

ESTTA Tracking number: **ESTTA1407396**
Filing date: **01/10/2025**

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	Nurd Pty Ltd.
Granted to date of previous extension	01/11/2025
Address	LEVEL 19, 10 EAGLE STREET BRISBANE, QLD, 6000 AUSTRALIA

Attorney information	TIFFANY D. GEHRKE MARSHALL, GERSTEIN & BORUN 233 SOUTH WACKER DRIVE, SUITE 6300 CHICAGO, IL 60606 UNITED STATES Primary email: tgehrke@marshallip.com Secondary email(s): mgblitdocket@marshallip.com, mbolos@marshallip.com No phone number provided
Docket no.	34027/10001

Applicant information

Application no.	98434236	Publication date	11/12/2024
Opposition filing date	01/10/2025	Opposition period ends	01/11/2025
Applicant	Atlantic Richfield Company 501 WESTLAKE PARK BOULEVARD HOUSTON, TX 77079 UNITED STATES		

Goods/services affected by opposition

Class 009. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: Downloadable computer software that enables the creation of incentive reward programs to promote the sale of convenience store items and gasoline; downloadable computer software to enable customers to order from service stations, retail stores or caf��s; downloadable computer software that enables customers to redeem coupons, discounts, vouchers, and special offers at service stations, retail stores, and caf��s; downloadable computer software that enables user to make charitable donations
Class 035. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: Arranging and conducting incentive reward programs to promote the sale of convenience store items and gasoline; retail store services in the field convenience store items and gasoline featuring a bonus incentive program for customers

Applicant information

Application no.	98434262	Publication date	11/19/2024
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Opposition filing date	01/10/2025	Opposition period ends	
Applicant	Atlantic Richfield Company 501 WESTLAKE PARK BOULEVARD HOUSTON, TX 77079 UNITED STATES		

Goods/services affected by opposition

Class 009. First Use: None First Use In Commerce: None
All goods and services in the class are opposed, namely: Downloadable computer software that enable the creation of incentive reward programs to promote the sale of convenience store items and gasoline; downloadable computer software to enable customers to order from service stations, retail stores or caf  s; downloadable computer software that enables customers to redeem coupons, discounts, vouchers, and special offers at service stations, retail stores, and caf  s; downloadable computer software that enables user to make charitable donations

Class 035. First Use: None First Use In Commerce: None
All goods and services in the class are opposed, namely: Arranging and conducting incentive reward programs to promote the sale of convenience store items and gasoline; retail store services in the field convenience store items and gasoline featuring a bonus incentive program for customers

Applicant information

Application no.	98445321	Publication date	11/19/2024
Opposition filing date	01/10/2025	Opposition period ends	
Applicant	Atlantic Richfield Company 501 WESTLAKE PARK BOULEVARD HOUSTON, TX 77079 UNITED STATES		

Goods/services affected by opposition

Class 009. First Use: None First Use In Commerce: None
All goods and services in the class are opposed, namely: Downloadable computer software that enable the creation of incentive reward programs to promote the sale of convenience store items and gasoline; downloadable computer software to enable customers to order from service stations, retail stores or caf  s; downloadable computer software that enables customers to redeem coupons, discounts, vouchers, and special offers at service stations, retail stores, and caf  s; downloadable computer software that enables user to make charitable donations

Class 035. First Use: None First Use In Commerce: None
All goods and services in the class are opposed, namely: Arranging and conducting incentive reward programs to promote the sale of convenience store items and gasoline; retail store services in the field convenience store items and gasoline featuring a bonus incentive program for customers

Applicant information

Application no.	98500075	Publication date	11/19/2024
Opposition filing date	01/10/2025	Opposition period ends	
Applicant	Atlantic Richfield Company 501 WESTLAKE PARK BOULEVARD HOUSTON, TX 77079 UNITED STATES		

Goods/services affected by opposition


Class 009. First Use: None First Use In Commerce: None
 All goods and services in the class are opposed, namely: Downloadable computer software that enable the creation of incentive reward programs to promote the sale of convenience store items and gasoline; downloadable computer software to enable customers to order from service stations, retail stores or caf  s; downloadable computer software that enables customers to redeem coupons, discounts, vouchers, and special offers at service stations, retail stores, and caf  s; downloadable computer software that enables user to make charitable donations

