

ESTTA Tracking number: **ESTTA1168263**

Filing date: **10/26/2021**

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

Proceeding	92076227
Party	Plaintiff BatchTest Corporation
Correspondence Address	DINESH PATEL BATCATEST CORPORATION 2118 WALSH AVE SUITE 240 SANTA CLARA, CA 95050 UNITED STATES Primary Email: BatchTest_TM@batchtest.com Secondary Email(s): btcroot@gmail.com 408-454-8378
Submission	Motion to Dismiss - Rule 12(b)
Filer's Name	Deanna M. McGregor
Filer's email	ipdocket@foxrothschild.com, ghecht@foxrothschild.com, jeschwartz@foxrothschild.com, mscott@foxrothschild.com, dmc- gregor@foxrothschild.com
Signature	/-d-/
Date	10/26/2021
Attachments	Respondent Motion to Dismiss Counts II and IV of Second Amended Petition - 92076227.pdf(785811 bytes)

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

BatchTest Corporation,	:	
	:	
	:	
Petitioner,	:	Cancellation No.: 92076227
	:	
v.	:	Registration No.: 6236082
	:	
Bulletproof Cyber Limited and	:	Mark: BULLETPROOF
Bulletproof Solutions ULC,	:	
	:	
Respondents.	:	

**RESPONDENTS’ MOTION TO DISMISS COUNTS II AND IV OF PETITIONER’S
SECOND AMENDED PETITION TO CANCEL PURSUANT TO FED. R. CIV. P. 12(b)(6)**

Respondents hereby file this Motion to Dismiss Counts II and IV of Petitioner’s Second Amended Petition to Cancel filed on October 8, 2021 (the “Motion”). *See* 22 TTABVUE.

I. INTRODUCTION

Petitioner BatchTest Corporation (“Petitioner”) is once again attempting to cobble together allegations to state claims against Respondents for lack of *bona fide* intent to use the BULLETPROOF mark (Count II) and invalid assignment (Count IV). Petitioner’s third effort fares no better than its first two—the most recent of which this Board held, *sua sponte*, insufficient to state valid claims for lack of *bona fide* intent to use (Count II) and invalid assignment (Count IV). *See* 21 TTABVUE 11-13.

On October 8, 2021, using the Board’s September 21, 2021 Order as a guide for what facts it must allege to state valid claims for lack of *bona fide* intent to use and/or invalid assignment, Petitioner filed yet a Second Amended Petition to Cancel (the “Second Amended Petition”). *See* 22 TTABVUE, *generally*. Petitioner, however, continues to fail to allege *facts* sufficient to support such claims—rather, it misstates, and even worse completely fabricates assertions with no support

whatsoever.

Petitioner's Second Amended Petition is comprised of nothing more than alleged facts that have no relevance, a litany of conclusory, non-factual assertions based solely "upon information and belief," and wild accusations for which Petitioner lays no factual predicate and which are contradicted by records freely available to the public, including records of the USPTO. Such allegations do not satisfy the pleading requirements of Federal Rule of Civil Procedure 8(a).¹ Thus, Respondents respectfully request that the Board dismiss Counts II and IV of the Second Amended Petition.

II. RELEVANT FACTUAL AND PROCEDURAL BACKGROUND

Given the amount of motion practice that has occurred in this case, the Board is familiar with the factual and procedural background of this proceeding. For purposes of this Motion, Respondents address only the Board's recent order dismissing Counts II (lack of *bona fide* intent to use) and IV (invalid assignment) of Petitioner's Amended Petition to Cancel and the substance of Petitioner's newly-filed Second Amended Petition.²

A. The Board's September 21, 2021 Order.

On September 21, 2021, in connection with its disposition of Petitioner's most recent Motion to Strike and Respondents' Cross Motion to Amend Their Answer, the Board undertook a *sua sponte*

¹ By presenting the Second Amended Petition to the Board, Petitioner certified that, among other things, the Second Amended Petition is not presented for any improper purposes (such as to harass), Petitioner's claims are warranted by existing law, and the factual contentions have evidentiary support. Fed. R. Civ. P. 11(b)(1)-(3). As shown in this Motion, Petitioner has alleged *no facts* to support its lack of *bona fide* intent to use and invalid assignment claims, yet continues to pursue such claims despite the Board's warning not to do so absent a good faith basis. Petitioner has failed to establish such a good faith basis here.

² On October 19, 2021, Bulletproof filed a Motion for Suspension Pending Disposition of Federal Litigation, seeking suspension of this proceeding in its entirety pending the outcome of the federal district court litigation. 23 TTABVUE. Bulletproof's Motion for Suspension remains pending at this time.

review of the sufficiency of the claims set forth in Petitioner’s Amended Petition to Cancel. *See* 21 TTABVUE, *generally*. After that review, the Board dismissed Count II (lack of *bona fide* intent to use) and Count IV (invalid assignment) of the Amended Petition to Cancel, finding Petitioner failed to allege facts sufficient to state such claims. 21 TTABVUE 11-13.

