. First Use: 2020/03/20 First Use In Commerce: 2020/03/20 All goods and services in the class are opposed, namely: Computer software, namely, downloadable-computer programs and recorded computersoftware for processing electronic payments, electronic funds transfers and credit card transactions; computer software, namely, downloadable computer programsand recorded computer software for facilitating financial transactions by collecting, storing and transmitting data andinformation for use in financing of purchases; computer software, namely, downloadable computer programs and recorded computer software for facilitating electronic funds transfers; computer hardware and downloadable and recorded software systems for enabling users to purchase goods and services electronically via electronic payment terminals and automatic teller machines and for making credit card and electronic payments for such purposes; magnetically encoded credit cards, debit cards and gift cards; encoded electronic chip cards for enabling users to make electronic payments and electronic funds transfers; encoded smart cards containing programming used for enabling users to make electronic payments and electronic funds transfers; magnetically encoded debit cards, gift cards and credit cards for electronically transferring funds</p>
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Class 036. First Use: 2020/03/00 First Use In Commerce: 2020/03/00

All goods and services in the class are opposed, namely: Financial and monetary services, namely, card-operated financial services in the nature of credit card, debit card and cash card payment processing services; computerized financial services in the nature of on-line financing of purchases and providing financial information and financial information in the form of financial statements via the Internet and electronic means; providing financial transaction services in the nature of creditcard and debit card authorization services and facilitating the processing of credit card and debit card payments; clearing and reconciling financial transactions via a global computer network; financial payment services in the nature of bill payment services and charge card, debit card and credit card payment processing services; electronic payment services involving electronic processing and subsequent transmission of bill payment data; bill payment services; credit card and debit card payment processing services; processing of contactless credit and debit card payments; electronic transfer of funds via computers; electronic funds transfer; transfer of funds, namely, money transfer; providing transactional services relating to point-of-sale transactions in the nature of providing secure commercial transactions and payment options using a mobile device at a point of sale; card-accessed financial services in the nature of electronic credit card and debit card transaction processing services; providing electronic processing of electronic funds transfer, ACH, credit card, debit card, electronic check and electronic payments

Class 042. First Use: 2020/03/00 First Use In Commerce: 2020/03/00

All goods and services in the class are opposed, namely: Software as a service (SAAS) services featuring software for processing electronic payments, authorizing credit card, debit card and cash card transactions, managing and tracking electronic payment information and facilitating e-commerce services for others, namely, for allowing users to perform electronic business transactions via a global computer network; providing temporary use of on-line non-downloadable software for processing electronic payments; providing temporary use of on-line non-downloadable authentication software for controlling access to and communications with computers and computer networks

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.	1364885	Application Date	04/08/1985
Registration Date	10/08/1985	Foreign Priority Date	NONE
Word Mark	S		
Design Mark			
Description of Mark	THE MARK CONSISTS IN PART OF THE FANCIFUL DESIGN OF A DOLLAR SIGN.		
Goods/Services	Class 036. First use: First Use: 1984/12/14 First Use In Commerce: 1984/12/14 ELECTRONIC FUNDS TRANSFER AND SWITCHING SERVICES		

U.S. Application No.	90430347	Application Date	
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	NONE		
Goods/Services			

Attachments	Notice_of_Opposition_re_Sezzle_S_and_Design_-_2020_12_30.pdf(111384 bytes) Sezzle Opposition - Exhibits.pdf(148453 bytes)
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Signature	/CGN #42,930/
Name	CLINTON G. NEWTON
Date	12/30/2020

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

In re the Matter of: Trademark Application Serial No. 88/891,706




For the mark:

Published in the Official Gazette: September 1, 2020

ITS, INC.,)	
Opposer,)	
)	
vs.)	Opposition No. _____
)	
SEZZLE, INC.,)	
Applicant.)	
_____)	

NOTICE OF OPPOSITION

ITS, Inc., a corporation duly organized under the laws of the state of Iowa and having its principal office and place of business at 6700 Pioneer Parkway, Johnston, Iowa (“Opposer”),

believes that it will be damaged by the registration of the mark:  as shown in United States Trademark Application Serial No. 88/891,706 (“Applicant’s Mark” and the “Application”), filed by Sezzle, Inc., a corporation duly organized under the laws of the state of Delaware and having its principal office and place of business at 251 1st Avenue North, Suite 200, Minneapolis, Minnesota (“Applicant”), and hereby opposes same.

In support of its Opposition, Opposer asserts as follows:

1. Applicant filed the Application on April 28, 2020, seeking registration of Applicant’s Mark for use in connection with the following goods and services:



Mark:

