

illustration, and production (collectively referred to herein as “Plaintiff’s Business Services” or “Business Services”) based out of New York, New York, United States. Plaintiff Uber’s advertisements have been featured in international and national publications, and its services are regularly purchased or hired by private, public, and non-profit entities.

3. Plaintiff Uber originally incorporated on January 7, 1999. Over time, through diligent personal effort and significant financial investment by its principal and sole owner, Herta Kriegner, Plaintiff Uber grew from nothing into a premiere one-stop shop for its Business Services, utilized and sought after by well-known domestic and international brands.

4. Since its incorporation, Plaintiff Uber has used the word mark “UBER” (the “Mark”, or “UBER”) throughout the State of New York and throughout the United States in connection with the advertising, sale, and promotion of Plaintiff’s Business Services to the general public.

5. The primary means by which Plaintiff Uber promotes the Mark is through its websites, www.uber-inc.com and www.uber.nyc. In addition to online points of contact, Plaintiff’s Business Services—readily identifiable to consumers via the Mark—have been promoted and advertised to clients and third-party consumers, through distribution of its work, by word of mouth, in print publications, through sponsorships, at large-scale vendor events, and through recognition from multiple award academies.

6. Since its inception, Plaintiff Uber has continuously and prominently used UBER as a trade name and service mark in connection with the promotion, sale and offers to sale, and advertisement of Plaintiff’s Business Services to consumers and the general public.

7. On June 8, 2019, after having continuously used the Mark in connection with the sale, promotion and advertisement of Plaintiff’s Business Services for over two decades, Herta

Kriegner (“Ms. Kriegner”), the President and sole owner of Plaintiff Uber, filed an application on Plaintiff Uber’s behalf for federal trademark registration of the Mark with the United States Patent and Trade Office (the “USPTO”), in connection with the advertising and sale of its Business Services in both Classes 35 and 42 (the “Application”), serial number 88465110. The Application has been assigned to Plaintiff Uber, and is pending.

8. Defendant Uber Technologies is a multi-billion dollar technology company offering a variety of business and technology services to consumers, including but not limited to ride-sharing, food delivery, employment recruiting, and logistics (such as freight shipping). Defendant incorporated on July 16, 2010, approximately eleven (11) years after Plaintiff had been continuously using the Mark in commerce in connection with the advertising, sale, and promotion of its Business Services.

9. Upon information and belief, Defendant’s revenue generation and consumer brand awareness are largely due in part to aggressive and large-scale advertising. The primary method by which Uber Technologies has and continues to promote, sell, and advertise its services to consumers in commerce nationwide is through use of the word “Uber” as an abbreviation of its full business name.

10. It is undisputed that since at least 2012, Uber Technologies’ executive and/or managerial personnel have had actual knowledge of Plaintiff Uber’s business existence and its brand. This actual knowledge included the fact that Uber Technologies knew that Plaintiff Uber used the Mark as their sole brand identity to the consuming public and had been using it for years prior to Uber Technologies’ existence.

11. Despite having actual knowledge of Plaintiff Uber's trademark usage for many years, the single word "Uber" has and continues to permeate Defendant's business offerings as its brand identification to consumers, to the Plaintiff's detriment.

12. Since Uber Technologies came into existence eleven (11) years ago and began using the word "Uber" in its marketing, consumers, employees and contractors of the Defendant, and government agencies have repeatedly and overwhelmingly confused Plaintiff's business as Defendant's. This confusion has included, but is not limited to, Uber Technologies' own employees arriving at Plaintiff's office mistakenly believing it to be their own, Plaintiff receiving almost daily calls from angry Uber Technologies consumers, visits from disgruntled Uber Technologies consumers, demands from Uber Technologies' employees, contractors and affiliates requesting compensation or seeking customer support, and New York State Unemployment Insurance and Worker's Compensation claims directed at Defendant which are charged to Plaintiff's insurance. In addition to the aforementioned confusion, Plaintiff has and continues to receive harassing and threatening communications from Uber Technologies consumers and contractors, and numbers of Defendant's employees—including senior executives—have and continue to identify themselves on social media and elsewhere as being employees of Plaintiff Uber. In other words, the confusion between Plaintiff and Defendant is rampant and out of control.

13. Plaintiff has and continues to receive from federal, state, and local agencies and private claimants, workers compensation requests, wage garnishment requests, employee background check requests, child support documentation, unemployment insurance forms, subpoenas, and litigation related documents intended for Uber Technologies.

14. Because this confusion has, and continues to, cause extreme disruption and burden Plaintiff Uber's business, Plaintiff Uber has attempted on numerous occasions throughout the years

to contact Defendant in an effort to resolve this ongoing issue. In response, Defendant has done virtually nothing to ease the confusion and address the deluge of daily items misdirected at Plaintiff intended for Defendant.

15. Defendant's lack of attention to the confusion belies a complete lack of good faith in addressing the confusion it has caused.

16. While Plaintiff was trying to persuade Uber Technologies to address the confusion with no success, it did not file a lawsuit until now because Plaintiff was concerned about the expense to do so and understood that Uber Technologies' business did not compete with Plaintiff's business.

17. However, Plaintiff recently learned that Uber Technologies recently created a new business division entitled "Uber Design," supported by websites located at www.brand.uber.com and www.medium.com/uber-design, and with its principal location in New York.

18. Upon information and belief, the services offered in connection with Uber Technologies' new division relate to the provision of digital tools, platforms, and guidelines to enable consumers to utilize Uber Technologies in ways that compete directly with Plaintiff's business.

19. Defendant Uber Technologies has pursued multiple federal trademark registrations with the USPTO for its variety of products, most of which contain the word "Uber" at least as a partial component. Some registrations are based on actual use, while others are based on an intent-to-use basis.

20. Many of Defendant's federal trademark registrations cover services in Classes 35 and 42, in direct competition with Plaintiff Uber's Business Services and Application.



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