In dismissing Count II (lack of *bona fide* intent to use), the Board stated, “Petitioner’s allegations that it owns prior common law rights in its mark is not a factual predicate for the allegation that BCL lacked a *bona fide* intent to use the involved mark in commerce at the time it filed the application.” *Id.*, at 12 (emphasis added). In dismissing Count IV (invalid assignment), the Board recognized that (1) BCL had deleted the Section 1(b) intent-to-use basis for the underlying application *before* the Subject Registration issued, (2) the Subject Registration issued under Section 44(e), and (3) BCL assigned the Subject Registration to Bulletproof *after* the registration issued pursuant to Section 44(e). *Id.*, at 12-13. As the Board correctly acknowledged, all of these facts are of record with the USPTO and are beyond dispute. *Id.* at 13 (quoting *Compagnie Gervais Danone v. Precision Formulations LLC*, 89 USPQ2d 1251, 1256 (TTAB 2009)).

The Board afforded Petitioner 20 days from the date of the Order to file a Second Amended Petition including sufficient allegations of lack of *bona fide* intent to use and invalid assignment. *See* 21 TTABVUE 14. The Board, however, cautioned Petitioner that it must have “a good faith basis for doing so.” *Id.*

B. Petitioner’s Second Amended Petition

On October 8, 2021, Petitioner filed the Second Amended Petition, again asserting claims for lack of *bona fide* intent to use (Count II) and invalid assignment (Count IV). 22 TTABVUE. In the Background Section, Petitioner added numerous allegations, all but one of which Petitioner based solely “upon information and belief.” 22 TTABVUE, 5-6, at ¶¶ 30-37.

1. **Count II (Lack of *Bona Fide* Intent to Use)**

As to Count II (lack of *bona fide* intention to use), Petitioner alleges that, in a prior opposition proceeding, BCL admitted that it did not have a “bona fide intent to offer *the Class 45 services* identified in the ‘133 Application” and that BCL agreed to the *deletion of the Class 45 services*. 22 TTABVUE 8, at ¶ 52. Notably, the Class 45 services initially included in the ‘133 Application have no relevance to this proceeding because the Subject Registration does not include Class 45 services.

Petitioner then supports Count II with three “upon information and belief” statements. *First*, Petitioner alleges that, “*upon information and belief*,” because of the “sheer scope of the goods and services and the number of disparate goods and services” identified in the ‘133 Application, which BCL allegedly filed 6 months after BCL’s incorporation, “BCL did not have, and never had, a bona fide intention to use” the BULLETPROOF mark in connection with the Class 009 goods and Class 042 services recited in the ‘133 Application. *Id.*, 9, at ¶ 53 (emphasis added). *Second*, Petitioner alleges that, “*upon information and belief*, BCL lacked capacity and experience needed to offer” the goods and services recited in the ‘133 Application at the time BCL filed it. *Id.*, at ¶ 54 (emphasis added).³ *Third*, Petitioner alleges that, “*upon information and belief*,” BCL did not undertake any concrete plans or activities in preparation for use of the [BULLETPROOF] mark in the [sic] United States commerce at the time BCL filed the ‘133 Application.” *Id.*, at ¶ 55 (emphasis added).

These allegations are not *facts*—they are legal conclusions and pure speculation. Further, Petitioner fails to plead any factual predicate for the statements made “upon information and belief” and cites no other alleged facts in support of Count II. *Id.*, at ¶¶ 52-57.

³ This allegation is demonstrably false from information freely available to the public. *See, e.g.*, <https://web.archive.org/web/20200508181705/https://www.bulletproof.co.uk/> showing Bulletproof Cyber Limited’s (“BCL”) use of the mark on June 14, 2018 in the UK (note design trademark which is identical to that of US application serial no. 87323152 owned by BCL (now abandoned). Petitioner is thus making allegations that lack any basis in fact whatsoever.

2. Count IV (Invalid Assignment)

As to Count IV (invalid assignment), Petitioner included a host of “*upon information and belief*” allegations about the substance of an agreement between Bulletproof and BCL and other actions that contradict the USPTO’s public records and are demonstrably false. 22 TTABVue 11-12, at ¶¶ 66-74. More specifically, Petitioner alleges, *based solely upon information and belief*, as follows:

- “[W]hile the Section 1(b) basis was still in the ‘133 Application, BCL made an agreement (the “Agreement”) with BSU to assign the ‘082 Mark and any registration issued due to the maturing of the ‘133 Application to BSU” (*id.*, at ¶ 66);
- “BCL did not transfer the part of its business connected with the subject mark to BSU as a part of the Agreement” (*id.*, at ¶ 67);
- “The Agreement prohibits BCL from challenging BSU’s use of the subject mark before, on, and after the date of the [Subject] Registration” (*id.*, at ¶ 68); and
- “BCL withdrew its trademark application no. 87323152 on or about May 27, 2020 as part of the Agreement” (*id.*, at ¶ 70).

