

ESTTA Tracking number: **ESTTA1050203**

Filing date: **04/20/2020**

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	Zendesk Inc.		
Entity	Corporation	Citizenship	Delaware
Address	1019 Market Street San Francisco, CA 94103 UNITED STATES		

Attorney information	Katherine M. Basile Reed Smith LLP P.O. Box 488 Pittsburgh, PA 15230 UNITED STATES ptoipinbox@reedsmith.com, svtdocket@reedsmith.com, kkershner@reedsmith.com 4156594928
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Registration Subject to Cancellation

Registration No.	5197406	Registration date	05/02/2017
Registrant	ZENWORK, INC 1 E. CENTER STREET SUITE 250 FAYETTEVILLE, AR 72701 UNITED STATES		

Goods/Services Subject to Cancellation


Class 042. First Use: 2016/12/31 First Use In Commerce: 2016/12/31 All goods and services in the class are subject to cancellation, namely: Software as a service (SAAS) services featuring software for human resources management, namely, management of recruitment, management of human resources processes, management of leave, attendance and time tracking, management of performance and compensation modeling, management of benefits administration, management of payroll and taxes
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Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)
No use of mark in commerce before application, amendment to allege use, or statement of use was filed	Trademark Act Sections 14(1) and 1(a), (c), and (d)
Fraud on the USPTO	Trademark Act Section 14(3); In re Bose Corp., 580 F.3d 1240, 91 USPQ2d 1938 (Fed. Cir. 2009)

Related Proceedings	Consolidated Notice of Opposition Against App. Nos. 88580820 and 88580824
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Mark Cited by Petitioner as Basis for Cancellation

U.S. Registration No.	3818497	Application Date	01/16/2009
Registration Date	07/13/2010	Foreign Priority Date	07/17/2008
Word Mark	ZENDESK		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 0 First Use In Commerce: 0 [Recorded and downloadable computer software, namely, computer software for business management, database management, customer service management and management of customer relations; software for electronic communications] * Recorded and downloadable computer software, namely, computer software for business information and communications management, business database management, customer service management and management of customer relations all of the foregoing directed to the fields of customer support, customer relationship management, customer service, customer engagement, and helpdesk functionality; software for electronic communications within businesses and between businesses and their customers, all of the foregoing in the fields of customer support, customer relationship management, customer service, customer engagement, and helpdesk functionality *</p> <p>Class 035. First use: First Use: 0 First Use In Commerce: 0 Assistance in business management and business administration; compilation and systematization of information into computer databases; business information provided through local and global computer networks; rental of advertising space on the internet; [retail store and] on-line retail store services featuring computer software</p> <p>Class 038. First use: First Use: 0 First Use In Commerce: 0 Telecommunications, namely, transmission of communications, information and data through local and global computer networks; communication services, namely, transmission of voice, audio, visual images and data by local and global computer networks; rental of access time to global computer networks, namely, providing telecommunications access to databases relating to management of customer relationships</p> <p>Class 042. First use: First Use: 0 First Use In Commerce: 0 [Computer programming; design, development and customization of computer software; rental of computer programs or applications software which enables the compilation and processing of data for central database through local and global networks; providing temporary use of on-line non-downloadable software, namely, graphical user interface software for use in managing customer relationships] * Computer programming in the fields of customer support, customer relationship management, customer service, customer engagement, and helpdesk functionality; design, development and customization of computer software in the fields of customer support, customer relationship management, customer service, customer engagement, and helpdesk functionality; rental of computer</p>		

	programs or applications software which enables the compilation and processing of data for central database through local and global networks directed to the fields of customer support, customer relationship management, customer service, customer engagement, and helpdesk functionality; providing temporary use of on-line non-downloadable software, namely, graphical user interface software for use in managing customer relationships, all of the foregoing in the fields of customer support, customer relationship management, customer service, customer engagement, and helpdesk functionality *
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Attachments	79068289#TMSN.png(bytes) ZENWORK Petition for Cancellation by Zendesk with Exhibits - reduced.pdf(2129970 bytes)
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Signature	/Katherine M. Basile/
Name	Katherine M. Basile
Date	04/20/2020

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

In the Matter of Reg. No. 5197406

Registered: May 2, 2017

Mark: ZENWORK

Zendesk, Inc.

Petitioner

v.

Zenwork, Inc.

Registrant

Cancellation No. _____

PETITION FOR CANCELLATION OR PARTIAL CANCELLATION
PURSUANT TO 37 C.F.R. § 2.111

Zendesk, Inc. (hereinafter “Petitioner” or “Zendesk”) believes that it will be damaged by the continued registration of the above-identified mark, Registration No. 5197406, and hereby petitions to cancel, or, in the alternative, partially cancel the same.

