

ESTTA Tracking number: **ESTTA1152739**

Filing date: **08/12/2021**

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	cLabs Inc.		
Entity	Corporation	Citizenship	DELAWARE
Address	58 WEST PORTAL AVENUE PMB 729 SAN FRANCISCO, CA 94127 UNITED STATES		
Attorney information	LAURA C. MILLER KILPATRICK TOWNSEND & STOCKTON LLP 1001 WEST FOURTH STREET WINSTON-SALEM, NC 27101 UNITED STATES Primary Email: tadmin@kilpatricktownsend.com Secondary Email(s): lamiller@kilpatricktownsend.com, malvarez@kilpatricktownsend.com, fwaldbaum@kilpatricktownsend.com 3366077300		
Docket Number	1239009		

Registration Subject to Cancellation

Registration No.	4983915	Registration date	06/21/2016
Registrant	BANK OF THE OZARKS 17901 CHENAL PARKWAY LITTLE ROCK, AR 72223 UNITED STATES		

Goods/Services Subject to Cancellation

Class 009. First Use: 2015/04/00 First Use In Commerce: 2015/04/00 All goods and services in the class are subject to cancellation, namely: Computer software, namely, electronic financial applications that accommodate multiple types of financial transactions in an integrated mobile phone, PDA, and web based environment
Class 042. First Use: 2015/04/00 First Use In Commerce: 2015/04/00 All goods and services in the class are subject to cancellation, namely: Application service provider featuring electronic financial applications that accommodate multiple types of financial transactions in an integrated mobile phone, PDA, and web based environment; application service provider, namely, hosting, managing, developing, and maintaining applications, software, platforms, and web sites that accommodate multiple types of financial transactions in an integrated mobile phone, PDA, and web based environment

Grounds for Cancellation

Abandonment	Trademark Act Section 14(3)
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Attachments	CLABS - US - Petition to Cancel C1 LABS in Classes 9 42_Reg. No. 4983 9.pdf(21141 bytes) Exhibit A_C1 Labs.pdf(3095521 bytes)
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Signature	/laura miller/
Name	Laura C. Miller
Date	08/12/2021

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

cLabs, Inc.,	§	
Petitioner,	§	
	§	Mark: C1 LABS
	§	
vs.	§	Reg. No. 4983915
	§	Registered: June 21, 2016
Bank of the Ozarks,	§	
Respondent.	§	Cancellation No.:
	§	

PETITION FOR CANCELLATION

cLabs, Inc. (“Petitioner” or “cLabs”), a Delaware corporation with an address of 58 West Portal Avenue, PMB 729, San Francisco, California 94127, believes that it is and will be damaged by the continued registration of the C1 LABS trademark (“Respondent’s Mark”) in Registration No. 4983915 (the “Registration”). Petitioner therefore petitions to cancel the Registration.

As grounds for cancellation, Petitioner alleges:

1. Respondent Bank of the Ozarks is an Arkansas chartered bank with a business address of 17901 Chenal Parkway, Little Rock, Arkansas 72223.
2. On July 29, 2014, Respondent’s predecessor-in-interest C1 Bank (“C1 Bank”) filed an intent-to-use-application to register Respondent’s Mark in Class 9 (“Respondent’s Application”) for “[c]omputer software, namely, electronic financial applications that accommodate multiple types of financial transactions in an integrated mobile phone, PDA, and web based environment,” and Class 42 for “[a]pplication service provider featuring electronic financial applications that accommodate multiple types of financial transactions in an integrated mobile phone, PDA, and web based environment; application service provider, namely, hosting, managing, developing, and maintaining applications, software, platforms, and web sites that

accommodate multiple types of financial transactions in an integrated mobile phone, PDA, and web based environment.” (the “Registered Goods and Services”).

3. On April 12, 2016, C1 Bank filed a Statement of Use for Respondent’s Application, claiming a first use date of April 2015, and alleging use of Respondent’s Mark for all of the Registered Goods and Services.

4. Along with the Statement of Use, C1 Bank submitted a specimen of use for Respondent’s Application, attached as **Exhibit A**.

5. The Registration issued on June 21, 2016.

6. On or about July 21, 2016, C1 Bank merged with Respondent. The merger was recorded with the USPTO at Reel/Frame 5858/0346, on or about August 18, 2016.

