

ESTTA Tracking number: **ESTTA986982**

Filing date: **07/11/2019**

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

Petition for Cancellation

Notice is hereby given that the following party has filed a petition to cancel the registration indicated below.

Petitioner Information

Name	Addepar, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	303 Bryant Street, 3rd Floor Mountain View, CA 94041 UNITED STATES		

Attorney information	Lori Lee Yamato KNOBBE, MARTENS, OLSON, & BEAR LLP 2040 MAIN STREET 14TH FLOOR IRVINE, CA 92614 UNITED STATES efiling@knobbe.com 9497600404		
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Registration Subject to Cancellation

Registration No.	5623416	Registration date	12/04/2018
Registrant	Anaplan, Inc. 625 Second Street, Suite 101 San Francisco, CA 94107 UNITED STATES		

Goods/Services Subject to Cancellation

Class 009. First Use: 2017/03/28 First Use In Commerce: 2017/03/28 All goods and services in the class are subject to cancellation, namely: computer software for data integration, predictive modeling, software application management, data analytics and reporting, and business planning in the fields of business management, finance, sales, supply chain management, human resources, sales and marketing, and information technology
Class 042. First Use: 2017/03/28 First Use In Commerce: 2017/03/28 All goods and services in the class are subject to cancellation, namely: platform as a service (PAAS) featuring computer software platforms for business management

Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)
Other	Common law rights

Marks Cited by Petitioner as Basis for Cancellation

U.S. Registration No.	4278634	Application Date	04/13/2012
Registration Date	01/22/2013	Foreign Priority Date	NONE
Word Mark	A ADDEPAR		
Design Mark			
Description of Mark	The mark consists of design of letter "A" comprised of right angled rectangle forming left side of "A" and smaller leftangled rectangle forming right side of "A" above the word "ADDEPAR".		
Goods/Services	Class 009. First use: First Use: 2011/01/30 First Use In Commerce: 2012/04/11 Computer software and hardware for financial wealth management, asset management, fund management, accounting, reporting, client management and customer relationship management (CRM); computer software that provides real-time, integrated business management intelligence by combining information from various databases and presenting it in an easy-to-understand user interface		

U.S. Registration No.	4245893	Application Date	04/13/2012
Registration Date	11/20/2012	Foreign Priority Date	NONE
Word Mark	A ADDEPAR		
Design Mark			

Description of Mark	The mark consists of design of letter "A" comprised of right angled rectangle forming left side of "A" and smaller leftangled rectangle forming right side of "A" above the word "ADDEPAR".
Goods/Services	Class 035. First use: First Use: 2011/01/30 First Use In Commerce: 2011/01/30 Business assistance [, advisory] and consulting services in the field of financial wealth management

U.S. Registration No.	4245892	Application Date	04/13/2012
Registration Date	11/20/2012	Foreign Priority Date	NONE

Word Mark	A ADDEPAR
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Description of Mark	The mark consists of design of letter "A" comprised of right angled rectangle forming left side of "A" and smaller leftangled rectangle forming right side of "A" to the left of word "ADDEPAR".
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Goods/Services	Class 035. First use: First Use: 2011/01/30 First Use In Commerce: 2011/01/30 Business assistance [, advisory] and consulting services in the field of financial wealth management
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U.S. Registration No.	4407903	Application Date	04/13/2012
Registration Date	09/24/2013	Foreign Priority Date	NONE

Word Mark	A ADDEPAR
-----------	-----------



Description of Mark	The mark consists of design of letter "A" comprised of right angled rectangle forming left side of "A" and smaller leftangled rectangle forming right side of "A" to the left of word "ADDEPAR".
---------------------	--

Goods/Services	Class 009. First use: First Use: 2013/01/24 First Use In Commerce: 2013/01/24 Computer software and hardware for financial wealth management, asset management, fund management, accounting, reporting, client management and customer relationship management (CRM); computer software that provides real-time, integrated business management intelligence by combining information from various databases and presenting it in an easy-to-understand user interface
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Attachments	85597433#TMSN.png(bytes) 85597431#TMSN.png(bytes) 85597428#TMSN.png(bytes) 85597425#TMSN.png(bytes) Petition to Cancel with Exhibits 1 to 4 - ADDET.037N.pdf(367906 bytes)
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Signature	/Jessica Sganga/
Name	Jessica Sganga
Date	07/11/2019

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


Addepar, Inc.,

Petitioner,

v.