The above statements are not assertions of fact. As with the “upon information and belief” allegations recited with respect to Count II, these allegations constitute legal conclusions and pure speculation. Further, Petitioner fails to plead any factual predicate for the statements made “upon information and belief.”

Petitioner further alleges that Bulletproof “was assisting BCL with prosecution of the ‘133 Application since before the [Subject] Registration was issued.” *Id.*, at ¶ 69. The USPTO records, to which the Petitioner and the Board have full access, show that Bulletproof was not involved whatsoever in the prosecution of the ‘133 Application. *See* Registration No. 6236082, (registration from the ‘133 Application).⁴

⁴ The TSDR records indicate that the only application prosecution activity that took place after the initiation of the opposition (proceeding no. 91239604) between Bulletproof Solutions ULC and Bulletproof Cyber Limited (“BCL”), other than orders from the Board, was the Change Address or Representation Form filed on September 11, 2020 for an attorney of BCL (the assignor), and the issuance of the Registration Certificate on January 5, 2021, which was mailed to BCL’s attorneys.

Finally, Petitioner also alleges: “The Agreement, when construed as a whole, constituted an immediate assignment of BCL’s Section 1(b) based intent-to-use ‘133 Application before filing a statement of use, which violates the requirements of the Lanham Act...” *Id.*, at ¶ 73. This allegation is a conclusion of law, not a statement fact. Further, this allegation is refuted by the USPTO records, which the Board previously acknowledged establish that BCL assigned the Subject Registration to Bulletproof *after* the Subject Registration issued and after the Section 1(b) filing basis had been deleted from the ‘133 Application.⁵ 21 TTABVUE 13.

III. LEGAL ARGUMENT

Despite three opportunities to successfully plead lack of *bona fide* intent to use and invalid assignment claims against Respondents, Petitioner still fails to satisfy the pleading requirements of Federal Rule of Civil Procedure 8(a). As discussed more fully below, Petitioner’s Second Amended Petition is short on facts, long on speculation, and, in many instances, includes wild accusations having no factual support and contradicting USPTO records. For these reasons, and the reasons below, the Board should grant this Motion and dismiss Counts II (lack of *bona fide* intent to use) and IV (invalid assignment) of Petitioner’s Second Amended Petition.

A. Legal Standard for 12(b)(6) Motion to Dismiss.

To survive a motion to dismiss under 12(b)(6), the Second Amended Petition “must contain sufficient factual matter, accepted as true, to ‘state a claim that is plausible on its face.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007)).

The Board has authority to review USPTO records to determine if certain facts were well pleaded. The Board will not take as true any allegations contradicting facts in USPTO records. *See Compagnie Gervais Danone v. Precision Formulations, LLC*, 89 USPQ2d 1251, 1256 (TTAB 2009).

⁵ In an interesting turn of events, Petitioner now admits that the Board deleted the Section 1(b) filing basis for the ‘133 Application on August 21, 2020, *before* the Subject Registration issued. 22 TTABVUE 12, at ¶ 71.

It must provide “more than an unadorned, the-defendant-unlawfully-harmed-me accusation.” *Iqbal*, 556 U.S. at 678. “A pleading that offers ‘labels and conclusions’ or ‘a formulaic recitation of the elements of a cause of action will not do.’” *Id.* (quoting *Twombly*, 550 U.S. at 555). “Nor does a [petition to cancel] suffice if it tenders ‘naked assertion[s]’ devoid of ‘further factual enhancement.’” *Id.* (quoting *Twombly*, 550 U.S. at 557).

Although the Board must accept as true all well-pleaded *factual allegations* in the Second Amended Petition, it need not “accept as true a legal conclusion couched as a factual allegation.” *Id.* (quoting *Twombly*, 550 U.S. at 555). “While legal conclusions can provide the framework of a complaint, they must be supported by factual allegations.” *Id.* at 679.

Petitioner must plead facts “allow[ing] the court to draw the reasonable inference that the [Respondents are] liable for the misconduct alleged.” *Id.* at 678. In other words, the Second Amended Petition must demonstrate “more than a sheer possibility that [Respondents have] acted unlawfully.” *Id.* at 678. “[W]here the well-pleaded facts do not permit the [Board] to infer more than the mere possibility of misconduct, the complaint has alleged but it has not ‘show[n]’—‘that the pleader is entitled to relief.’” *Id.* at 679 (quoting Fed. R. Civ. P. 8(a)(2)).