Class	Goods/Services
009	Computer software, namely, downloadable computer programs and recorded computer software for processing electronic payments, electronic funds transfers and credit card transactions; computer software, namely, downloadable computer programs and recorded computer software for facilitating financial transactions by collecting, storing and transmitting data and information for use in financing of purchases; computer software, namely, downloadable computer programs and recorded computer software for facilitating electronic funds transfers; computer hardware and downloadable and recorded software systems for enabling users to purchase goods and services electronically via electronic payment terminals and automatic teller machines and for making credit card and electronic payments for such purposes; magnetically encoded credit cards, debit cards and gift cards; encoded electronic chip cards for enabling users to make electronic payments and electronic funds transfers; encoded smart cards containing programming used for enabling users to make electronic payments and electronic funds transfers; magnetically encoded debit cards, gift cards and credit cards for electronically transferring funds.
036	Financial and monetary services, namely, card-operated financial services in the nature of credit card, debit card and cash card payment processing services; computerized financial services in the nature of on-line financing of purchases and providing financial information and financial information in the form of financial statements via the Internet and electronic means; providing financial transaction services in the nature of credit card and debit card authorization services and facilitating the processing of credit card and debit card payments; clearing and reconciling financial transactions via a global computer network; financial payment services in the nature of bill payment services and charge card, debit card and credit card payment processing services; electronic payment services involving electronic processing and subsequent transmission of bill payment data; bill payment services; credit card and debit card payment processing services; processing of contactless credit and debit card payments; electronic transfer of funds via computers; <i>electronic funds transfer</i> ; transfer of funds, namely, money transfer; providing transactional services relating to point-of-sale transactions in the nature of providing secure commercial transactions and payment options using a mobile device at a point of sale; card-accessed financial services in the nature of electronic credit card and debit card transaction processing services; providing electronic processing of electronic funds transfer, ACH, credit card, debit card, electronic check and electronic payments.
042	Software as a service (SAAS) services featuring software for processing electronic payments, authorizing credit card, debit card and cash card transactions, managing and tracking electronic payment information and facilitating e-commerce services for others, namely, for allowing users to perform electronic business transactions via a global computer network; providing temporary use of on-line non-downloadable software for processing electronic payments; providing temporary use of on-line non-downloadable authentication software for controlling access to and communications with computers and computer networks.

2. The Application was based on use in commerce under Section 1(a) of the Lanham Act, 15 U.S.C. § 1051(a), and alleges a date of first use of March 2020 in all classes.



Mark:

3. The Application was published for opposition in the Official Gazette on September 1, 2020, and Opposer filed a First 90 Day Request for Extension of Time to Oppose for Good Cause on September 29, 2020.

4. Opposer's Request for Extension was granted by the Trademark Trial and Appeal Board, extending the opposition deadline to December 30, 2020.

LIKELIHOOD OF CONFUSION, 15 U.S.C. § 1052(d)

5. Applicant's Mark, when used in connection with the goods and services described in the Application, is likely to cause confusion, mistake or deception among consumers with Opposer's existing registered trademark and common law trademark rights.

6. Opposer is the owner of United States Trademark Registration No. 1,364,885



covering the stylized "S" Mark ("Opposer's Mark") for use with "electronic funds transfer and switching services" in Class 036. Registration No. 1,364,885 issued on October 8, 1985, and is valid as of the date of this Opposition. Attached as Exhibit A is a copy of the Certificate of Registration of U.S. Trademark Registration No. 1,364,885 along with a current copy of information from the electronic database records of the Office in the form of a printout from the Trademark Status and Document Retrieval ("TSDR") Service taken on December 2, 2020, showing the current status and title (owner) of the registration, in accordance with 37 C.F.R. § 2.122 and TBMP § 704.03(b)(1).

7. Since at least as early as December 1984, Opposer has continuously used Opposer's Mark in commerce in connection with the registered services.

8. Since adopting Opposer's Mark, Opposer has expanded and added goods and service offerings using Opposer's Mark.



Mark:

9. On December 30, 2020, Opposer filed United States Trademark Application Serial No. 90/430,347 covering Opposer's Mark for use in connection with the following list of expanded goods and services ("Opposer's Application"):

Class	Goods/Services
009	Downloadable computer software for core banking systems, platforms and integrations for financial institutions to process and manage their banking operations and service their customers.
035	Operation and management of ATM terminals for others; Providing card plastics management, back office support therefore, and fraud mitigation services; Business support services, namely, providing back office support services to financial institutions; Marketing services, namely, assisting financial institutions with marketing their cards and services to existing or new customers and help increase card usage and build customer loyalty.
036	Merchant services to financial institutions and merchants, namely, providing hardware devices and software solutions which enable them to facilitate e-commerce transactions and payment processing at merchant locations or online; Automated Clearing House (ACH) transaction processing services for financial institutions and their customers to securely send funds to or receive funds from the Federal Reserve; Providing customizable ATM processing services for financial institutions and other entities; Providing ATM connectivity and access to national networks; ATM transaction processing services; Providing customizable debit credit card issuance and processing services to financial institutions; Debit and credit card transaction processing services; Credit card issuance and processing services to financial institutions; Providing card transaction services, namely, assisting with dispute and chargeback cases, and assisting with resolution of disputes, and establishment of payment schemes; Providing payment transaction messaging and processing capabilities to merchants and financial institutions so bank card transactions can be performed in real-time at a merchant location or via online e-commerce websites; Fraud case management services, back office support as well as identification of fraudulent transactions from real time payment streams by using artificial intelligence based technology; Providing banking, payment and processing solutions and capabilities to financial or non-financial institutions, card or account issuance and management services, transaction processing services and back office support therefore; Providing crisis management training, banking compliance consulting, risk management consulting, and advisory services to financial institutions to help them manage their risk, regulatory and compliance relating to banking and security; Merchant services, namely, payment transaction processing services; Automated Clearing House (ACH) transaction processing services; Providing electronic processing of electronic funds transfer, ACH, credit card, debit card, electronic check and electronic payments; Providing electronic processing of ACH and credit card transactions and electronic payments via a global computer network; Financial services, namely, providing electronic transfers of money for others; Providing personal financial information and online banking services via a global computer network; Electronic transfers of money; Electronic payment card transaction processing services; Providing payment management services to customers in the nature of debit card account set-up, payments, alerts, and balance inquiries.