Anaplan, Inc.,

Respondent.


)
) Cancellation No.: _____
)
) Registration No.: 5623416
)
)
) Mark: 
)
)
)
)
)
)

PETITION FOR CANCELLATION

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

Dear Sir or Madam:


Petitioner, Addepar, Inc., a Delaware corporation, with a place of business at 303 Bryant Street, 3rd Floor, Mountain View, California 94041 (“Petitioner”), believes that it has been and will continue to be damaged by the continued registration of U.S. Trademark Registration No.

5623416 (the “Subject Registration”) for the mark  (the “Trademark”) in International Classes 09 and 42, registered by Anaplan, Inc., a Delaware corporation, with an address 625 Second Street, Suite 101, San Francisco, California 94107 (“Respondent”) and hereby petitions to cancel the same, pursuant to Section 14 of the Trademark Act, 15 U.S.C. § 1064, and TBMP § 307.

As grounds for this Petition, it is alleged:

1. The Subject Registration covers the following goods and services: “computer software for data integration, predictive modeling, software application management, data analytics and reporting, and business planning in the fields of business management, finance, sales, supply chain management, human resources, sales and marketing, and information technology” in Class 9 and “platform as a service (PAAS) featuring computer software platforms for business management” in Class 42. The Subject Registration issued on December 4, 2018 and is based on an application filed in the United States Patent and Trademark Office (“PTO”) on April 6, 2017. The Respondent claims to have first used the Trademark in commerce on March 28, 2017.

2. Since at least 2012, long before the filing date of the Subject Registration, Petitioner has been, and still is, engaged in providing goods and services in the fields of financial wealth management, asset, fund, and investment management, and client and

customer management. Petitioner is the owner of rights in the trademark  and other

marks such as the marks  **ADDEPAR**,  **ADDEPAR**, and



(collectively, “Petitioner’s Marks”).

3. Petitioner’s goods and services offered under Petitioner’s Marks include both software and non-downloadable software for use in managing an investment and asset portfolio, business advice and consultation services, and financial and investment services. By virtue of Petitioner’s continuous and substantial use, Petitioner’s Marks have developed into well-known identifiers of Petitioner and its goods and services. As a result, Petitioner has built up, at great expense and effort, valuable goodwill in Petitioner’s Marks and has developed strong common

law rights in Petitioner's Marks. Petitioner relies on its common law rights in Petitioner's Marks, which rights predate the filing date and alleged first use date of the Subject Registration.

4. In addition to its common law rights, Petitioner owns and relies on U.S.




Trademark Registration No. 4,278,634 (the "'634 Registration") for the mark **ADDEPAR** for "Computer software and hardware for financial wealth management, asset management, fund management, accounting, reporting, client management and customer relationship management (CRM); computer software that provides real-time, integrated business management intelligence by combining information from various databases and presenting it in an easy-to-understand user interface" in International Class 09, which registration issued January 22, 2013 and is based on an application filed in the United States Patent and Trademark Office ("PTO") on April 13, 2012. The filing date of Petitioner's '634 Registration is prior to the filing date and alleged first use date of the Subject Registration. True and correct copies of the specifics of the '634 Registration obtained from the PTO's TESS and Assignment databases are attached hereto as Exhibit 1 and made of record.

5. Petitioner owns and relies on U.S. Trademark Registration No. 4,245,893 (the




"'893 Registration") for the mark **ADDEPAR** for "Business assistance and consulting services in the field of financial wealth management" in International Class 35, which registration issued November 20, 2012 and is based on an application filed in the PTO on April 13, 2012. The filing date of Petitioner's '893 Registration is prior to the filing date and alleged first use date of the Subject Registration. True and correct copies of the specifics of the '893 Registration obtained from the PTO's TESS and Assignment databases are attached hereto as Exhibit 2 and made of record.