7. C1 Bank’s C1 LABS fintech think tank was subsequently renamed Innovation Labs.

8. On April 15, 2019, Petitioner filed Application Serial No. 88386899 (“Petitioner’s Application”) with the United States Patent and Trademark Office (“USPTO”) to register the mark CLABS for “financial services, namely, providing a virtual currency for use by members of an on-line community via a global computer network; providing a wide variety of banking services and providing financial services, namely, financial consultation; electronic transfer of money for others; electronic payment services involving electronic processing and subsequent transmission of bill payment data; insurance brokerage for financial transactions conducted via a global computer network; financial services relating to the payment and pre-payment for goods or services via telecommunication means including the Internet and telephonic services, namely, electronic payment services involving electronic processing and subsequent transmission of bill payment data” in International Class 36, and “providing temporary use of on-line non-

downloadable software and applications used to create, manage, analyze and verify blockchain-based platforms and cryptocurrency; electronic data storage, namely, providing a blockchain technology-based, distributed database ledger for the storage of public, private or encrypted data, transactions and information; developing and updating of computer software for use in managing cryptocurrency and block chain data; providing a website featuring technology that enables users to store and share virtual currencies and digital assets in the field of finance” in International Class 42.

9. On February 16, 2021, the USPTO issued an office action against Petitioner’s Application citing Respondent’s Mark and the Registration against Petitioner’s Application, refusing registration to Petitioner’s Application pursuant to 15 U.S.C. § 1052(d).

10. Petitioner is damaged by the continued registration of Respondent’s Mark because Petitioner’s Application has been refused registration on account of Respondent’s Mark and Registration. Petitioner will continue to be damaged if Respondent is permitted to maintain the Registration.

11. Upon information and belief, as of the filing date of this Petition for Cancellation, Respondent has abandoned Respondent’s Mark for the Registered Goods and Services in interstate commerce in the United States.

12. Upon information and belief, Respondent has not used Respondent’s Mark for the Registered Goods and Services for a period of more than three years from the date of the filing of this Petition for Cancellation.

13. Upon information and belief, Respondent has discontinued use of Respondent’s Mark for the Registered Goods and Services with an intent not to resume such use with the Registered Goods and Services.

14. Upon information and belief, Respondent has no intent to commence use, or to resume use, of Respondent's Mark in U.S. commerce for the Registered Goods and Services.

15. Upon information and belief, and pursuant to 15 U.S.C. § 1127, due to Respondent's nonuse of Respondent's Mark and its lack of an intent to use Respondent's Mark for the Registered Goods and Services, Respondent has abandoned its rights in Respondent's Mark for the Registered Goods and Services.

16. Petitioner has researched the extent to which Respondent's Mark has been and is currently used in commerce. That research has disclosed neither ongoing use of Respondent's Mark nor any recent use of the mark in the United States for the Registered Goods and Services.

17. In light of Respondent's abandonment of trademark rights in Respondent's Mark, Registration No. 4983915 should be canceled pursuant to Lanham Act Section 14, 15 U.S.C. § 1064.

For each of the foregoing reasons, cLABS requests that the Board sustain this proceeding in cLABS's favor by cancelling Registration No. 4983915.

Please recognize Laura C. Miller and Marcos Alvarez and the law firm of Kilpatrick Townsend & Stockton LLP, as attorneys for Petitioner in connection with this cancellation proceeding. Please address all correspondence regarding this proceeding to Laura C. Miller at Kilpatrick Townsend & Stockton LLP, 1001 West Fourth Street, Winston-Salem, North Carolina 27101, and Marcos Alvarez at Kilpatrick Townsend & Stockton LLP, 1100 Peachtree Street, Suite 2800, Atlanta, Georgia 30309.

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cLABS, Inc.

Date: August 12, 2021

/s/ Laura C. Miller

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Attorneys for Petitioner

EXHIBIT A

Smart Loan Express

Calculation | Analysis | Cash Flow | Suggestions | CRA | Reset

John Borrower

Origination Type	New Commercial
Loan Type	Construction/Land
Loan Amount	\$3,778,564
Rate	Fixed 10%
Upfront Fee	0.75%
Expected Maturity	67 Mo.
Amortization	98 Mo.
Interest Only Period	4 Mo.
Deposits	NIB
Risk Level	Medium
Location	34655

ROE
92

Core deposits of at least 10% of loan amount will enhance relationship

This should not be construed as a firm commitment to lend, but as a sincere expression of the Bank's interest in the financing request.