Mark:

042	Monitoring of ATM terminals; Providing on-line, non-downloadable, customizable software to financial institutions to allow their customers to securely access and use their cards, check balances, notify of travel plans, transfer money, and manage and control their card transactions in real time; Providing on-line, non-downloadable, customizable software to financial institutions that provides self-service digital banking platforms to their customers through which they can conveniently access and use their deposit and loan accounts, check balances, pay bills, transfer money, deposit checks and perform banking functions remotely; Providing on-line, non-downloadable, customizable software for core banking systems, platforms and integrations for financial institutions to process and manage their banking operations and service their customers; Fraud detection and mitigation services to financial institutions; Application service provider (ASP) featuring e-commerce software for use as a payment gateway that authorizes processing of credit cards or direct payments for merchants; Design and development of computer software for financial institutions to allow their customers to securely access and use their cards, check balances, notify of travel plans, transfer money, and manage and control their card transactions in real time; Providing temporary use of online non-downloadable software for use in electronic transfers of money, providing access to personal financial information, and online payment card and debit card services.
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Attached as Exhibit B is a copy of the Filing Receipt received from the Patent and Trademark Office on December 30, 2020, evidencing the filing of Opposer's Application.

10. Through continuous use in commerce and significant effort and investment into Opposer's Mark, Opposer has accumulated substantial goodwill and common law rights in Opposer's Mark for use with the goods and services in Opposer's Application.



11. Opposer adopted and has continuously used Opposer's Mark over 30 years prior to Applicant's adoption of Applicant's Mark on the apparent priority date of March 2020.

12. Applicant's Class 036 services are identical in part to the registered services in Opposer's registration.

13. Applicant's Class 009 goods and Classes 036 and 042 services are identical in part to the goods and services described in Opposer's Application and for which Opposer has significant prior common law rights.



14. Applicant's goods and services are so closely related to Opposer's goods and services that they are and/or will be advertised, promoted, and sold through the same and/or similar channels of trade and to the same and/or similar general class of users and purchasers.

15. Both Applicant's Mark  and Opposer's Mark  consist solely of a stylized letter "S" formed of three generally parallel and abutting line portions depicting a "squished" letter "S". The marks are similar in appearance and pronunciation, and convey similar overall commercial impressions.

16. Applicant's Mark, as applied to the goods and services in the Application, so resembles Opposer Mark, as to create a likelihood of confusion, mistake or deception within the meaning of Section 2(d) of the Trademark Act 1946, 15 U.S.C. § 1052(d).

17. By reason of the foregoing, Opposer believes that it will be irreparably damaged by the registration of Applicant's Mark, as set forth in the Application, and that if registration of the Application is granted and the presumptions accorded to such registrations are conferred under the Trademark Act of 1946, as amended, Applicant will receive benefits to which it is not entitled, to the damage and detriment of Opposer and its business.

WHEREFORE, Opposer prays that the Application, Serial No. 88/891,706, be refused registration on the United States Registry and this Notice of Opposition be sustained.

This Notice of Opposition is being filed electronically, along with the statutory filing fee of \$1,200.00, as required for opposing an application covering three classes. Please direct all correspondence in connection with this matter to the attorneys for Opposer at the address given below.



Mark:

Respectfully submitted,

SHOOK, HARDY & BACON L.L.P.

Dated: December 30, 2020

/Clinton G. Newton/
Clinton G. Newton PTO #42930 / MO #46054
Patrick J. Koncel MO Bar #68755
Reid L. Williams MO Bar #70458
2555 Grand Boulevard
Kansas City, MO 64108
Tel: (816) 474-6550 / Fax: (816) 421-5547
cgntmdocket@shb.com

ATTORNEYS FOR OPPOSER
ITS, INC.

Exhibit A

Int. Cl.: 36

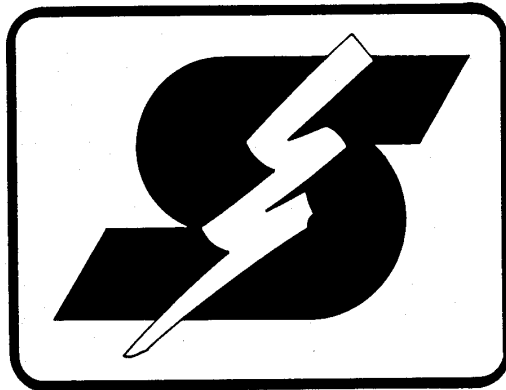
Prior U.S. Cl.: 102

United States Patent and Trademark Office

Reg. No. 1,364,885

Registered Oct. 8, 1985

**SERVICE MARK
PRINCIPAL REGISTER**



ITS, INC. (IOWA CORPORATION)
508 10TH STREET
DES MOINES, IA 50309

FOR: ELECTRONIC FUNDS TRANSFER
AND SWITCHING SERVICES, IN CLASS 36
(U.S. CL. 102).

FIRST USE 12-14-1984; IN COMMERCE
12-14-1984.

THE MARK CONSISTS IN PART OF THE
FANCIFUL DESIGN OF A DOLLAR SIGN.

SER. NO. 531,358, FILED 4-8-1985.