“In the post-*Twombly* and *Iqbal* era, pleading on information and belief, without more, is insufficient to survive a motion to dismiss for failure to state a claim.” *Solis v. City of Fresno*, 2012 WL 868681 at *8 (E.D. Cal. Mar. 13, 2012). *See also Twombly*, 550 U.S. at 551, 557 (declining to take as true the conclusory allegation “upon information and belief” that the companies had entered a conspiracy without enough facts to make that statement plausible); *Smith v. City of Sumiton*, 578 Fed. Appx. 933, 935 n.4 (11th Cir. 2014) (“for purposes of a Rule 12(b)(6) motion to dismiss, [court] do[es] not have to take as true allegations based merely ‘upon information and belief.’”); *Vivendi SA v. T-Mobile USA Inc.*, 586 F.3d 689, 694 (9th Cir. 2009) (finding insufficient allegations made “upon information and belief”); *Sinaltrainal v. Coca-Cola Co.*, 578 F.3d 1252, 1268 (11th Cir. 2009)

(affirming order granting motion to dismiss, in part, because “the plaintiffs’ allegations of conspiracy are ‘based on information and belief,’ and fail to provide any factual content that allows us ‘to draw the reasonable inference that the defendant is liable for the misconduct alleged.’”) (internal citation omitted). Moreover, “[t]he facts alleged must be sufficient to nudge the claims ‘across the line from conceivable to plausible.’” *Solis*, 2012 WL 868681 at *8 (citing *Twombly*, 550 U.S. at 547).

B. Petitioner Fails To State A Claim For Lack Of *Bona Fide* Intent To Use The BULLETPROOF Mark.

Petitioner’s allegations regarding lack of *bona fide* intent to use the BULLETPROOF mark fall woefully short of the requirements of Rule 8(a). The only even arguable *factual* allegation set forth in support of Petitioner’s lack of *bona fide* intent claim is Petitioner’s assertion that, in a prior opposition proceeding, BCL admitted it did not have a *bona fide* intent to offer *the Class 045 services* listed in the ‘133 Application and agreed to deletion of the Class 045 services. 22 TTABVUE 8, at ¶ 52. This assertion (if true) is wholly irrelevant to the lack of *bona fide* intent claim at issue here.

The Subject Registration covers only Class 009 goods and Class 042 services; it does not cover Class 045 services. Even if BCL admitted it did not have a *bona fide* intent to offer the Class 045 services originally listed in the ‘133 Application, that fact would not support the assertion that BCL lacked the requisite *bona fide* intent to use the BULLETPROOF mark in connection with the *Class 009 goods and Class 042 services*. The goods and services in those Classes are wholly distinct from one another. Indeed, if BCL admitted a lack of *bona fide* intent to use the BULLETPROOF mark as to the Class 045 services, but not as to the Class 009 goods and Class 042 services, that would only suggest that BCL did have a *bona fide* intent to use the BULLETPROOF mark with respect to the Class 009 goods and Class 042 services covered by the Subject Registration.

Further, Petitioner bases all remaining allegations supporting its lack of *bona fide* intent to use claim “*upon information and belief.*” See 22 TTABVUE 8-9, at ¶¶ 53-55. These allegations

are not facts—they are Petitioner’s speculation. Because the allegations are not well-pleaded factual allegations, the Board need not accept the allegations as true for purposes of determining this Motion. *Iqbal*, 556 U.S. at 678. The Second Amended Petition includes no factual allegations about BCL’s business, capacity, or experience, goods and/or services, or plans to use the BULLETPROOF mark. In the absence of such a factual predicate, Petitioner’s conclusory “upon information and belief” allegations are insufficient to satisfy the requirements of Rule 8(a). *Twombly*, 550 U.S. at 551, 557.

To state a valid claim for lack of *bona fide* intent to use, Petitioner must demonstrate “more than the sheer possibility” that BCL lacked the requisite *bona fide* intent to use the BULLETPROOF mark in connection with the Class 009 goods and Class 042 services. *Iqbal*, 556 U.S. at 678-79. Petitioner has failed to make such a showing here. Thus, Petitioner has not remedied the fatal flaws the Board previously identified with respect to Petitioner’s lack of *bona fide* intent to use claim (*see* 21 TTABVUE 11-12) and the Board should dismiss Count II of the Second Amended Petition.

C. Petitioner Fails To State A Claim For Invalid Assignment.

Petitioner’s attempt to revive its invalid assignment claim similarly fails. Petitioner alleges that BCL assigned the ‘133 Application for the BULLETPROOF mark to Bulletproof before the Subject Registration issued and before the Board deleted the Section 1(b) intent-to-use filing basis from the ‘133 Application. 22 TTABVUE 11-12, at ¶¶ 66-73. As the Board previously recognized in its September 21, 2021 Order dismissing Counts II and IV from Petitioner’s Amended Petition to Cancel, the USPTO’s records directly refute Petitioner’s assertions. 21 TTABVUE 13.