6. Petitioner owns and relies on U.S. Trademark Registration No. 4,245,892 (the

“892 Registration”) for the mark  for “Business assistance and consulting services in the field of financial wealth management” in International Class 35, which registration issued November 20, 2012 and is based on an application filed in the PTO on April 13, 2012. The filing date of Petitioner’s ’892 Registration is prior to the filing date and alleged first use date of the Subject Registration. True and correct copies of the specifics of the ’892 Registration obtained from the PTO’s TESS and Assignment databases are attached hereto as Exhibit 3 and made of record.

7. Petitioner owns and relies on U.S. Trademark Registration No. 4,407,903 (the

“903 Registration”) for the mark  for “Computer software and hardware for financial wealth management, asset management, fund management, accounting, reporting, client management and customer relationship management (CRM); computer software that provides real-time, integrated business management intelligence by combining information from various databases and presenting it in an easy-to-understand user interface” in International Class 09, which registration issued September 24, 2013 and is based on an application filed in the PTO on April 13, 2012. The filing date of Petitioner’s ’903 Registration is prior to the filing date and alleged first use date of the Subject Registration. True and correct copies of the specifics of the ’903 Registration obtained from the PTO’s TESS and Assignment databases are attached hereto as Exhibit 4 and made of record.

8. Since long before the filing date and alleged first use date of the Subject Registration, Petitioner has continuously used and promoted Petitioner’s Marks, including

Petitioner’s  mark, in commerce in connection with its goods and services, which includes the goods and services identified in the above-mentioned registrations.

9. By reason of Petitioner's widespread and continuous use of Petitioner's Marks, Petitioner has extensive non-registered, statutory and common law rights in Petitioner's Marks. Petitioner's common law rights in Petitioner's Marks were established well before and predate the filing of the Subject Registration and the alleged first use date set forth in the Subject Registration. Therefore, Petitioner's common law rights in Petitioner's Marks are prior to and superior to the Subject Registration.

10. Petitioner has been and will continue to be damaged by registration of the Subject Registration in that the Trademark so resembles Petitioner's Marks, including as registered in the PTO, and in which Petitioner owns common law trademark rights, as to be likely, when used on or in connection with the goods and services as they are identified in the Subject Registration, as to cause confusion, or to cause mistake or to deceive within the meaning of Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d).

11. In view of Petitioner's prior rights in Petitioner's Marks, Respondent is not entitled to federal registration of the Trademark pursuant to Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d).

12. By virtue of the foregoing, Petitioner will be damaged by the continued registration of the Trademark shown in the Subject Registration because the Subject Registration violates Petitioner's rights.

WHEREFORE, Petitioner prays that the Petition be granted and the Subject Registration be canceled in its entirety.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: July 11, 2019

By /Jessica Sganga/
Lori Lee Yamato
Jessica C. Sganga
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Irvine, CA 92614
(949) 760-0404
efiling@knobbe.com
Attorneys for Petitioner,
Addepar, Inc.

30905457

Exhibit 1



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ADDEPAR

Word Mark	A ADDEPAR
Goods and Services	IC 009. US 021 023 026 036 038. G & S: Computer software and hardware for financial wealth management, asset management, fund management, accounting, reporting, client management and customer relationship management (CRM); computer software that provides real-time, integrated business management intelligence by combining information from various databases and presenting it in an easy-to-understand user interface. FIRST USE: 20110130. FIRST USE IN COMMERCE: 20120411
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	26.11.13 - Rectangles (exactly two rectangles) ; Two rectangles 26.11.21 - Rectangles that are completely or partially shaded 27.03.01 - Geometric figures forming letters, numerals or punctuation
Serial Number	85597433
Filing Date	April 13, 2012
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	November 6, 2012
Registration Number	4278634
International Registration Number	1141244
Registration Date	January 22, 2013
Owner	

(REGISTRANT) Addepar Inc. CORPORATION DELAWARE 303 Bryant Street, 3rd Floor
Mountain View CALIFORNIA 94041

Attorney of Record Jessica C. Sganga

Description of Mark Color is not claimed as a feature of the mark. The mark consists of design of letter "A" comprised of right angled rectangle forming left side of "A" and smaller left angled rectangle forming right side of "A" above the word "ADDEPAR".

Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 8 (6-YR).

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Trademark Assignment Abstract of Title

Total Assignments: 1

Serial # : [85597433](#)

Filing Dt: 04/13/2012

Reg # : [4278634](#)

Reg. Dt: 01/22/2013

Registrant: Addepar Inc.

Mark: A ADDEPAR

Assignment: 1

Reel/ Frame: [5631/0533](#)

Recorded: 09/28/2015

Pages: 11

Conveyance: SECURITY INTEREST

Assignor: [ADDEPAR, INC.](#)

Exec Dt: 09/28/2015

Entity Type: CORPORATION

Citizenship: NONE

Assignees: [VENTURE LENDING & LEASING VII, INC.](#)

104 LA MESA DRIVE, SUITE 102
PORTOLA VALLEY, CALIFORNIA 94028

[VENTURE LENDING & LEASING VIII, INC.](#)

104 LA MESA DRIVE, SUITE 102
PORTOLA VALLEY, CALIFORNIA 94028

Entity Type: CORPORATION

Citizenship: MARYLAND

Entity Type: CORPORATION

Citizenship: MARYLAND

Correspondent: JEFFREY T. KLUGMAN

FOUR EMBARCADERO CENTER, SUITE 4000
SAN FRANCISCO, CA 94111

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Exhibit 2



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Word Mark	A ADDEPAR
Goods and Services	IC 035. US 100 101 102. G & S: Business assistance [, advisory] and consulting services in the field of financial wealth management. FIRST USE: 20110130. FIRST USE IN COMMERCE: 20110130
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	26.11.13 - Rectangles (exactly two rectangles) ; Two rectangles 26.11.21 - Rectangles that are completely or partially shaded 27.03.01 - Geometric figures forming letters, numerals or punctuation
Serial Number	85597431
Filing Date	April 13, 2012
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	September 4, 2012
Registration Number	4245893
International Registration Number	1141244
Registration Date	November 20, 2012
Owner	(REGISTRANT) Addepar Inc. CORPORATION DELAWARE 303 Bryant Street, 3rd Floor Mountain View CALIFORNIA 94041
Attorney of Record	Jessica C. Sganga
Description of Mark	Color is not claimed as a feature of the mark. The mark consists of design of letter "A" comprised of right angled rectangle forming left side of "A" and smaller left angled rectangle forming right side of "A" above the word "ADDEPAR".

Type of Mark SERVICE MARK
Register PRINCIPAL
Affidavit Text SECT 8 (6-YR).
Live/Dead Indicator LIVE

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Trademark Assignment Abstract of Title

Total Assignments: 1

Serial # : [85597431](#)

Filing Dt: 04/13/2012

Reg # : [4245893](#)

Reg. Dt: 11/20/2012

Registrant: Addepar Inc.

Mark: A ADDEPAR

Assignment: 1

Reel/ Frame: [5631/0533](#)

Recorded: 09/28/2015

Pages: 11

Conveyance: SECURITY INTEREST

Assignor: [ADDEPAR, INC.](#)

Exec Dt: 09/28/2015

Entity Type: CORPORATION

Citizenship: NONE

Assignees: [VENTURE LENDING & LEASING VII, INC.](#)

104 LA MESA DRIVE, SUITE 102
PORTOLA VALLEY, CALIFORNIA 94028

Entity Type: CORPORATION

Citizenship: MARYLAND

[VENTURE LENDING & LEASING VIII, INC.](#)

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PORTOLA VALLEY, CALIFORNIA 94028