As grounds for this petition for cancellation it is alleged that:

The Parties and Registration At-Issue

1. Petitioner is a Delaware corporation, having a principal place of business at 1019 Market Street, San Francisco, California 94103.
2. On information and belief, Registrant is an Arkansas corporation, having a principal place of business at 1 East Center Street, Suite 250, Fayetteville, Arkansas 72701.
3. The registration for which Petitioner seeks partial cancellation in this proceeding (hereinafter the “ZENWORK Registration”) is as follows:

Mark	Reg. No.	Goods or Services
ZENWORK	5197406	<u>Class 42</u> : Software as a service (SAAS) services

	Filing Date: July 29, 2016 Claimed First Use Date: December 31, 2016 Reg. Date: May 2, 2017	featuring software for human resources management, namely, management of recruitment, management of human resources processes, management of leave, attendance and time tracking, management of performance and compensation modeling, management of benefits administration, management of payroll and taxes
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4. The ZENWORK Registration was filed by Zenwork, Inc. on July 29, 2016 on a Section 1(b) intent-to-use basis.

5. Petitioner seeks to partially cancel the following bolded and underlined services in the ZENWORK Registration (hereinafter, the “Objected Services”):

a. Class 42: Software as a service (SAAS) services featuring software for **human resources management, namely, management of recruitment, management of human resources processes, management of leave, attendance and time tracking, management of performance and compensation modeling, management of benefits administration,** management of **payroll and** taxes.

6. Petitioner seeks to cancel the above-referenced services because: (1) Registrant falsely declared before the United States Patent and Trademark Office it had made use in commerce on the Objected Services, and (2) use of the mark ZENWORK on the Objected Services is likely to cause confusion with Zendesk’s registered marks.

7. In the alternative, Petitioner seeks to fully cancel the ZENWORK Registration on the grounds that the registration was obtained via fraud on the United States Patent and Trademark Office (USPTO).

8. On information and belief, Registrant has never used the mark ZENWORK in commerce on the Objected Services.

9. On information and belief, if Registrant has ever offered the Objected Services in commerce, it was not until June 1, 2019, which is the first use date Registrant claims for its use of the mark ZENWORK HR in Application Serial Nos. 88/580,820 and 88/580,824, which are the subject of a Consolidated Notice of Opposition filed by Petitioner concurrently herewith.

10. In light of the foregoing, the ZENWORK Registration should be partially cancelled on the grounds of (1) nonuse, and (2) likelihood of confusion, or fully cancelled on the grounds of (3) fraud on the USPTO, as set forth in detail below.

Zendesk and its Flagship ZENDESK Brand

11. Zendesk, founded in 2007 in a loft in Copenhagen, Denmark, moved to San Francisco, California in 2009, and went public in May 2014 trading on the New York Stock Exchange under the moniker ZEN. With over 150,000 customer accounts around the world and over 500,000 unique U.S. website visitors every month, the company had revenue of over \$800 million in 2019.

12. Since 2008, Petitioner's ZENDESK branded web-based software and corresponding mobile software applications have allowed business users to engage with people and businesses in new ways that foster long-term customer loyalty and satisfaction by allowing organizations to better answer customers' questions and to solve their problems through the channels that people use every day when seeking help. Over time, those channels have come to include email, chat, voice, social media, and websites. The ZENDESK platform also helps people find answers on their own through knowledge bases and communities, capitalizing on the increasing customer preference for self-service. The ZENDESK platform consolidates the data from customer interactions and provides organizations with powerful analytics and performance benchmarking. ZENDESK software and related services also provide solutions to improve relationships between customers and employees by offering internal solutions for

corporate departments such as Human Resources (HR) and Tech Support (IT), and other internal employee communications within companies.

13. Zendesk is the owner of the U.S. Federal Trademark Registration shown in the table below, and in the attached **Exhibit A**, which is a printout from the United States Patent and Trademark Office database for the mark shown in the table below.