Class 035. First Use: None First Use In Commerce: None
 All goods and services in the class are opposed, namely: Arranging and conducting incentive reward programs to promote the sale of convenience store items and gasoline; retail store services in the field convenience store items and gasoline featuring a bonus incentive program for customers

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. application no.	98865370	Application date	11/21/2024
Registration date	NONE	Foreign priority date	NONE
Word mark	EARNIFY		
Design mark			
Description of mark	NONE		
Goods/services	<p>Class 035. First use: First Use: Jun 26, 2015 First Use In Commerce: Jun 26, 2015 Advertising, advertisement services, and promotion services; development, operation, administration and management of advertising and digital advertising campaigns for others; Native advertising services for others; Arranging and conducting advertising campaigns for the goods and services of others</p> <p>Class 042. First use: First Use: Jun 26, 2015 First Use In Commerce: Jun 26, 2015 Providing online non-downloadable software to develop advertising campaigns for the promotion of goods and services; providing online non-downloadable software for use in managing, tracking, reporting, and measuring advertising key performance indicators; providing online non-downloadable software to arrange and conduct consumer leads to promote the sale of goods and services; providing online non-downloadable software that identifies advertising opportunities for others to promote goods and services; providing online non-downloadable software that allows customers to buy advertising space on third-party websites</p>		



U.S. application/ registration no.	NONE	Application date	NONE
Register	NONE		
Registration date	NONE		
Mark	EARNIFY		
Goods/services	��Advertising, advertisement services, and promotion services; development, operation, administration and management of advertising and digital advertising campaigns for others; Native advertising services for others; Arranging and conducting advertising campaigns for		

	<p>the goods and services of others in Class 35 and Providing on-line non-downloadable software to develop advertising campaigns for the promotion of goods and services; providing online non-downloadable software for use in managing, tracking, reporting, and measuring advertising key performance indicators; providing online non-downloadable software to arrange and conduct consumer leads to promote the sale of goods and services; providing online non-downloadable software that identifies advertising opportunities for others to promote goods and services; providing online non-downloadable software that allows customers to buy advertising space on third- party websites in Class 42.</p>
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Attachments	<p>98865370#TMSN.png(bytes) 2025-01-10 Consolidated Notice of Opposition EARNIFY Marks.pdf(144017 bytes) Exhibit A small.pdf(708543 bytes)</p>
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Signature	/Tiffany D Gehrke/
Name	TIFFANY D. GEHRKE
Date	01/10/2025

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

Nurd Pty Ltd.,)	In the matter of Serial Nos. 98/434,236,
)	98/434,262,
)	98/445,321,
Opposer,)	98/500,075.
)	
v.)	Opposition No.: _____
)	
Atlantic Richfield Company,)	Marks: EARNIFY,
)	
Applicant.)	EARNIFY REWARDS,
)	
)	
)	earnify+
)	
)	
)	
)	earnify+
)	