“[S]uch facts as the filing date, filing basis, priority date, publication date, and applicant’s name in an application ... are facts not subject to proof, and the Board may look to Office records for such facts to determine if a party’s allegations are well-pleaded.” *Id.* (quoting *Compagnie*, 89 USPQ2d at 1256). As the USPTO records reflect, although BCL first filed the ‘133 Application pursuant to Sections 1(b) and 44(d) and (e), BCL amended the Application delete the Section 1(b)

filing basis during the opposition proceeding between Bulletproof and BCL. *Id.* Indeed, Petitioner, itself, now alleges that the Board deleted the Section 1(b) filing basis from the ‘133 Application on August 21, 2020—months *before* the Subject Registration issued. 22 TTABVUE 12, at ¶ 71.

Further, the USPTO records reflect that BCL assigned the Subject Registration to Bulletproof on January 28, 2021, *after* the Subject Registration issued pursuant to Section 44(e). 21 TTABVUE 13. In view of these indisputable facts, Petitioner cannot state a plausible claim of invalid assignment under Section 10(a)(1). *Id.*

In the Second Amended Petition, Petitioner attempts to manufacture a basis for its invalid assignment claim by setting forth a number of assertions regarding the substance of an agreement between BCL and Bulletproof—an agreement Petitioner has never seen. 22 TTABVUE 11-12, at ¶¶ 66-70. Unsurprisingly, having no actual knowledge regarding the substance of the Agreement, Petitioner makes its assertions “upon information and belief”—with no factual predicate from which the Board can infer that Petitioner’s statements are, in fact, plausible.⁶ To the contrary, the USPTO records underscore how implausible Petitioner’s allegations actually are.

As the Board has readily acknowledged, the USPTO records show BCL assigned the Subject Registration to Bulletproof on January 28, 2021, over a week *after* the Subject Registration issued. *See* Trademark Assignment Records attached as **Exhibit A**. The USPTO recorded the assignment on January 29, 2021. *Id.* These facts, of which the Board can and has taken judicial notice, directly refute the allegations in Petitioner’s Second Amended Petition.

⁶ Many of the “upon information and belief” allegations have no relevance to an invalid assignment claim. *See, e.g.*, 22 TTABVUE 11, at ¶ 68 (“Upon information and belief, the Agreement prohibits BCL from challenging BSU’s use of the subject mark before, on, and after the date of the ‘082 Registration.”); *id.*, 12, at ¶ 72 (“BCL did not file a verified statement of use of BCL’s Mark in commerce prior to initiating of the current proceeding”—Section 44(e) does not require the filing of a statement of use). Further, all of the allegations are conclusions of law, which the Board need not accept as true for purposes of this Motion. 22 TTABVUE 11-12, at ¶¶ 66-70. *Iqbal*, 556 U.S. at 678.

Email: ipdocket@foxrothschild.com,
ghecht@foxrothschild.com,
jeschwartz@foxrothschild.com,
mccott@foxrothschild.com,
dmcgregor@foxrothschild.com

*Attorneys for Respondent
Bulletproof Solutions ULC*

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

BatchTest Corporation,	:	
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Petitioner,	:	Cancellation No.: 92076227
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v.	:	Registration No.: 6236082
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Bulletproof Cyber Limited and	:	Mark: BULLETPROOF
Bulletproof Solutions ULC,	:	
	:	
Respondents.	:	

CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on the date set forth below, I served the foregoing Respondents' Motion to Dismiss Counts II and IV of Petitioner's Second Amended Petition to Cancel on the parties via email, addressed as follows:

BatchTest Corporation: **BatchTest_TM@batchtest.com, btcroot@gmail.com**

Bulletproof Cyber Limited: **dpo@bulletproof.co.uk**

Date: 26 October 2021

/-d-/
Deanna M. McGregor


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

BatchTest Corporation,	:	
	:	
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Bulletproof Cyber Limited and	:	Mark: BULLETPROOF
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	:	
Respondents.	:	

EXHIBIT A

For assistance with TSDR, email teas@uspto.gov and include your serial number, the document you are looking for, and a screenshot of any error messages you have received.

Processing Wait Times: Please note that due to an extraordinary surge in applications, processing times are longer than usual. See [current trademark processing wait times](#) for more information.