STEVEN R. FOSTER, EXAMINING ATTORNEY

Generated on: This page was generated by TSDR on 2020-12-02 17:11:09 EST

Mark: S

US Serial Number: 73531358 Application Filing Date: Apr. 08, 1985 US Registration Number: 1364885 Registration Date: Oct. 08, 1985

Register: Principal Mark Type: 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: Nov. 13, 2015

Publication Date: Jul. 30, 1985

Mark Information

Mark Literal Elements: S 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 IN PART OF THE FANCIFUL DESIGN OF A DOLLAR SIGN. Design Search Code(s): 01.15.02 - Sparks (jagged lines);
Electricity; Lightning 26.11.01 - Rectangles as carriers or rectangles as single or multiple line borders

Goods and Services

Note:

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

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

For: ELECTRONIC FUNDS TRANSFER AND SWITCHING SERVICES

International Class(es): 036 - Primary Class U.S Class(es): 102

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 14, 1984 Use in Commerce: Dec. 14, 1984

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: ITS, INC.

Owner Address: 6700 Pioneer Parkway DES MOINES, IOWA UNITED STATES 50131

Legal Entity Type: CORPORATION State or Country Where Organized: IOWA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Patrick J. Koncel Docket Number: SHZM.294648

Attorney Primary Email Address: pjktmdocket@shb.com Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Patrick J. Koncel Shook, Hardy & Bacon L.L.P. 2555 Grand Blvd. Kansas City, MISSOURI UNITED STATES 64108

Phone: 816-474-6550 Fax: 816-421-5547

Correspondent e-mail: pjktmdocket@shb.com lakrad@shazam.net Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Apr. 12, 2018	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Apr. 12, 2018	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Nov. 13, 2015	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	

Nov. 13, 2015	REGISTERED AND RENEWED (THIRD RENEWAL - 10 YRS)	69471
Nov. 13, 2015	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	69471
Nov. 13, 2015	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	69471
Sep. 30, 2015	TEAS SECTION 8 & 9 RECEIVED	
Jun. 02, 2008	CASE FILE IN TICRS	
Jan. 18, 2006	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	67603
Jan. 18, 2006	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Jan. 18, 2006	ASSIGNED TO PARALEGAL	67603
Aug. 23, 2005	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Aug. 23, 2005	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Aug. 23, 2005	TEAS SECTION 8 & 9 RECEIVED	
Feb. 21, 1992	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Oct. 04, 1991	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Oct. 08, 1985	REGISTERED-PRINCIPAL REGISTER	
Jul. 30, 1985	PUBLISHED FOR OPPOSITION	
Jul. 01, 1985	NOTICE OF PUBLICATION	
Jun. 04, 1985	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 03, 1985	EXAMINER'S AMENDMENT MAILED	
May 30, 1985	ASSIGNED TO EXAMINER	59899

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE Date in Location: Nov. 13, 2015

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Opposition

Proceeding Number: 91240391 Filing Date: Apr 02, 2018 Status: Terminated Status Date: Jun 08, 2019 Interlocutory Attorney: ELIZABETH WINTER

Defendant

Name: Bolt Financial, Inc. Correspondent Address: ADAM S GOLDMAN THE CONCEPT LAW GROUP PA 6400 N ANDREWS AVE , SUITE 500 FORT LAUDERDALE FL UNITED STATES , 33309 Correspondent e-mail: AGOLDMAN@CONCPTLAW.COM , ABROWN@CONCEPTLAW.COM

Associated marks

Mark	Application Status	Serial Number	Registration Number
BOLT	Second Extension - Granted	86931809	

Plaintiff(s)

Name: ITS, Inc. Correspondent Address: CLINTON G NEWTON SHOOK HARDY & BACON LLP 2555 GRAND BLVD KANSAS CITY MO UNITED STATES , 64108 Correspondent e-mail: cgntmdocket@shb.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BOLT\$	Abandoned - Express	87803516	
S	REGISTERED AND RENEWED	73531358	1364885
	Section 8 and 15 - Accepted and Acknowledged	85310999	4324961

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Apr 02, 2018	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 02, 2018	May 12, 2018
3	PENDING, INSTITUTED	Apr 02, 2018	
4	ANSWER	May 11, 2018	
5	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Nov 02, 2018	

6	SUSPENDED	Nov 02, 2018
7	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Dec 14, 2018
8	SUSPENDED	Dec 14, 2018
9	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Feb 18, 2019
10	SUSPENDED	Feb 18, 2019
11	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Apr 15, 2019
12	SUSPENDED	Apr 15, 2019
13	W/DRAW OF OPPOSITION	Jun 05, 2019
14	BD DECISION: OPP DISMISSED W/ PREJ	Jun 08, 2019
15	TERMINATED	Jun 08, 2019

Exhibit B

Newton, Clint (SHB)

From: TEAS@uspto.gov
Sent: Wednesday, December 30, 2020 8:22 AM
To: CGNTMDocket
Subject: 41057.350485 Serial number 90430347: Received Your Trademark/Service Mark Application, Principal Register

EXTERNAL

Filing Receipt for Trademark/Service Mark Application for Registration on the Principal Register and Next Steps in the Application Process

Thank you for submitting your trademark application to the U.S. Patent and Trademark Office (USPTO). This filing receipt confirms your mark and serial number, describes next steps in the application process, and includes the information submitted in your application. Please read this receipt carefully and keep a copy for your records.

For an overview of important things to know after filing your application, visit our website to read the [After You File](#) page and watch video number 9 "[After You File](#)."