NOTICE OF CONSOLIDATED OPPOSITIONS

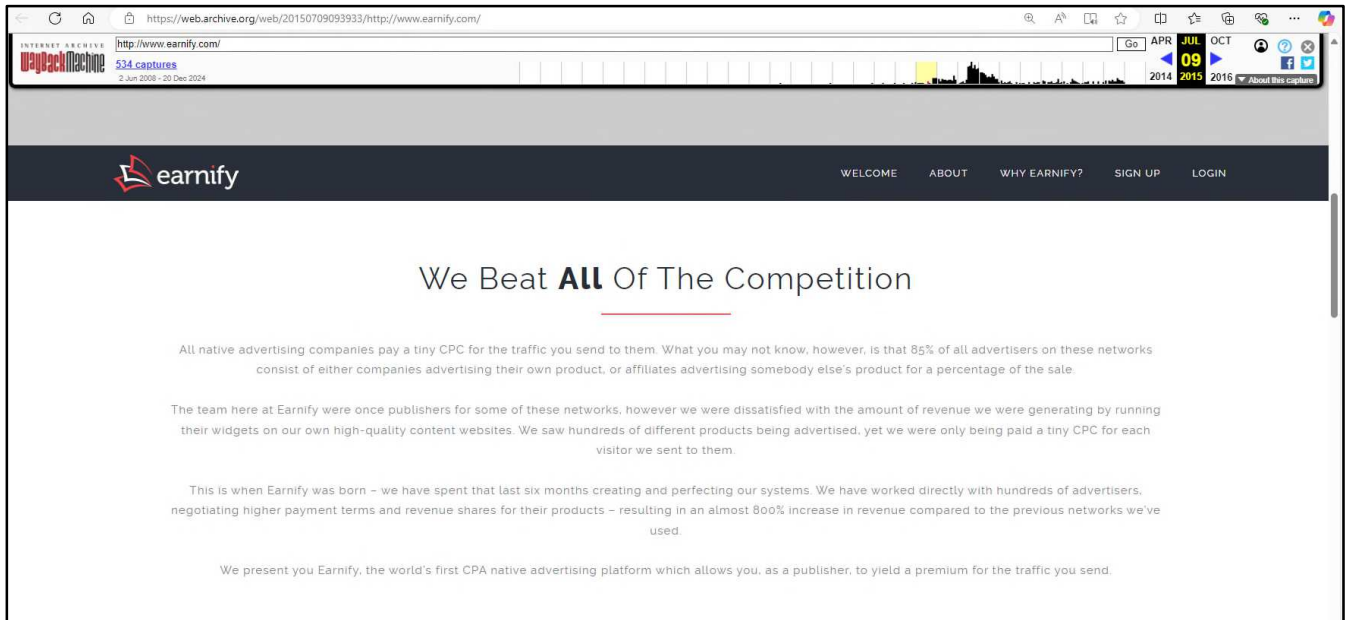
Opposer, Nurd Pty Ltd., (“Nurd”), by and through its attorneys, Marshall, Gerstein & Borun LLP, believes it will be damaged by the above-identified applications to register for “Downloadable computer software that enable the creation of incentive reward programs to promote the sale of convenience store items and gasoline; downloadable computer software to enable customers to order from service stations, retail stores or cafés; downloadable computer software that enables customers to redeem coupons, discounts, vouchers, and special offers at service stations, retail stores, and cafés; downloadable computer software that enables user to make charitable donations” in Class 9 and “Arranging and conducting incentive reward programs to promote the sale of convenience store items and gasoline; retail store services in the field convenience store items and gasoline featuring a bonus incentive program for customers” in Class 35 (“Opposed Marks”). A consolidated Notice of Opposition is appropriate as Nurd’s

claims against each of subject applications involve similar questions of law or fact. Nurd hereby opposes registration of the Opposed Marks on the basis of a likelihood of confusion under 15 U.S.C. §§ 1052(d).

In support of its Opposition, Nurd states as follows:

Opposer’s Rights in EARNIFY as a trademark:

1. Opposer Nurd is a proprietary limited company organized under the law of Australia with an address of Level 19, 10 Eagle Street, Brisbane, QLD Australia 6000.
2. Nurd began using its EARNIFY Marks in connection with various advertising services, including digital campaigns and creation of programs that include incentives and rewards, and related products in the United States at least as early as July 2015.
3. An example of Nurd’s use of EARNIFY from July 9, 2015, as evidenced by the Wayback Machine at archive.org, is shown below:



<https://web.archive.org/web/20150709093933/http://www.earnify.com/>

4. Nurd owns U.S. Ser. No. 98865370 for EARNIFY for use in connection with “Advertising, advertisement services, and promotion services; development, operation,

administration and management of advertising and digital advertising campaigns for others; Native advertising services for others; Arranging and conducting advertising campaigns for the goods and services of others” in Class 35 and “Providing online non-downloadable software to develop advertising campaigns for the promotion of goods and services; providing online non-downloadable software for use in managing, tracking, reporting, and measuring advertising key performance indicators; providing online non-downloadable software to arrange and conduct consumer leads to promote the sale of goods and services; providing online non-downloadable software that identifies advertising opportunities for others to promote goods and services; providing online non-downloadable software that allows customers to buy advertising space on third-party websites” in Class 42. True and correct copies of the TSDR pages for this application are attached as **Exhibit A**. Nurd’s foregoing trademark application and common law rights are collectively referred to as Nurd’s EARNIFY Marks.

