

ESTTA Tracking number: **ESTTA1353800**
Filing date: **04/22/2024**

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	LevelTen Energy, Inc.		
Entity	Corporation	Incorporated or registered in	Delaware
Address	837 NORTH 34TH STREET, SUITE 200 SEATTLE, WA 98103 UNITED STATES		

Attorney information	LUCAS S. MICHELS IRONMARK LAW GROUP, PLLC 215 N.E. 40TH STREET, SUITE C-3 SEATTLE, WA 98105 UNITED STATES Primary email: lsmichels@ironmarklaw.com Secondary email(s): trademarks@ironmarklaw.com, csbeer@ironmarklaw.com +1 (206) 547-1914		
Docket no.			

Registration subject to cancellation

Registration no.	5863777	Registration date	09/17/2019
Register	Principal		
Registrant	UrbanLeap, Inc. 350 TOWNSEND STREET, SUITE 312 SAN FRANCISCO, CA 94107 UNITED STATES		

Goods/services subject to cancellation

<p>Class 035. First Use: Feb 9, 2018 First Use In Commerce: Feb 9, 2018 All goods and services in the class are subject to cancellation, namely: Online marketplace, namely, operating a website for sellers and buyers of goods and/or services where information of goods and/or services is provided, and where transactions can be processed by the marketplace operator; matching government entities with vendors, namely, facilitating transactions between buyers and sellers through providing government entity buyers with information about sellers, goods, and/or services; consulting services in the fields of procurement of goods and services and evaluating goods and services prior to purchase; consulting services, namely, analysis and redefinition of procurement and purchase processes, evaluation of goods and services processes, and defining the government entities' innovation strategy</p>
<p>Class 042. First Use: Feb 9, 2018 First Use In Commerce: Feb 9, 2018 All goods and services in the class are subject to cancellation, namely: Providing temporary use of online non-downloadable software for use in screening, testing, evaluating, tracking and adopting new technologies; providing temporary use of online non-downloadable software for use in implementing pilots of new technologies for users to test and evaluate; providing temporary use of online non-downloadable software for use in planning and contracting for the use of new technologies;</p>

providing temporary use of online non-downloadable software for users to communicate and collaborate with vendors and team members; providing temporary use of online non-downloadable software for use in managing workflow; providing temporary use of online non-downloadable software for use in screening and prioritizing procurement proposals; providing temporary use of online non-downloadable software to create reports of insights and metrics; providing temporary use of online non-downloadable procurement software; providing temporary use of online non-downloadable software for users to communicate results with governments leaders, public representatives, and citizens; consulting services, namely, consulting on the processes of evaluating the quality of products and new technologies, and consulting on innovation strategy

Grounds for cancellation

Abandonment	Trademark Act Section 14(3)
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Attachments	20240422 Petition for Cancellation URBANLEAP LevelTen Energy Inc.pdf (2713883 bytes)
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Signature	/lsmichels/
Name	Lucas S. Michels
Date	04/22/2024

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

In the matter of Trademark Registration No. 5,863,777
For the Mark – URBANLEAP
Date Registered – September 17, 2019

LEVELTEN ENERGY, INC., a Delaware
corporation,

Petitioner,

v.

URBANLEAP, INC., a Delaware corporation,

Respondent.

PETITION FOR CANCELLATION

Cancellation No.

I. Parties and Petition.

Petitioner, LEVELTEN ENERGY, INC., is a Delaware corporation located and doing business at 837 North 34th Street, Suite 200, Seattle, Washington 98103.

To the best of Petitioner’s knowledge, the current owner of USPTO registration No. 5,863,777 (the “Registration”) is Respondent, URBANLEAP, INC., a dissolved Delaware corporation whose last known address was 350 Townsend Street, Suite 312, San Francisco, California 94107.

Petitioner believes that it is and will continue to be damaged by the Registration, and hereby petitions to cancel the Registration. As grounds for this petition, it is alleged that:

II. Facts.

1. On February 27, 2018, Respondent filed an intent-to-use trademark application with the U.S. PATENT AND TRADEMARK OFFICE (“USPTO”) to register the work mark URBANLEAP (the “Respondent Mark”) for *online marketplace; matching government entities with vendors; consulting services* in International Class (IC) 035, and *providing temporary use of online non-downloadable software for use in screening, testing, evaluating, tracking and adopting new technologies; providing temporary use of online non-downloadable software for use in implementing pilots of new technologies for users to test and evaluate; providing temporary use of online non-downloadable software for use in planning and contracting for the use of new technologies; providing temporary use of online non-downloadable software for users to communicate and collaborate with vendors and team members; providing temporary use*

of online non-downloadable software for use in managing workflow; providing temporary use of online non-downloadable software for use in screening and prioritizing procurement proposals; providing temporary use of online non-downloadable software to create reports of insights and metrics; providing temporary use of online non-downloadable procurement software; providing temporary use of online non-downloadable software for users to communicate results with governments leaders, public representatives, and citizens; consulting services in IC 042. Respondent's USPTO application for the Respondent Mark was assigned Serial No. 87,813,530 (the "Respondent Application").