1. Your mark. S (stylized and/or with design, MRK26038090d0a7253e8abfbd9f3b0d9af-084226468_._S_Logo_Drawing.jpg)

The literal element of the mark consists of S. The applicant is not claiming color as a feature of the mark. The mark consists of a stylized letter S in the middle of a rectangle with rounded corners and having a stylized lightening bolt on top of the letter S.

2. Your serial number. Your application was assigned serial number '90430347'. You must refer to your serial number in all communications about your application.

3. What happens next—legal examination. Your mark will not be registered automatically. In approximately three months, your application will be assigned to a USPTO examining attorney for review. The attorney will determine if your application meets all applicable legal requirements, and if it doesn't you will be notified in an email with a link to the official Office action (official letter from the USPTO). Visit our website for an explanation of [application process timelines](#).

If your mark includes a design element, we will assign it one or more [design search codes](#). We will notify you of these codes within the next few weeks and you can suggest that we add or delete a design search code from your file.

4. Keep your addresses current in USPTO records. We do not extend filing deadlines if you do not receive USPTO mail or email. If your postal address or email address changes, you must update the correspondence or owner's address using the [address forms](#) on our website.

5. Check your application status in our database every three to four months. To be sure that you don't miss an important email from us, and to avoid the possible [abandonment](#) of your application, check your application status and review your documents in our database, [Trademark Status and Document Retrieval \(TSDR\)](#), every three to four months.

6. Warning about private companies offering trademark-related services. Private companies may send you communications that resemble official USPTO communications. These private companies are not associated with the USPTO. All official correspondence will be from the "United States Patent and Trademark Office" in Alexandria, Virginia, and from emails with the domain "uspto.gov." If you are unsure about whether the correspondence is from us, check your records in our database, [TSDR](#). Visit our website for more information on trademark-related [communications that may resemble official USPTO communications](#).

7. Questions? Please visit our [website](#), [email us](#), or call us at 1-800-786-9199 and select option 1.

8. Application data. If you find an error in the data below, visit the [After You File](#) page on our website for information on correcting errors.

The information submitted in the application appears below:

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO Form 1478 (Rev 09/2006)

OMB No. 0651-0009 (Exp 02/28/2021)

Trademark/Service Mark Application, Principal Register

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	90430347
MARK INFORMATION	
*MARK	MRK26038090d0a7253e8abfd 9f3b0d9af-084226468_._S_L ogo_Drawing.jpg
SPECIAL FORM	YES
USPTO-GENERATED IMAGE	NO
LITERAL ELEMENT	S
COLOR MARK	NO
*DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of a stylized letter S in the middle of a rectangle with rounded corners and having a stylized lightning bolt on top of the letter S.
PIXEL COUNT ACCEPTABLE	YES
PIXEL COUNT	341 x 258
APPLICANT INFORMATION	
*OWNER OF MARK	ITS, Inc.
*MAILING ADDRESS	6700 Pioneer Parkway
*CITY	Johnston

*STATE (Required for U.S. applicants)	Iowa
*COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
*ZIP/POSTAL CODE (Required for U.S. and certain international addresses)	50131
*EMAIL ADDRESS	tmdocket@shb.com
LEGAL ENTITY INFORMATION	
TYPE	corporation
STATE/COUNTRY/REGION/JURISDICTION/U.S. TERRITORY OF INCORPORATION	Iowa
GOODS AND/OR SERVICES AND BASIS INFORMATION	
INTERNATIONAL CLASS	009
*IDENTIFICATION	Downloadable computer software for core banking systems, platforms and integrations for financial institutions to process and manage their banking operations and service their customers.
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 00/00/2015
FIRST USE IN COMMERCE DATE	At least as early as 00/00/2015
SPECIMEN FILE NAME(S)	SPE0-26038090d0a725331911 7a51ea733c7-202012292319 0 2082326_._S_Logo_-_Class_
SPECIMEN DESCRIPTION	screenshots from downloadable software during use with mark visible
INTERNATIONAL CLASS	035
*IDENTIFICATION	Operation and management of ATM terminals for others; Providing card plastics management, back office support therefore, and fraud mitigation services; Business support services, namely, providing back office support services to financial institutions; Marketing services, namely, assisting financial institutions with marketing their cards and services to existing or new customers and help increase card usage and build customer loyalty.
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 00/00/1980
FIRST USE IN COMMERCE DATE	At least as early as 00/00/1980

SPECIMEN FILE NAME(S)	SPE0-26038090d0a725331911 7a51ea733c7-202012292319 0 2082326_._S_Logo_-_Class_
SPECIMEN DESCRIPTION	website screenshots advertising and providing the services
INTERNATIONAL CLASS	036
*IDENTIFICATION	<p>Merchant services to financial institutions and merchants, namely, providing hardware devices and software solutions which enable them to facilitate e-commerce transactions and payment processing at merchant locations or online; Automated Clearing House (ACH) transaction processing services for financial institutions and their customers to securely send funds to or receive funds from the Federal Reserve; Providing customizable ATM processing services for financial institutions and other entities; Providing ATM connectivity and access to national networks; ATM transaction processing services; Providing customizable debit credit card issuance and processing services to financial institutions; Debit and credit card transaction processing services; Credit card issuance and processing services to financial institutions; Providing card transaction services, namely, assisting with dispute and chargeback cases, and assisting with resolution of disputes, and establishment of payment schemes; Providing payment transaction messaging and processing capabilities to merchants and financial institutions so bank card transactions can be performed in real-time at a merchant location or via online e-commerce websites; Fraud case management services, back office support as well as identification of fraudulent transactions from real time payment streams by using artificial intelligence based technology; Providing banking, payment and processing solutions and capabilities to financial or non-financial institutions, card or account issuance and management services, transaction processing services and back office support therefore; Providing crisis management training, banking compliance consulting, risk management consulting, and advisory services to financial institutions to help them manage their risk, regulatory and compliance relating to banking and security; Merchant services, namely, payment transaction processing services; Automated Clearing House (ACH) transaction processing services; Providing electronic processing of electronic funds transfer, ACH, credit card, debit card, electronic</p>