<p>STATUS DOCUMENTS MAINTENANCE</p>		<p>Back to Search Print</p>
<p>Generated on: This page was generated by TSDR on 2021-10-21 10:59:10 EDT</p>		
<p>Mark: BULLETPROOF</p>		<h1>BULLETPROOF</h1>
<p>US Serial Number: 87323133</p>	<p>Application Filing Date: Feb. 03, 2017</p>	
<p>US Registration Number: 6236082</p>	<p>Registration Date: Jan. 05, 2021</p>	
<p>Filed as TEAS RF: Yes</p>	<p>Currently TEAS RF: Yes</p>	
<p>Register: Principal</p>		
<p>Mark Type: Trademark, Service Mark</p>		
<p>TM5 Common Status Descriptor:</p>		<p>LIVE/REGISTRATION/Cancellation/Invalidation Pending</p> <p>This trademark application has been registered with the Office, but it is currently undergoing a challenge which may result in its removal from the registry.</p>
<p>Status:</p>	<p>A cancellation proceeding is pending at the Trademark Trial and Appeal Board. For further information, see TTABVUE on the Trademark Trial and Appeal Board web page.</p>	
<p>Status Date:</p>	<p>Jan. 19, 2021</p>	
<p>Publication Date:</p>	<p>Oct. 24, 2017</p>	
<p>▼ Mark Information ▲ Collapse All</p>		
<p>Mark Literal Elements:</p>	<p>BULLETPROOF</p>	
<p>Standard Character Claim:</p>	<p>Yes. The mark consists of standard characters without claim to any particular font style, size, or color.</p>	
<p>Mark Drawing Type:</p>	<p>4 - STANDARD CHARACTER MARK</p>	
<p>▼ Foreign Information</p>		
<p>Priority Claimed:</p>	<p>Yes</p>	
<p>Foreign Application Number:</p>	<p>UK0000317842</p>	<p>Foreign Application Filing Date: Aug. 04, 2016</p>

Foreign Registration Number:	UK0000317842	Foreign Registration Date:	Nov. 04, 2016
Foreign Application/Registration Country:	UNITED KINGDOM	Foreign Expiration Date:	Aug. 04, 2026
Foreign Registration Renewal Date:	Aug. 04, 2026		

▼ 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: Security software, namely, software for use in controlling access to computer networks, transmitting secure email, authorizing access to databases, assessing and testing the cyber-security status of computer systems and networks; computer application software for mobile phones and tablet computers, namely, security software for use in authorizing access to databases, controlling access to computer networks, and protecting mobile internet-enabled devices against cyber threats by provision of anti-intrusion functionality; Downloadable computer security software, namely, anti-virus software; Software for ensuring the security of electronic mail; Software to control building environmental, access and security systems; Computer software for the remote control of security apparatus, namely, software to remotely control intrusion prevention systems for computer networks and systems; Magnetically encoded cards with security features for identification purposes; Security apparatus for processing audio signals, namely, alarms and alerting devices; Electronic security systems for home network, namely, computer hardware and software for the operation and control of home environmental automation systems, software and hardware to remotely operate door locks, computer hardware and software for the operation and control of IT infrastructure systems and networks; Electronic security tags; security alarms

International Class(es): 009 - Primary Class

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

Class Status: ACTIVE

Basis: 44(e)

For: Computer and internet security services, namely, detecting, quarantining and eliminating unauthorized data and programs on computers and repair of damaged software files, assessing and testing the cyber-security status of computer systems and networks; Consultancy in the field of computer security software; Consultancy in the field of computer security; Programming of Internet security programs; Computer programming services for electronic data security; Computer security services for protection against illegal network access; Provision of security services, namely, monitoring computer systems and networks to control computer access, monitoring and controlling computer systems and networks to mitigate denial-of-service attacks, monitoring and controlling computer systems and networks to provide cyber -threat protection, and manage online financial transactions; Design and development of Internet security programs; Design and development of electronic data security systems; Maintenance of computer software relating to computer security and prevention of computer risks; Updating of computer software relating to computer security and prevention of computer risks; Data security consultation services; remote monitoring of computer security system to ensure proper functioning; Website usability testing services; Safety technological testing services; Computer aided testing services; Testing services for alarm and monitoring systems to determine conformity with certification standards; Testing services relating to computer software, computer programs, computer hardware, IT security, computer infrastructure and network, computer configurations and electronic data processing systems to ensure compliance with industry standards; consultation services in the field of computer software applications system testing; testing of computer software applications to assess IT security and networks for access vulnerabilities; Configuration of computer systems and networks; Configuration of computer software; Configuration of computer firmware; Technical testing services, namely, assessing and testing the cyber-security status of computer systems and networks; Testing of computer systems and networks for the certification or standards; Advisory services relating to computer security; cyber security services, namely, protection and monitoring of digital assets and users of computing resources for cloud, mobile, or network resources, and enforcing, restricting and controlling access privileges of users of computing resources for cloud, n

network resources based on assigned credentials; Security threat analysis for protecting computer systems and networks; Security monitoring services, namely, monitoring of server, storage and network infrastructure, virtualisation software, and web, mobile and software applications for security events

International Class(es): 042 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 44(e)