Powered by CI Labs

SHARE RE-CALCULATE

Smart Loan Express Clear

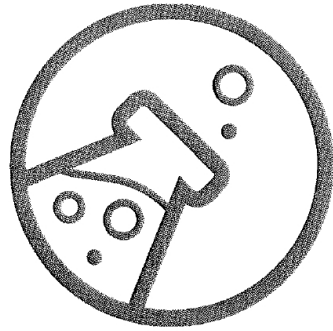
ROE
68

Fee of 0.75% of loan amount is recommended

Core deposits of at least 10% of loan amount will enhance relationship

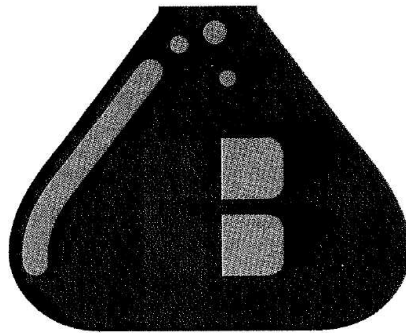
Powered by CI Labs

Result | Analysis | Cash Flow | Suggestions | CRA



PASSION + INNOVATION

C1 Labs is a technology innovation group within C1 Bank that was established with a focus on developing proprietary technology to improve banking productivity and enhance client relationships. Our team of engineers understands the banking environment and is dedicated to helping advance banking technologies. We strive for technological excellence through constant innovation in our field.



C1 LABS VISION

The C1 Labs team is led by Trevor Burgess, the President & CEO of C1 Bank, and Marcio deOliveira, the Chief Technology Officer. Mr. Burgess and Mr. deOliveira are co-inventors of the technology for which the Bank has filed seven patent applications.

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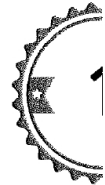
Our goal is to provide our clients with a premium banking experience that is not available at traditional community banks. While exploring the opportunity of licensing these technologies to third parties, our focus has been and will always be to develop products for our own use.

”

- Trevor Burgess, President &
CEO of C1 Bank

C1 LABS PATENTS

C1 Labs has filed seven non-provisional patent applications in the United States for financial technology products, and intends to file additional patent applications on these technologies and others in development.



System and method for applying pr
support requirements by mea



OUR PROJECTS

INNOVATIVE PRODUCTS FOR THE DIGITAL BANKING &
FINTECH REVOLUTION

(<http://smartloanexpress.com/>)

Smart Loan

Express

The Smart Loan Express Calculator is an internal application that is used to aid Client Managers in determining the appropriate terms for a new loan relationship. By utilizing this tool, Client Managers are able to quickly determine the incremental risk adjusted return on equity of a prospective loan and establish appropriate pricing while in the field. With over 4,000 simulations run to date by lenders, this tool allows lenders to dynamically negotiate deals and offer unsurpassed speed and service to the client.

LEARN MORE
(<http://smartloanexpress.com>)

(<http://www.sba1st.com/>)

SBA 1st
Mobile App

SBA 1st is a mobile application designed to provide a step-by-step guide for each stage of the SBA qualification process. By answering simple yes or no questions, SBA eligibility estimation and payment calculation can be determined in 5 minutes or less. SBA 1st provides the user with detailed descriptions and resources to help move easily through the SBA loan qualification process.

LEARN MORE
(<http://www.sba1st.com/>)

(<https://www.c1bank.com/Locations/>)

iPad Account Opening

iPad Account Opening is an account opening software that allows C1 Bank to open accounts more quickly and accurately than the traditional branch-based method. By using this

application, C1 Bank is able to open new accounts in under three minutes at a banking center or on the go.

LEARN MORE
(<https://www.c1bank.com/Locations/>)

(<http://www.sba1st.com/>)

Clients 1st Mobile App

The C1 Bank Clients1st app allows you to receive fast smart support from anywhere! You're busy running your business. Wasting time on hold with the bank to remedy frustrating issues is a thing of the past. C1 Bank offers a complimentary, proactive service to address your banking needs. No more waiting on hold. No more being transferred around a call center. Just efficient services delivered conveniently.

LEARN MORE
(<https://itunes.apple.com/us/app/clients1st/id904417505?mt=8>)

WANT TO LEARN MORE?

C1 Labs is committed to building products and technologies that provide better, smarter, more user-centric banking experiences. Contact us for more information on our products and services.

CONTACT C1 LABS

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C1 Bank (<https://www.c1bank.com/>)
Contact C1 Labs