	check and electronic payments; Providing electronic processing of ACH and credit card transactions and electronic payments via a global computer network; Financial services, namely, providing electronic transfers of money for others; Providing personal financial information and online banking services via a global computer network; Electronic transfers of money; Electronic payment card transaction processing services; Providing payment management services to customers in the nature of debit card account set-up, payments, alerts, and balance inquiries.
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 00/00/1980
FIRST USE IN COMMERCE DATE	At least as early as 00/00/1980
SPECIMEN FILE NAME(S)	SPE0-26038090d0a725331911 7a51ea733c7-202012292319 0 2082326_._S_Logo_-_Class_
SPECIMEN DESCRIPTION	website screenshots advertising the services
INTERNATIONAL CLASS	042
*IDENTIFICATION	Monitoring of ATM terminals; Providing on-line, non-downloadable, customizable software to financial institutions to allow their customers to securely access and use their cards, check balances, notify of travel plans, transfer money, and manage and control their card transactions in real time; Providing on-line, non-downloadable, customizable software to financial institutions that provides self-service digital banking platforms to their customers through which they can conveniently access and use their deposit and loan accounts, check balances, pay bills, transfer money, deposit checks and perform banking functions remotely; Providing on-line, non-downloadable, customizable software for core banking systems, platforms and integrations for financial institutions to process and manage their banking operations and service their customers; Fraud detection and mitigation services to financial institutions; Application service provider (ASP) featuring e-commerce software for use as a payment gateway that authorizes processing of credit cards or direct payments for merchants; Design and development of computer software for financial institutions to allow their customers to securely access and use their cards, check balances, notify of travel plans, transfer money, and manage and control their card transactions in real

	time; Providing temporary use of online non-downloadable software for use in electronic transfers of money, providing access to personal financial information, and online payment card and debit card services.
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 00/00/1980
FIRST USE IN COMMERCE DATE	At least as early as 00/00/1980
SPECIMEN FILE NAME(S)	SPE0-26038090d0a725331911 7a51ea733c7-202012292319 0 2082326_._S_Logo_-_Class_
SPECIMEN DESCRIPTION	website screenshot advertising the services and screenshots from online software during use with mark visible
ADDITIONAL STATEMENTS SECTION	
ACTIVE PRIOR REGISTRATION(S)	The applicant claims ownership of active prior U.S. Registration Number(s) 1364885.
ATTORNEY INFORMATION	
NAME	Clinton G. Newton
ATTORNEY DOCKET NUMBER	41057.350485
ATTORNEY BAR MEMBERSHIP NUMBER	46,054
YEAR OF ADMISSION	1997
U.S. STATE/ COMMONWEALTH/ TERRITORY	Missouri
FIRM NAME	Shook, Hardy & Bacon L.L.P.
STREET	2555 Grand Blvd.
CITY	Kansas City
STATE	Missouri
COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
ZIP/POSTAL CODE	64108
PHONE	816-474-6550
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OTHER APPOINTED ATTORNEY	Patrick A. Lujin; Michael J. Gross; B. Trent Webb; Scott B. Strohm; Jean M. Dickman; Leonard Searcy; Robert H. Reckers; John S. Golian; Andrew D. OBrien; Kelly T. Feimster; Elena K. McFarland; Cory

	W. Fisher; Anthony B. Wingrove; Aaron E. Hankel; Jason O. Howard; Ryan D. Dykal; Mary Jane Peal; Beth A. Larigan; James B. Devaney; Ryan J. Schletzbaum; Anne R. Hannah; George L. Ngengwe; Fiona A. Bell; Jordan T. Bergsten; Lauren E. Douville; Craig M. Edgar; Angela D. Truesdale; Jennifer M. Schroeder; Robert D. Chisholm; D. Bartley Eppenauer; David W. Morehan; Jeffrey R. Schnayer; Keith J. Bae; Tanya L. Chaney; John D. Garretson; Mark D. Schafer; Christopher J. Strobel; Michael W. Gray; Colman D. McCarthy; Bryan E. Meyer; Charlie Zhao; Elizabeth A. Lucas; Palak J. Shah; Christine A. Guastello; Patrick J. Koncel; Nazish Z. Shabbir; Hugh A. Abrams; David B. McKinney; Jeffrey D. Patterson; Thomas M. Patton; Bradley W. Thomas; Paul M. Vogel; Wesley A. Horner; Sharon A. Israel; Benjamin M. Patton; Maxwell C. McGraw; Reid L. Williams; Patrick J. Sullivan; Lydia C. Raw; Jonathan M. Hernandez; Jonathan S. Barnard; Kyle E. Friesen; Joseph W. Cruz; Weston D. Dunn; Samuel J. LaRoque, Kirk D. Bacon; Jaelyn Alcantara; Angelica Andreoli; Alec Larsen; Matthew E. Hohn
CORRESPONDENCE INFORMATION	
NAME	Clinton G. Newton
PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE	cgntmdocket@shb.com
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)	NOT PROVIDED
FEE INFORMATION	
APPLICATION FILING OPTION	TEAS Standard
NUMBER OF CLASSES	4
APPLICATION FOR REGISTRATION PER CLASS	275
*TOTAL FEES DUE	1100
*TOTAL FEES PAID	1100
SIGNATURE INFORMATION	
SIGNATURE	/Lila A. T. Akrad/
SIGNATORY'S NAME	Lila A. T. Akrad
SIGNATORY'S POSITION	Corporate Attorney and IP Counsel
SIGNATORY'S PHONE NUMBER	5153217221