5. Nurd has continuously used its EARNIFY Marks in United States Commerce since at least as early as July 2015.

6. Nurd has invested significantly in marketing, advertising, and promoting Nurd’s EARNIFY Marks, and as a result has generated substantial goodwill and customer recognition in its EARNIFY Marks. Nurd’s longstanding use of its EARNIFY Marks has resulted in consumer recognition its distinctive EARNIFY Marks. As a result, consumers have come to associate Nurd’s EARNIFY Marks exclusively with Nurd and its high-quality goods and services.


7. Nurd’s rights in its EARNIFY Marks predate any rights Defendant may claim.


8. Nurd timely filed an extension to oppose each mark that was granted to extend the period to Oppose to January 11, 2025, and January 18, 2025.

Applicant Atlantic Richfield Company:

9. According to USPTO records, Applicant Atlantic Richfield Company is a corporation located at 501 Westlake Park Boulevard, Houston, Texas, United States 77079.

10. According to USPTO records, Applicant filed intent-to-use applications for EARNIFY and EARNIFY REWARDS in Classes 9 and 35 on March 5, 2024 (U.S. Ser. Nos. 98/434,236 and 98/434,262). On March 12, 2024, Applicant filed intent-to-use application for

 **earnify** in Classes 9 and 35 (U.S. Ser. No. 98/445,321) and on April 15, 2024, filed an intent-

to-use application for  **earnify** in Classes 9 and 35 (U.S. Ser. No. 98/500,075).

Count I: Likelihood of Confusion

15 U.S.C. § 1052(d)

11. Nurd reasserts and incorporates Paragraphs 1 through 10 above as if fully set forth herein.

12. Nurd's longstanding use of its EARNIFY Marks has resulted in consumer recognition that the EARNIFY Marks are distinctive of Nurd's high quality goods and valuable goodwill, and such goodwill was generated long before any rights that Applicant may claim.

Accordingly, Nurd's rights predate Applicant's rights.

13. Long after Nurd's commenced use of EARNIFY, Applicant filed Application Ser. Nos. 98/434,236, 98/434,262, 98/445,321, and 98/500,075 for EARNIFY-formative marks seeking registration of the Opposed Marks for use in connection with goods and services identical and/or highly similar and related to those in which Applicant uses its EARNIFY Marks.

14. Applicant's Opposed Mark, when used in connection with the applied-for goods and services, is likely to cause confusion, mistake, or deception that Applicant's offerings are

those of Nurd or are otherwise endorsed, sponsored, or approved by Nurd, or cause confusion, mistake, or deception as to the affiliation, connection, or association between Applicant and Nurd.

15. Nurd has been harmed and will be harmed by registration of the Opposed Marks.

16. Numerous instances of actual consumer confusion has resulted from Applicant's use of EARNIFY as a trademark.

17. Nurd has a real and legitimate interest in the opposition.

18. Nurd is entitled to bring a statutory cause of action.

19. Nurd has a proprietary right in the EARNIFY Marks that is valid and legally protectable.

20. Nurd's priority in its EARNIFY Marks predates Applicant's application filing dates for any of its EARNIFY Marks and predates any use by Applicant.

21. Accordingly, Applicant's applications to register the Opposed Marks must be refused registration under Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

PRAYER FOR RELIEF

WHEREFORE, Nurd prays that the Opposed Marks shown in Application Serial Nos. 98/434,236, 98/434,262, 98/445,321, and 98/500,075 be refused registration, and that this Notice of Opposition be sustained in favor of Nurd Pty Ltd.

Respectfully submitted,
Nurd Pty Ltd.

Dated: January 10, 2025

/Tiffany D. Gehrke/

Tiffany D. Gehrke
Michelle Bolos
MARSHALL, GERSTEIN & BORUN LLP
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Chicago, Illinois 60606
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mbolos@marshallip.com

EXHIBIT A

Generated on: This page was generated by TSDR on 2025-01-10 15:26:47 EST

Mark: EARNIFY

EARNIFY

US Serial Number: 98865370

Application Filing Date: Nov. 21, 2024

Register: Principal

Mark Type: Service Mark

TM5 Common Status
Descriptor:



LIVE/APPLICATION/Awaiting Examination

The trademark application has been accepted by the Office (has met the minimum filing requirements) and has not yet been assigned to an examiner.

