

ESTTA Tracking number: **ESTTA1053360**

Filing date: **05/05/2020**

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	Linde Material Handling GmbH		
Entity	Limited Liability Company	Citizenship	Germany
Address	Carl-von-Linde-Platz Aschaffenburg, 63743 GERMANY		

Attorney information	Mark H. Tidman Baker & Hostetler LLP 1050 Connecticut Avenue, NW Washington Square, Suite 1100 Washington, DC 20036-5304 UNITED STATES bhipdocket@bakerlaw.com, mtidman@bakerlaw.com, lgehman@bakerlaw.com, ahsu@bakerlaw.com 202-861-1500
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Registrations Subject to Cancellation

Registration No.	2518245	Registration date	12/11/2001
Registrant	SIMPLEXITY, LLC Suite 200 10790 Parkridge Blvd. Reston, VA 20191 UNITED STATES		

Goods/Services Subject to Cancellation

Class 035. First Use: 1999/10/00 First Use In Commerce: 2000/01/00 All goods and services in the class are subject to cancellation, namely: facilitating commercial transactions relating to purchase and sale of communications services; assembling and distributing market research data
Class 042. First Use: 1999/10/00 First Use In Commerce: 2000/01/00 All goods and services in the class are subject to cancellation, namely: providing comparison information regarding third-party communications services via electronic communications networks

Grounds for Cancellation

Abandonment	Trademark Act Section 14(3)		
Registration No.	2528160	Registration date	01/08/2002
Registrant	Simplexity, LLC 10790 Parkridge Blvd., Suite 200 Reston, VA 20191		

UNITED STATES

Goods/Services Subject to Cancellation

Class 035. First Use: 1999/10/00 First Use In Commerce: 2000/01/00 All goods and services in the class are subject to cancellation, namely: facilitating commercial transactions relating to purchase and sale of communications services; assembling and distributing market research data
Class 042. First Use: 1999/10/00 First Use In Commerce: 2000/01/00 All goods and services in the class are subject to cancellation, namely: providing information regarding third-party communications services via electronic communications networks

Grounds for Cancellation

Abandonment	Trademark Act Section 14(3)
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Attachments	SIMPLEXITY - Petition for Cancellation.pdf(412882 bytes) Petition to Cancel - Exhibit A.pdf(96309 bytes) Petition to Cancel - Exhibit B.pdf(419194 bytes)
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Signature	/Mark H. Tidman/
Name	Mark H. Tidman
Date	05/05/2020

**UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

Linde Material Handling GmbH,)	In Re:
)	
Opposer,)	Registration No. 2518245
)	Mark: SIMPLEXITY
v.)	Registered: December 11, 2011
)	
Simplexity, LLC,)	Registration No. 2528160
)	Mark: SIMPLEXITY.COM
Registrant.)	Registered: January 8, 2002
)	Cancellation No. _____

COMBINED PETITION FOR CANCELLATION

1. Petitioner Linde Material Handling GmbH (“Petitioner”), a Gesellschaft Mit Beschränkter Haftung (GmbH) organized and existing under the laws of Germany with its principal place of business at Carl-von-Linde-Platz, 63743 Aschaffenburg, Germany, believes that it is damaged by the registration of the marks covered by U.S. Registration Nos. 2518245 for SIMPLEXITY and 2528160 for SIMPLEXITY.COM (the “Registrations”) and hereby petitions to cancel both Registrations.

2. Registrant Simplexity, LLC (“Registrant”), a limited liability company organized and existing under the laws of Delaware with its principal place of business at 10790 Parkridge Boulevard, Suite 200, Reston, VA 20191, has registered its SIMPLEXITY and SIMPLEXITY.COM marks for use in connection with “facilitating commercial transactions relating to purchase and sale of communications services; assembling and distributing market research data,” in Class 35 and “providing comparison information regarding third-party communications services via electronic communications networks,” in Class 42.

BACKGROUND

3. Upon information and belief, Registrant has not used its marks for the Class 35 or 42 services covered by the Registrations during the three-year period preceding the date of this Petition and has no intent to resume use.

4. Upon information and belief, Registrant's website, <http://simplicity.com/>, currently resolves to the following error screen, a complete printout attached hereto as **Exhibit A**:



This site can't be reached

simplicity.com's server IP address could not be found.