2. On December 18, 2018, the claimed services in the Respondent Application were amended to *online marketplace, namely, operating a website for sellers and buyers of goods and/or services where information of goods and/or services is provided, and where transactions can be processed by the marketplace operator; matching government entities with vendors, namely, facilitating transactions between buyers and sellers through providing government entity buyers with information about sellers, goods, and/or services; consulting services in the fields of procurement of goods and services and evaluating goods and services prior to purchase; consulting services, namely, analysis and redefinition of procurement and purchase processes, evaluation of goods and services processes, and defining the government entities innovation strategy in IC 035, and providing temporary use of online non-downloadable software for use in screening, testing, evaluating, tracking and adopting new technologies; providing temporary use of online non-downloadable software for use in implementing pilots of new technologies for users to test and evaluate; providing temporary use of online non-downloadable software for use in planning and contracting for the use of new technologies; providing temporary use of online non-downloadable software for users to communicate and collaborate with vendors and team members; providing temporary use of online non-downloadable software for use in managing workflow; providing temporary use of online non-downloadable software for use in screening and prioritizing procurement proposals; providing temporary use of online non-downloadable software to create reports of insights and metrics; providing temporary use of online non-downloadable procurement software; providing temporary use of online non-downloadable software for users to communicate results with governments leaders, public representatives, and citizens; consulting services, namely, consulting on the processes of evaluating the quality of products and new technologies, and consulting on innovation strategy in IC 042 (collectively, the "Respondent Services").*

3. On July 2, 2019, Respondent filed a Statement of Use for the Respondent Application, claiming a first date of use anywhere and first date of use in commerce as of February 9, 2018, which was accepted by the USPTO on August 16, 2019.

4. The Respondent Application registered on the USPTO Principal Trademark Register on September 17, 2019, becoming the Registration.

5. On or around October 31, 2022, Respondent's officials announced that Respondent was shutting down its business offered under the Respondent Mark. See EXHIBIT A.

6. Two months later, on or around December 22, 2022, Respondent's corporate entity as registered with the Delaware Division of Corporations was dissolved. *See* EXHIBIT B.

7. On information and belief, as well as Petitioner's own investigations, Respondent's website in which the Respondent Services were offered under the Respondent Mark, namely www.urbanleap.com ("Respondent Website"), has been inactive since 2022, and the domain to the Respondent Website has been made available for public sale. *See* EXHIBIT C.

8. On August 25, 2022, Petitioner filed an intent-to-use trademark application for the word mark LEAP ("Petitioner Mark") on the USPTO Principal Register for services for evaluating, arranging, facilitating, awarding, and executing of contracts and requests for proposals intended for the carbon-free energy industry in IC 036, and online non-downloadable software services for evaluating, arranging, facilitating, awarding, and executing of contracts and requests for proposals intended for the carbon-free energy industry in IC 042. Petitioner's application for the Petitioner Mark was assigned Serial No. 97,565,824 ("Petitioner Application").

9. Since its filing, the claimed services in the Petitioner Application have been amended to *procurement services, namely, procurement of contracts for others for the purchase of energy for the carbon-free energy industry; negotiation of business contracts for others for the carbon-free energy industry; outsourcing services in the nature of arranging service contracts for others for the carbon-free energy industry* in IC 035, and *providing online non-downloadable software for evaluating, arranging, facilitating, awarding, and executing of contracts and requests for proposals intended for the carbon-free energy industry* in IC 042 (collectively, the "Petitioner Services")

10. The Petitioner Application was issued a non-final office action letter on June 20, 2023, and a final office action letter on February 2, 2024, both citing a likelihood of confusion refusal based on the Respondent Mark in the Registration.

III. Basis for Cancellation.

Abandonment

15 U.S.C. § 1064(3)

11. Petitioner realleges and incorporates by reference the preceding allegations contained herein.

12. Upon information and belief, the Respondent Mark has been abandoned in accordance with 15 U.S.C. § 1127, based on the announcement of the shutting down of Respondent's business on or around October 31, 2022, Respondent's corporate dissolution on or around December 22, 2022, Respondent's shutting down of the Respondent Website and apparent non-use of the Respondent Mark since 2022, and the placement of the Respondent Website domain for public sale.

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