▼ **Basis Information (Case Level)**

Filed Use: No

Currently Use: No

Filed ITU: Yes

Currently ITU: No

Filed 44D: Yes

Currently 44E: Yes

Filed 44E: Yes

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

▼ **Current Owner(s) Information**

Owner Name: Bulletproof Cyber Limited

Owner Address: Unit H, Gateway 1000, Whittle Way
Stevenage UNITED KINGDOM SG12FP

Legal Entity Type: CORPORATION

State or Country Where Organized: UNITED KINGDOM

▼ **Attorney/Correspondence Information**

Attorney of Record

Attorney Name: GARY A HECHT

Attorney Primary Email Address: ipdocket@foxrothschild.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: GARY A HECHT
FOX ROTHSCHILD LLP
997 LENOX DR BLDG 3
LAWRENCEVILLE, NEW JERSEY UNITED STATES 08648

Phone: 215-299-2416

Fax: 734-418-4213

Correspondent e-mail: ipdocket@foxrothschild.com ghecht@foxrothschild.com
msscott@foxrothschild.com

Correspondent e-mail Authorized: Yes

jeschwartz@foxrothschild.comdmcgregor@foxrothschild.com**Domestic Representative - Not Found****▼ Prosecution History**

Date	Description	Proceeding Number
Feb. 10, 2021	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jan. 19, 2021	CANCELLATION INSTITUTED NO. 999999	76227
Jan. 05, 2021	REGISTERED-PRINCIPAL REGISTER	
Nov. 30, 2020	TTAB RELEASE CASE TO TRADEMARKS	239604
Nov. 30, 2020	OPPOSITION TERMINATED NO. 999999	239604
Sep. 11, 2020	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Sep. 11, 2020	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Sep. 11, 2020	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Sep. 11, 2020	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Sep. 11, 2020	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Aug. 21, 2020	OPPOSITION DISMISSED NO. 999999	239604
Feb. 21, 2018	OPPOSITION INSTITUTED NO. 999999	239604
Oct. 25, 2017	EXTENSION OF TIME TO OPPOSE RECEIVED	
Oct. 24, 2017	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Oct. 24, 2017	PUBLISHED FOR OPPOSITION	
Oct. 04, 2017	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Sep. 19, 2017	ELECTRONIC RECORD REVIEW COMPLETE	76572
Sep. 01, 2017	ON HOLD - ELECTRONIC RECORD REVIEW REQUIRED	
Aug. 21, 2017	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 17, 2017	EXAMINER'S AMENDMENT ENTERED	88888
Aug. 17, 2017	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Aug. 17, 2017	EXAMINERS AMENDMENT E-MAILED	6328
Aug. 17, 2017	EXAMINERS AMENDMENT -WRITTEN	74782
Jul. 31, 2017	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jul. 31, 2017	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jul. 31, 2017	TEAS REQUEST FOR RECONSIDERATION RECEIVED	
Jul. 21, 2017	NOTIFICATION OF FINAL REFUSAL EMAILED	

Jul. 21, 2017	FINAL REFUSAL E-MAILED	
Jul. 21, 2017	FINAL REFUSAL WRITTEN	74782
Jul. 11, 2017	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jul. 10, 2017	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jul. 10, 2017	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
May 02, 2017	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
May 02, 2017	NON-FINAL ACTION E-MAILED	6325
May 02, 2017	NON-FINAL ACTION WRITTEN	74782
May 01, 2017	ASSIGNED TO EXAMINER	74782
Feb. 09, 2017	NOTICE OF PSEUDO MARK E-MAILED	
Feb. 08, 2017	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Feb. 07, 2017	NEW APPLICATION ENTERED IN TRAM	

▼ **TM Staff and Location Information**

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jan. 05, 2021

▼ **Assignment Abstract Of Title Information**

Summary

▼ **Conveyance Filter**

Total Assignments: 1

Registrant: Bulletproof Cyber Limited

▼ **Assignment 1 of 1**

▲ Collapse All

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [7173/0876](#)

Pages: 3

Date Recorded: Jan. 29, 2021

Supporting Documents: [assignment-tm-7173-0876.pdf](#)

Assignor

Name: [BULLETPROOF CYBER LIMITED](#)

Execution Date: Jan. 28, 2021

Legal Entity Type: PRIVATE LIMITED COMPANY

State or Country Where Organized: ENGLAND AND WALES

Assignee

Name: [BULLETPROOF SOLUTIONS ULC](#)

Privacy - Terms

Legal Entity Type:	UNLIMITED LIABILITY COMPANY	State or Country Where Organized:	CANADA
Address:	25 ALISON BOULEVARD FREDERICTON, NEW BRUNSWICK, CANADA E3C2N5		
Correspondent			
Correspondent Name:	GARY A. HECHT, ESQ.		
Correspondent Address:	997 LENOX DRIVE LAWRENCEVILLE, NJ 08648-2311		
Domestic Representative			
Domestic Representative Name:	FOX ROTHSCHILD LLP		
Domestic Representative Address:	99 LENOX DRIVE LAWRENCEVILLE, NJ 08648-2311		
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Trademark Assignment Details