Status: New application awaiting assignment to an examining attorney. [See current trademark processing wait times](#) for more information.

Status Date: Nov. 21, 2024

Mark Information

Mark Literal Elements: EARNIFY

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

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: Advertising, advertisement services, and promotion services; development, operation, administration and management of advertising and digital advertising campaigns for others; Native advertising services for others; Arranging and conducting advertising campaigns for the goods and services of others

International Class(es): 035 - Primary Class

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

Class Status: ACTIVE

First Use: Jun. 26, 2015

Use in Commerce: Jun. 26, 2015

For: Providing online non-downloadable software to develop advertising campaigns for the promotion of goods and services; providing online non-downloadable software for use in managing, tracking, reporting, and measuring advertising key performance indicators; providing online non-downloadable software to arrange and conduct consumer leads to promote the sale of goods and services; providing online non-downloadable software that identifies advertising opportunities for others to promote goods and services; providing online non-downloadable software that allows customers to buy advertising space on third-party websites

International Class(es): 042 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

First Use: Jun. 26, 2015

Use in Commerce: Jun. 26, 2015

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

Currently ITU: No

Filed 44D: No

Currently 44D: No

Filed 44E: No

Currently 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Nurd Pty Ltd.

Owner Address: Level 19, 10 Eagle Street
Brisbane, QLD AUSTRALIA 6000

Legal Entity Type: proprietary limited company (p/l or pty. ltd.)

State or Country AUSTRALIA
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Tiffany D. Gehrke

Docket Number: 34027/60000

Attorney Primary docket@marshallip.com
Email Address:

Attorney Email Yes
Authorized:

Correspondent

Correspondent Tiffany D. Gehrke
Name/Address: Marshall, Gerstein & Borun LLP
233 S. Wacker Dr., Suite 6300
Chicago, ILLINOIS United States 60605

Correspondent e- docket@marshallip.com tgehrke@marshallip.com
mail:

Correspondent e- Yes
mail Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Nov. 21, 2024	NEW APPLICATION ENTERED	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: Not Found

Date in Location: Not Found

Trademark/Service Mark Application, Principal Register

Serial Number: 98865370

Filing Date: 11/21/2024

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	98865370
MARK INFORMATION	
*MARK	EARNIFY
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	EARNIFY
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	Nurd Pty Ltd.
*MAILING ADDRESS	Level 19, 10 Eagle Street
*CITY	Brisbane, QLD
*COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	Australia
*ZIP/POSTAL CODE (Required for U.S. and certain international addresses)	6000
*EMAIL ADDRESS	XXXX
LEGAL ENTITY INFORMATION	
TYPE	proprietary limited company (p/l or pty. ltd.)
STATE/COUNTRY/REGION/JURISDICTION/U.S. TERRITORY WHERE LEGALLY ORGANIZED	Australia
GOODS AND/OR SERVICES AND BASIS INFORMATION	
INTERNATIONAL CLASS	035
*IDENTIFICATION	Advertising, advertisement services, and promotion services; development, operation, administration and management of advertising and digital advertising campaigns for others; Native advertising services for others; Arranging and conducting advertising campaigns for the goods and services of others
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 06/26/2015
FIRST USE IN COMMERCE DATE	At least as early as 06/26/2015
SPECIMEN FILE NAME(S)	

JPG FILE(S)	\\TICRS\EXPORT18\IMAGEOUT 18\988\653\98865370\xml1 \ APP0012.JPG
ORIGINAL PDF FILE	SPE0-5020216131-202411201 71556657540 . Class 35 Earnify - Homepage.pdf
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	\\TICRS\EXPORT18\IMAGEOUT 18\988\653\98865370\xml1\ APP0004.JPG
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	\\TICRS\EXPORT18\IMAGEOUT 18\988\653\98865370\xml1\ APP0011.JPG
SPECIMEN DESCRIPTION	use of the mark in connection with the services
WEBPAGE URL	None Provided
WEBPAGE DATE OF ACCESS	None Provided
INTERNATIONAL CLASS	042
*IDENTIFICATION	Providing online non-downloadable software to develop advertising campaigns for the promotion of goods and services; providing online non-downloadable software for use in managing, tracking, reporting, and measuring advertising key performance indicators; providing online non-downloadable software to arrange and conduct consumer leads to promote the sale of goods and services; providing online non-downloadable software that identifies advertising opportunities for others to promote goods and services; providing online non-downloadable software that allows customers to buy advertising space on third-party websites
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 06/26/2015
FIRST USE IN COMMERCE DATE	At least as early as 06/26/2015
SPECIMEN FILE NAME(S)	
JPG FILE(S)	\\TICRS\EXPORT18\IMAGEOUT 18\988\653\98865370\xml1 \ APP0023.JPG
	\\TICRS\EXPORT18\IMAGEOUT 18\988\653\98865370\xml1\ APP0024.JPG
	SPE0-5020216131-202411201 71556657540 . 42 Earnify -