DATE SIGNED	12/30/2020
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PTO Form 1478 (Rev 09/2006)
OMB No. 0651-0009 (Exp 02/28/2021)

Trademark/Service Mark Application, Principal Register

Serial Number: 90430347
Filing Date: 12/30/2020

To the Commissioner for Trademarks:

The applicant, ITS, Inc., a corporation of Iowa, having an address of
6700 Pioneer Parkway
Johnston, Iowa 50131
United States
tmdocket@shb.com

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 009: Downloadable computer software for core banking systems, platforms and integrations for financial institutions to process and manage their banking operations and service their customers.

In International Class 009, the mark was first used by the applicant or the applicant's related company or licensee or predecessor in interest at least as early as 00/00/2015, and first used in commerce at least as early as 00/00/2015, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, consisting of a(n) screenshots from downloadable software during use with mark visible. Specimen-1 [SPE0-26038090d0a725331911 7a51ea733c7-2020122923190 2082326_._S_Logo_-_Class_009_Specimens.pdf]

International Class 035: Operation and management of ATM terminals for others; Providing card plastics management, back office support therefore, and fraud mitigation services; Business support services, namely, providing back office support services to financial institutions; Marketing services, namely, assisting financial institutions with marketing their cards and services to existing or new customers and help increase card usage and build customer loyalty.

In International Class 035, the mark was first used by the applicant or the applicant's related company or licensee or predecessor in interest at least as early as 00/00/1980, and first used in commerce at least as early

as 00/00/1980, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, consisting of a(n) website screenshots advertising and providing the services.
Specimen-1 [SPE0-26038090d0a725331911 7a51ea733c7-2020122923190 2082326_._S_Logo_-_Class_035_Specimens.pdf]

International Class 036: Merchant services to financial institutions and merchants, namely, providing hardware devices and software solutions which enable them to facilitate e-commerce transactions and payment processing at merchant locations or online; Automated Clearing House (ACH) transaction processing services for financial institutions and their customers to securely send funds to or receive funds from the Federal Reserve; Providing customizable ATM processing services for financial institutions and other entities; Providing ATM connectivity and access to national networks; ATM transaction processing services; Providing customizable debit credit card issuance and processing services to financial institutions; Debit and credit card transaction processing services; Credit card issuance and processing services to financial institutions; Providing card transaction services, namely, assisting with dispute and chargeback cases, and assisting with resolution of disputes, and establishment of payment schemes; Providing payment transaction messaging and processing capabilities to merchants and financial institutions so bank card transactions can be performed in real-time at a merchant location or via online e-commerce websites; Fraud case management services, back office support as well as identification of fraudulent transactions from real time payment streams by using artificial intelligence based technology; Providing banking, payment and processing solutions and capabilities to financial or non-financial institutions, card or account issuance and management services, transaction processing services and back office support therefore; Providing crisis management training, banking compliance consulting, risk management consulting, and advisory services to financial institutions to help them manage their risk, regulatory and compliance relating to banking and security; Merchant services, namely, payment transaction processing services; Automated Clearing House (ACH) transaction processing services; Providing electronic processing of electronic funds transfer, ACH, credit card, debit card, electronic check and electronic payments; Providing electronic processing of ACH and credit card transactions and electronic payments via a global computer network; Financial services, namely, providing electronic transfers of money for others; Providing personal financial information and online banking services via a global computer network; Electronic transfers of money; Electronic payment card transaction processing services; Providing payment management services to customers in the nature of debit card account set-up, payments, alerts, and balance inquiries.

In International Class 036, the mark was first used by the applicant or the applicant's related company or licensee or predecessor in interest at least as early as 00/00/1980, and first used in commerce at least as early as 00/00/1980, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, consisting of a(n) website screenshots advertising the services.
Specimen-1 [SPE0-26038090d0a725331911 7a51ea733c7-2020122923190 2082326_._S_Logo_-_Class_036_Specimens.pdf]

International Class 042: Monitoring of ATM terminals; Providing on-line, non-downloadable, customizable software to financial institutions to allow their customers to securely access and use their cards, check balances, notify of travel plans, transfer money, and manage and control their card transactions in real time; Providing on-line, non-downloadable, customizable software to financial institutions that provides self-service digital banking platforms to their customers through which they can conveniently access and use their deposit and loan accounts, check balances, pay bills, transfer money, deposit checks and perform banking functions remotely; Providing on-line, non-downloadable, customizable software for core banking systems, platforms and integrations for financial institutions to process and manage their banking operations and service their customers; Fraud detection and mitigation services to financial institutions; Application service provider (ASP) featuring e-commerce software for use as a payment gateway that authorizes

processing of credit cards or direct payments for merchants; Design and development of computer software for financial institutions to allow their customers to securely access and use their cards, check balances, notify of travel plans, transfer money, and manage and control their card transactions in real time; Providing temporary use of online non-downloadable software for use in electronic transfers of money, providing access to personal financial information, and online payment card and debit card services.