Entity Type: CORPORATION

Citizenship: MARYLAND

Correspondent: JEFFREY T. KLUGMAN

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Exhibit 3



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Word Mark	A ADDEPAR
Goods and Services	IC 035. US 100 101 102. G & S: Business assistance [, advisory] and consulting services in the field of financial wealth management. FIRST USE: 20110130. FIRST USE IN COMMERCE: 20110130
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	26.11.13 - Rectangles (exactly two rectangles) ; Two rectangles 26.11.21 - Rectangles that are completely or partially shaded 27.03.01 - Geometric figures forming letters, numerals or punctuation
Serial Number	85597428
Filing Date	April 13, 2012
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	September 4, 2012
Registration Number	4245892
International Registration Number	1140625
Registration Date	November 20, 2012
Owner	(REGISTRANT) Addepar Inc. CORPORATION DELAWARE 303 Bryant Street, 3rd Floor Mountain View CALIFORNIA 94041
Attorney of Record	Jessica C. Sganga
Description of Mark	Color is not claimed as a feature of the mark. The mark consists of design of letter "A" comprised of right angled rectangle forming left side of "A" and smaller left angled rectangle forming right side of "A" to the left of word "ADDEPAR".

Type of Mark SERVICE MARK
Register PRINCIPAL
Affidavit Text SECT 8 (6-YR).
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Trademark Assignment Abstract of Title

Total Assignments: 1

Serial # : [85597428](#)

Filing Dt: 04/13/2012

Reg # : [4245892](#)

Reg. Dt: 11/20/2012

Registrant: Addepar Inc.

Mark: A ADDEPAR

Assignment: 1

Reel/ Frame: [5631/0533](#)

Recorded: 09/28/2015

Pages: 11

Conveyance: SECURITY INTEREST

Assignor: [ADDEPAR, INC.](#)

Exec Dt: 09/28/2015

Entity Type: CORPORATION

Citizenship: NONE

Assignees: [VENTURE LENDING & LEASING VII, INC.](#)

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Entity Type: CORPORATION

Citizenship: MARYLAND

Correspondent: JEFFREY T. KLUGMAN

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Word Mark	A ADDEPAR
Goods and Services	IC 009. US 021 023 026 036 038. G & S: Computer software and hardware for financial wealth management, asset management, fund management, accounting, reporting, client management and customer relationship management (CRM); computer software that provides real-time, integrated business management intelligence by combining information from various databases and presenting it in an easy-to-understand user interface. FIRST USE: 20130124. FIRST USE IN COMMERCE: 20130124
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	26.11.13 - Rectangles (exactly two rectangles); Two rectangles 26.11.21 - Rectangles that are completely or partially shaded 27.03.01 - Geometric figures forming letters, numerals or punctuation
Serial Number	85597425
Filing Date	April 13, 2012
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	October 30, 2012
Registration Number	4407903
International Registration Number	1140625
Registration Date	September 24, 2013
Owner	(REGISTRANT) Addepar Inc. CORPORATION DELAWARE 1023 North Shoreline Blvd., Suite 100 Mountain View CALIFORNIA 94043 William B. Bunker

**Attorney of
Record**

**Description of
Mark** Color is not claimed as a feature of the mark. The mark consists of design of letter "A" comprised of right angled rectangle forming left side of "A" and smaller left angled rectangle forming right side of "A" to the left of word "ADDEPAR".

Type of Mark TRADEMARK

Register PRINCIPAL

**Live/Dead
Indicator** LIVE

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Trademark Assignment Abstract of Title

Total Assignments: 1

Serial # : [85597425](#)

Filing Dt: 04/13/2012

Reg # : [4407903](#)

Reg. Dt: 09/24/2013

Registrant: Addepar Inc.

Mark: A ADDEPAR

Assignment: 1

Reel/ Frame: [5631/0533](#)

Recorded: 09/28/2015

Pages: 11

Conveyance: SECURITY INTEREST

Assignor: [ADDEPAR, INC.](#)

Exec Dt: 09/28/2015

Entity Type: CORPORATION

Citizenship: NONE

Assignees: [VENTURE LENDING & LEASING VII, INC.](#)

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PORTOLA VALLEY, CALIFORNIA 94028

[VENTURE LENDING & LEASING VIII, INC.](#)

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PORTOLA VALLEY, CALIFORNIA 94028

Entity Type: CORPORATION

Citizenship: MARYLAND

Entity Type: CORPORATION

Citizenship: MARYLAND

Correspondent: JEFFREY T. KLUGMAN

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