ORIGINAL PDF FILE	Login_Page.pdf
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SPECIMEN DESCRIPTION	use of the mark in connection with the services
WEBPAGE URL	None Provided
WEBPAGE DATE OF ACCESS	None Provided
ATTORNEY INFORMATION	
NAME	Tiffany D. Gehrke
ATTORNEY DOCKET NUMBER	34027/60000
ATTORNEY BAR MEMBERSHIP NUMBER	XXX
YEAR OF ADMISSION	XXXX
U.S. STATE/ COMMONWEALTH/ TERRITORY	XX
FIRM NAME	Marshall, Gerstein & Borun LLP
STREET	233 S. Wacker Dr., Suite 6300
CITY	Chicago
STATE	Illinois
COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
ZIP/POSTAL CODE	60605
EMAIL ADDRESS	docket@marshallip.com
CORRESPONDENCE INFORMATION	
NAME	Tiffany D. Gehrke

PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE	docket@marshallip.com
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)	tgehrke@marshallip.com
FEE INFORMATION	
APPLICATION FILING OPTION	TEAS Standard
NUMBER OF CLASSES	2
APPLICATION FOR REGISTRATION PER CLASS	350
*TOTAL FEES DUE	700
*TOTAL FEES PAID	700
SIGNATURE INFORMATION	
SIGNATURE	/kyle ryan/
SIGNATORY'S NAME	Kyle Ryan
SIGNATORY'S POSITION	Managing Director
SIGNATORY'S PHONE NUMBER	0733038575
DATE SIGNED	11/21/2024
SIGNATURE METHOD	Sent to third party for signature

Trademark/Service Mark Application, Principal Register

Serial Number: 98865370

Filing Date: 11/21/2024

To the Commissioner for Trademarks:

MARK: EARNIFY (Standard Characters, see [mark](#))

The literal element of the mark consists of EARNIFY. The mark consists of standard characters, without claim to any particular font style, size, or color.

The applicant, Nurd Pty Ltd., a proprietary limited company (p/l or pty. ltd.) legally organized under the laws of Australia, having an address of

Level 19, 10 Eagle Street

Brisbane, QLD 6000

Australia

XXXX

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 035: Advertising, advertisement services, and promotion services; development, operation, administration and management of advertising and digital advertising campaigns for others; Native advertising services for others; Arranging and conducting advertising campaigns for the goods and services of others

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 06/26/2015, and first used in commerce at least as early as 06/26/2015, 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) use of the mark in connection with the services.

JPG file(s):

[Specimen File1](#)

Original PDF file:

[SPE0-5020216131-202411201 71556657540 . Class 35 Ea rnify - Homepage.pdf](#)

Converted PDF file(s) (9 pages)

[Specimen File1](#)

[Specimen File2](#)

[Specimen File3](#)

[Specimen File4](#)

[Specimen File5](#)

[Specimen File6](#)

[Specimen File7](#)

[Specimen File8](#)

[Specimen File9](#)

Webpage URL: None Provided

Webpage Date of Access: None Provided

International Class 042: Providing online non-downloadable software to develop advertising campaigns for the promotion of goods and services; providing online non-downloadable software for use in managing, tracking, reporting, and measuring advertising key performance indicators; providing online non-downloadable software to arrange and conduct consumer leads to promote the sale of goods and services; providing online non-downloadable software that identifies advertising opportunities for others to promote goods and services; providing online non-downloadable software that allows customers to buy advertising space on third-party websites

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 06/26/2015, and first used in commerce at least as early as 06/26/2015, 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) use of the mark in connection with the services.