In International Class 042, the mark was first used by the applicant or the applicant's related company or licensee or predecessor in interest at least as early as 00/00/1980, and first used in commerce at least as early as 00/00/1980, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, consisting of a(n) website screenshot advertising the services and screenshots from online software during use with mark visible.

Specimen-1 [SPE0-26038090d0a725331911 7a51ea733c7-2020122923190 2082326_._S_Logo_-_Class_042_Specimens.pdf]

Claim of Active Prior Registration(s)

The applicant claims ownership of active prior U.S. Registration Number(s) 1364885.

The owner's/holder's proposed attorney information: Clinton G. Newton. Other appointed attorneys are Patrick A. Lujin; Michael J. Gross; B. Trent Webb; Scott B. Strohm; Jean M. Dickman; Leonard Searcy; Robert H. Reckers; John S. Golian; Andrew D. OBrien; Kelly T. Feimster; Elena K. McFarland; Cory W. Fisher; Anthony B. Wingrove; Aaron E. Hankel; Jason O. Howard; Ryan D. Dykal; Mary Jane Peal; Beth A. Larigan; James B. Devaney; Ryan J. Schletzbaum; Anne R. Hannah; George L. Ngengwe; Fiona A. Bell; Jordan T. Bergsten; Lauren E. Douville; Craig M. Edgar; Angela D. Truesdale; Jennifer M. Schroeder; Robert D. Chisholm; D. Bartley Eppenauer; David W. Morehan; Jeffrey R. Schnayer; Keith J. Bae; Tanya L. Chaney; John D. Garretson; Mark D. Schafer; Christopher J. Strobel; Michael W. Gray; Colman D. McCarthy; Bryan E. Meyer; Charlie Zhao; Elizabeth A. Lucas; Palak J. Shah; Christine A. Guastello; Patrick J. Koncel; Nazish Z. Shabbir; Hugh A. Abrams; David B. McKinney; Jeffrey D. Patterson; Thomas M. Patton; Bradley W. Thomas; Paul M. Vogel; Wesley A. Horner; Sharon A. Israel; Benjamin M. Patton; Maxwell C. McGraw; Reid L. Williams; Patrick J. Sullivan; Lydia C. Raw; Jonathan M. Hernandez; Jonathan S. Barnard; Kyle E. Friesen; Joseph W. Cruz; Weston D. Dunn; Samuel J. LaRoque, Kirk D. Bacon; Jaclyn Alcantara; Angelica Andreoli; Alec Larsen; Matthew E. Hohn. Clinton G. Newton of Shook, Hardy & Bacon L.L.P., is a member of the Missouri bar, admitted to the bar in 1997, bar membership no. 46,054, and the attorney(s) is located at

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United States

816-474-6550(phone)

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The docket/reference number is 41057.350485.

Clinton G. Newton submitted the following statement: The attorney of record is an active member in good standing of the bar of the highest court of a U.S. state, the District of Columbia, or any U.S. Commonwealth or territory.

The applicant's current Correspondence Information:

Clinton G. Newton

PRIMARY EMAIL FOR CORRESPONDENCE: cgntmdocket@shb.com SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): NOT PROVIDED

Requirement for Email and Electronic Filing: I understand that a valid email address must be maintained by the applicant owner/holder and the applicant owner's/holder's attorney, if appointed, and that all official trademark correspondence must be submitted via the Trademark Electronic Application System (TEAS).

A fee payment in the amount of \$1100 has been submitted with the application, representing payment for 4 class(es).

Declaration

Basis:

If the applicant is filing the application based on use in commerce under 15 U.S.C. § 1051(a):

- The signatory believes that the applicant is the owner of the trademark/service mark sought to be registered;
- The mark is in use in commerce and was in use in commerce as of the filing date of the application on or in connection with the goods/services in the application;
- The specimen(s) shows the mark as used on or in connection with the goods/services in the application and was used on or in connection with the goods/services in the application as of the application filing date; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

And/Or

If the applicant is filing the application based on an intent to use the mark in commerce under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e):

- The signatory believes that the applicant is entitled to use the mark in commerce;
- The applicant has a bona fide intention to use the mark in commerce and had a bona fide intention to use the mark in commerce as of the application filing date on or in connection with the goods/services in the application; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

To the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive.

To the best of the signatory's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the allegations and other factual contentions made above have evidentiary support.

The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Declaration Signature

Signature: /Lila A. T. Akrad/ Date: 12/30/2020
Signatory's Name: Lila A. T. Akrad
Signatory's Position: Corporate Attorney and IP Counsel
Signatory's Phone Number: 5153217221

Thank you,

The TEAS support team
Wed Dec 30 09:22:13 ET 2020
STAMP: USPTO/BAS-2603:8090:d0a:7253:e8ab:fb9:f3b0:d9af-20201230092213721314-90430347-
75089c5cea8ea57706a8e176c7b88c6fb243360656fa8857d25899c244559a3f76-CC-22128927-
20201230084226468669