Reel/Frame: [7173/0876](#)[View Recorded Assignment](#)

Pages: 3

Recorded: 01/29/2021

Conveyance: ASSIGNS THE ENTIRE INTEREST

Total properties: 1

1	Serial #: 87323133	Filing Dt: 02/03/2017	Reg #: 6236082	Reg. Dt: 01/05/2021
	Mark: BULLETPROOF			

Assignor

1 [BULLETPROOF CYBER LIMITED](#)

Exec Dt: 01/28/2021

Entity Type: PRIVATE LIMITED COMPANY

Citizenship: ENGLAND AND WALES

Assignee

1 [BULLETPROOF SOLUTIONS ULC](#)25 ALISON BOULEVARD
FREDERICTON, NEW BRUNSWICK, CANADA E3C2N5

Entity Type: UNLIMITED LIABILITY COMPANY

Citizenship: CANADA

Correspondence name and address

GARY A. HECHT, ESQ.
997 LENOX DRIVE
LAWRENCEVILLE, NJ 08648-2311

Domestic representative

FOX ROTHSCHILD LLP
99 LENOX DRIVE
LAWRENCEVILLE, NJ 08648-2311

Search Results as of: 10/21/2021 11:00 AM

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TRADEMARK ASSIGNMENT COVER SHEET

Electronic Version v1.1
Stylesheet Version v1.2

ETAS ID: TM623250

SUBMISSION TYPE:	NEW ASSIGNMENT		
NATURE OF CONVEYANCE:	ASSIGNMENT OF THE ENTIRE INTEREST AND THE GOODWILL		
CONVEYING PARTY DATA			
Name	Formerly	Execution Date	Entity Type
Bulletproof Cyber Limited		01/28/2021	Private Limited Company: ENGLAND AND WALES
RECEIVING PARTY DATA			
Name:	Bulletproof Solutions ULC		
Street Address:	25 Alison Boulevard		
City:	Fredericton, New Brunswick		
State/Country:	CANADA		
Postal Code:	E3C2N5		
Entity Type:	unlimited liability company: CANADA		
PROPERTY NUMBERS Total: 1			
Property Type	Number	Word Mark	
Registration Number:	6236082	BULLETPROOF	
CORRESPONDENCE DATA			
Fax Number:	6098961469		
<i>Correspondence will be sent to the e-mail address first; if that is unsuccessful, it will be sent using a fax number, if provided; if that is unsuccessful, it will be sent via US Mail.</i>			
Phone:	609-896-3600		
Email:	ipdocket@foxrothschild.com		
Correspondent Name:	Gary A. Hecht, Esq.		
Address Line 1:	997 Lenox Drive		
Address Line 4:	Lawrenceville, NEW JERSEY 08648-2311		
DOMESTIC REPRESENTATIVE			
Name:	Fox Rothschild LLP		
Address Line 1:	99 Lenox Drive		
Address Line 4:	Lawrenceville, NEW JERSEY 08648-2311		
NAME OF SUBMITTER:	Gary A Hecht		
SIGNATURE:	/gah/		
DATE SIGNED:	01/29/2021		
Total Attachments: 1			

OP \$40.00 6236082

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TRADEMARK ASSIGNMENT

In consideration of good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and intending to be legally bound hereby, **BULLETPROOF CYBER LIMITED**, a private limited company incorporated in England & Wales (company number 10307736) having an address of Unit H, Gateway 1000, Whittle Way, Stevenage SG1 2FP, UNITED KINGDOM (“Assignor”), for itself and its successors and assigns, hereby assigns to **BULLETPROOF SOLUTIONS ULC**, a Canadian unlimited liability corporation having an address of 25 Alison Boulevard, Fredericton, New Brunswick E3C2N5, CANADA (“Assignee”), its successors and assigns, all right, title and interest in and to the mark “BULLETPROOF” with respect to the United States of America, its territories and possessions, including U.S. Trademark Registration No. 6236082 (issuing from U.S. Trademark Application Serial No. 87323133), for the mark “BULLETPROOF”, together with all goodwill associated therewith.

This Trademark Assignment includes the right to claim for any and all damages by reason of past infringement of such mark, with the right to sue for and collect the same for Assignee’s own use and enjoyment and for the use and enjoyment of its successors and assigns.

IN WITNESS WHEREOF, Assignor has caused this Trademark Assignment to be executed by its duly authorized officer as of this 28 day of January, 2021.

BULLETPROOF CYBER LIMITED

By: _____



Name: Mark Boost

Title: Director

Active\115232555.v6-1/7/21

RECORDED: 01/29/2021

**TRADEMARK
REEL: 007173 FRAME: 0878**