JPG file(s):

[Specimen File1](#)

[Specimen File1](#)

[Specimen File2](#)

Original PDF file:

[SPE0-5020216131-202411201 71556657540 . 42 Earnify - Login Page.pdf](#)

Converted PDF file(s) (1 page)

[Specimen File1](#)

Original PDF file:

[SPE0-5020216131-202411201 71556657540 . Class 42 Earnify - Homepage.pdf](#)

Converted PDF file(s) (9 pages)

[Specimen File1](#)

[Specimen File2](#)

[Specimen File3](#)

[Specimen File4](#)

[Specimen File5](#)

[Specimen File6](#)

[Specimen File7](#)

[Specimen File8](#)

[Specimen File9](#)

Webpage URL: None Provided

Webpage Date of Access: None Provided

The owner's/holder's proposed attorney information: Tiffany D. Gehrke. Tiffany D. Gehrke of Marshall, Gerstein & Borun LLP, is a member of the XX bar, admitted to the bar in XXXX, bar membership no. XXX, is located at

233 S. Wacker Dr., Suite 6300

Chicago, Illinois 60605

United States

docket@marshallip.com

The docket/reference number is 34027/60000.

Tiffany D. Gehrke 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:

Tiffany D. Gehrke

PRIMARY EMAIL FOR CORRESPONDENCE: docket@marshallip.com

SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): tgehrke@marshallip.com

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 \$700 has been submitted with the application, representing payment for 2 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;

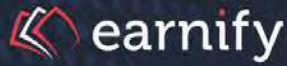
- The applicant has a bona fide intention to use the mark in commerce and had a bona fide intention to use the mark in commerce as of the application filing date on or in connection with the goods/services in the application; and
 - To the best of the signatory's knowledge and belief, the facts recited 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: /kyle ryan/ Date: 11/21/2024
Signatory's Name: Kyle Ryan
Signatory's Position: Managing Director
Signatory's Phone Number: 0733038575
Signature method: Sent to third party for signature
Payment Sale Number: 98865370
Payment Accounting Date: 11/21/2024

Serial Number: 98865370
Internet Transmission Date: Thu Nov 21 13:00:56 ET 2024
TEAS Stamp: USPTO/BAS-XX.XXX.XX.XXX-2024112113005784
4872-98865370-8707b9d3c1495cac1a943773a2
d3a99746e44d9f28da8dfbfa2e53e6b7ccc936-C
C-00567201-20241120171556657540

EARNIFY



THE PROGRAMMATIC NATIVE ADVERTISING PLATFORM

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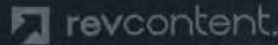
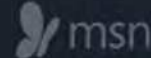
Create your Earnify account

CREATE ACCOUNT

SCALABLE NATIVE ADVERTISING

Promote your content through 35+ native supply partners, consisting of 5,000+ premium

publishers in the United States.



ONE PLATFORM, UNLIMITED REACH



Superior Targeting

Our state of the art technology ensures your campaign will only be delivered to potential customers, increasing your conversion rate and ROI.



Transparent In-Depth Analytics

Our platform is completely transparent, meaning that you will be able to see which websites you are bidding on in real-time, in the time zone of your choice.



Conversion Optimization



Fraud Prevention

By utilizing our conversion tracking technology, our system will automatically start to favor publishers generating the most leads for you.

Every impression is scanned by multiple fraud detection technologies to ensure you are only ever bidding on quality traffic.

HOW DOES EARNIFY WORK?

Earnify is connected to all major native advertising networks, allowing you to scale your campaigns faster than ever. Advertisers leverage our demand-side platform (DSP) to manage their native advertising campaigns across multiple networks in one place.



1.

Create Campaign

Create a customized campaign tailored to your product in our easy to navigate backend.

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Targeting

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TIME SAVING

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SCALABILITY

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SECURITY

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Source	Impressions	Clicks	CTR	CPC	CPM	Conversions	Cost	Profit
mashable.com	6,705	12	0.18%	\$1.86	\$3.03	\$45.00	\$23.93	\$22.07
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usatoday.com	7,581	6	0.08%	\$1.61	\$1.27	\$45.00	\$23.93	\$22.07

TRANSPARENCY AND FULL CONTROL

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CONTACT US

07 3303 8575

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19/10 Eagle Street, Brisbane, 4000, Queensland, AU



How can we help? 