Try running Windows Network Diagnostics.

DNS_PROBE_FINISHED_NXDOMAIN

Reload

5. According to the Internet Archive Wayback Machine website, <https://web.archive.org/web/20140227081333/http://www.simplicity.com:80/>, Registrant's website has not been active since 2014, a complete printout attached hereto as **Exhibit B**:



6. Upon information and belief, Registrant is no longer doing business under and/or using the Registrations in U.S. commerce.

COUNT I

Cancellation Of Mark Due To Abandonment/Non-Use

7. Petitioner incorporates the prior paragraphs as if fully set forth herein.

8. Upon information and belief, Registrant has not used the Registrations during the three-year period preceding the date of this Petition and has no intention to resume use.

9. As a result of its non-use of the Registrations in connection with the identified services, and with no intention to resume use, Registrant has abandoned the Registrations within the meaning of 15 U.S.C. § 1127.

WHEREFORE, Petitioner Linde Material Handling GmbH requests that Registration Nos. 2518245 for SIMPLEXITY and 2528160 for SIMPLEXITY.COM be cancelled in their entireties and that judgment be entered for Petitioner.

Date: May 5, 2020

BAKER & HOSTETLER LLP

By: /Mark H. Tidman/
Mark H. Tidman
1050 Connecticut Avenue NW, Suite 1100
Washington, DC 20036-5403
Phone: (202) 861-1500
mtidman@bakerlaw.com

Lisa Bollinger Gehman
2929 Arch Street, Cira Centre, 12th Floor
Philadelphia, PA 19104
Phone: (215) 568-3100
lgehman@bakerlaw.com

*Attorneys for Petitioner, Linde Material
Handling GmbH*

CERTIFICATE OF FILING AND OF SERVICE

I hereby certify that on May 5, 2020, a true and correct copy of the foregoing COMBINED PETITION FOR CANCELLATION has been filed electronically using ESTTA and served by electronic mail upon the attorney for Applicant, as indicated below:

Deborah M. Lodge
PATTON BOGGS LLP
2550 M Street, N.W.
Washington, DC 20037
Phone: (202) 457-6000
dlodge@pattonboggs.com

/Lisa Bollinger Gehman/

Lis Bollinger Gehman

EXHIBIT A



This site can't be reached

simplicity.com's server IP address could not be found.

[Try running Windows Network Diagnostics.](#)

DNS_PROBE_FINISHED_NXDOMAIN

Reload

EXHIBIT B

INTERNET ARCHIVE Wayback Machine <http://www.simplexity.com/> Go JAN FEB 27 APR 2013 2014 2015

SIMPLEXITY.

We are the leading eCommerce and MVNO solutions provider in the wireless industry with millions of activations to our credit and thousands of satisfied partners in our portfolio.

The Simplexity Advantage

- Rapid, turnkey market entry
- Best-in-Class customer experience
- Industry leading systems and technology
- Innovative partner marketing strategies
- Long-standing relationships with leading wireless carriers and device manufacturers such as Verizon Wireless, T-Mobile, Sprint, Samsung, Sony, LG, HTC, Motorola and more.

[Learn More](#)

Wireless Device Sales & Activation Services

With an expansive marketing network that includes thousands of custom branded and co-branded partner websites and affiliate programs, Simplexity sells wireless products and services including cell phones and mobile broadband, as well as activation services on both post-paid and pre-paid platforms for some of the most recognized brands in the world



[Learn More](#)

Simplexity MVNO Services

Our MVNO solutions encompass Voice, Data, SMS, Mobile Broadband, Machine 2 Machine (M2M), on a prepaid or postpaid platform.

Whatever the mode of service and connectivity you choose, we can provide a technology platform along with end-to-end services to create your infrastructure.



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Who We Serve

- Retailers, eTailers, & OEMs
- Loyalty, Rewards & Promotional Programs
- Direct Selling Organizations & Affinity Groups
- MVNO Services

Our Services

- Wireless eCommerce Sales & Services
- MVNO/MVNE Services
- Mobile Application Loading/Adoption
- Retail/Virtual Inventory Program
- Additional Services to Drive Incremental Revenue

Our Partners

- Our Marketing Partners
- Our Service Partners
- Our Manufacturing Partners
- Our Own Brand □ Wirefly