First Name

Last Name

Company Name

Email

Your message

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- ADVERTISING MENU
- Dashboard
- Reporting
- Campaigns
- Add Funds
- ACCOUNT
- Support
- Settings

New Campaign

\$0.00

New Campaign

Campaign Name

Traffic Type Native

Bidding Type CPA (Recommended)

Networks

Deals

Targeting Broaden

Blacklisted domains

Branding Text

Description

Scheduling Run campaigns continuously
 Set specific dates
 Set day parting

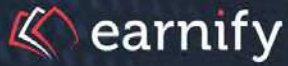
Countries All Countries
 Set specific countries

Exclude specific countries

Devices Desktop
 Tablet
 Mobile

Bid the bidfloor

Pacing Standard
 Accelerated



SIGN IN

REGISTER

Sign in to Earnify

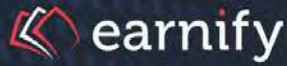
Email Address

Password

Remember me on this computer

SIGN IN >

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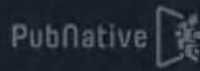
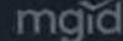
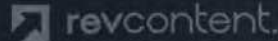
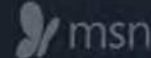
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TIME SAVING

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New Campaign

\$0.00

New Campaign

Campaign Name

Traffic Type Native

Bidding Type CPA (Recommended)

Networks

Deals

Targeting Broad

Blacklisted domains

Branding Text

Description

Scheduling Run campaigns continuously
 Set specific dates
 Set day parting

Countries All Countries
 Set specific countries

Exclude specific countries

Devices Desktop
 Tablet
 Mobile

Bid the bidfloor

Pacing Standard
 Accelerated

earnify.com/campaigns/newcreate

earnify

New Campaign

9948.74

ADVERTISING MENU

- Dashboard
- Reporting
- Campaigns
- Add Funds

ACCOUNT

- Support
- Settings

New Campaign

Campaign Name: Marshall Example

Traffic Type: Native

Bidding Type: CPC

Networks: Outbrain, Taboola

Deals: Select one or more deals to target...

Targeting: Whitelist

Whitelisted domains: msb.com, enr.com, enr.com

Blacklisted placements: (Put one or more placements to blacklist...)

Branding Text: (If selected, add one or more brand names to display...)

Description: Give any promotional page a unique look. A description of content. Add any promotional text to give it more visibility on a destination. (1000 characters)

Scheduling: Run campaign continuously

- Set specific dates
- Set day parting

Countries: All Countries

- Target specific countries

United States

Bidding (CPC)

United States: \$ 1,000

Desktop: \$ 1,000

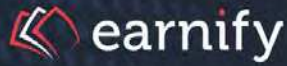
Tablet: \$ 1,000

Mobile: \$ 1,000

Pacing: Standard

- Accelerated

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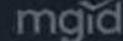
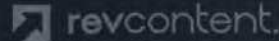
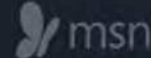
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\$0.00

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Deals

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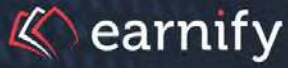
Countries All Countries
 Set specific countries

Exclude specific countries

Devices Desktop
 Tablet
 Mobile

Bid the bidfloor

Pacing Standard
 Accelerated



SIGN IN

REGISTER

Sign in to Earnify

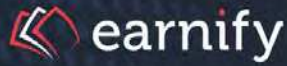
Email Address

Password

Remember me on this computer

SIGN IN >

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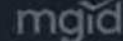
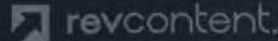
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\$0.00

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Bidding Type CPA (Recommended)

Networks

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Blacklisted domains

Branding Text

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Exclude specific countries

Devices Desktop
 Tablet
 Mobile

Bid the bidfloor

Pacing Standard
 Accelerated

earnify.com/campaigns/newcreate

earnify

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9948.74

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Scheduling: Run campaign continuously

- Set specific dates
- Set day parting

Countries: All Countries

- Target specific countries: United States

Bidding (CPC)

United States: \$ 1,000

Desktop: \$ 1,000

Tablet: \$ 1,000

Mobile: \$ 1,000

Pacing: Standard

- Accelerated