Mark	Reg. No.	Goods or Services
ZENDESK	3,818,497 Filing Date: Jan. 16, 2009 Reg. Date: July 13, 2010	<u>Class 9</u> : [Recorded and downloadable computer software, namely, computer software for business management, database management, customer service management and management of customer relations; software for electronic communications] * Recorded and downloadable computer software, namely, computer software for business information and communications management, business database management, customer service management and management of customer relations all of the foregoing directed to the fields of customer support, customer relationship management, customer service, customer engagement, and helpdesk functionality; software for electronic communications within businesses and between businesses and their customers, all of the foregoing in the fields of customer support, customer relationship management, customer service, customer engagement, and helpdesk functionality
		<u>Class 35</u> : Assistance in business management and business administration; compilation and systematization of information into computer databases; business information provided through local and global computer networks; rental of advertising space on the internet; [retail store and] on-line retail store services featuring computer software
		<u>Class 38</u> : Telecommunications, namely, transmission of communications, information and data through local and global computer networks; communication services, namely, transmission of voice, audio, visual images and data by local and global computer networks; rental of access time to global computer networks, namely, providing telecommunications access to databases relating to management of customer relationships

		<p><u>Class 42:</u> [Computer programming; design, development and customization of computer software; rental of computer programs or applications software which enables the compilation and processing of data for central database through local and global networks; providing temporary use of on-line non-downloadable software, namely, graphical user interface software for use in managing customer relationships] * Computer programming in the fields of customer support, customer relationship management, customer service, customer engagement, and helpdesk functionality; design, development and customization of computer software in the fields of customer support, customer relationship management, customer service, customer engagement, and helpdesk functionality; rental of computer programs or applications software which enables the compilation and processing of data for central database through local and global networks directed to the fields of customer support, customer relationship management, customer service, customer engagement, and helpdesk functionality; providing temporary use of on-line non-downloadable software, namely, graphical user interface software for use in managing customer relationships, all of the foregoing in the fields of customer support, customer relationship management, customer service, customer engagement, and helpdesk functionality</p>
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14. U.S. Federal Trademark Registration No. 3,818,497 for the ZENDESK Word Mark (hereinafter the “ZENDESK Registration”) is in full force and effect, and was declared incontestable on January 15, 2016, prior to Registrant’s July 29, 2016 trademark filing for ZENWORK, as evidenced by the attached printout of the notice of acceptance under Section 71 and notice of acknowledgment under Section 15 from the United States Patent and Trademark Office database records, contained in **Exhibit B**.

15. Zendesk owns all registered and common law trademark and trade name rights, including all goodwill associated therewith, as well as all other intellectual property rights,

including but not limited to all rights in the above-referenced ZENDESK Word Mark.

16. Zendesk uses and has continued the use of the ZENDESK Word Mark, and Zendesk is and has been engaged continuously in the development, distribution and provision of business management services, enabled by a computer software platform and a range of software applications (web-based and mobile applications) for startups, small businesses, Fortune 500 and other companies, and related services including multichannel customer support, help center, live chat, integrated call center software, social messaging applications, analytics and reporting, segmentation and targeting, shared communication tools, educational and blog services.

17. Zendesk also uses the ZENDESK Word Mark in connection with solutions to improve relationships between businesses and their employees, and internal solutions for corporate, human resources (HR), and information technology (IT) departments and others.

18. Zendesk has continued to expand its business in association with the ZENDESK Word Mark through the Zendesk Marketplace, a forum where partners of Zendesk can submit their custom-designed apps that integrate with Zendesk's products. The custom-designed apps expand capabilities into areas such as IT, project management, e-commerce and customer relationship management, productivity and time tracking, surveys and feedback, email, social media, and knowledge and content. Zendesk has also continued to expand its business in association with the ZENDESK Word Mark in the course of its normal business activities including, for example, by allowing thousands of customers (such as Airbnb, Zipcar and Venmo, among others) to use more than a hundred publicly available application program interfaces ("API") in order to expand the customer's capabilities.

19. Zendesk also uses its mark in connection with charitable and community giving. The goods and services described in paragraphs 16-19, in addition to all of the goods and services in the ZENDESK Registration, are referred to herein as the "ZENDESK Goods and Services."

20. Zendesk also uses and has used multiple trademarks comprising the term ZENDESK plus a single word or two words, and currently is using the marks ZENDESK NEIGHBOR FOUNDATION, RELATE BY ZENDESK and ZENDESK MESSAGE. The ZENDESK NEIGHBOR FOUNDATION mark has been in continuous use for community and charitable giving since at least as early as May 13, 2015. The RELATE BY ZENDESK mark has been in continuous use for conferences and blogging on the nature of relationships since at least as early as October 7, 2015. The ZENDESK MESSAGE mark has been in continuous use for customer message software that helps companies engage customers on their favorite message apps since at least as early as April 12, 2016.

21. ZENDESK expanded its use of its ZENDESK formative marks to include the marks ZENDESK SUPPORT, ZENDESK CHAT, ZENDESK TALK, ZENDESK EXPLORE and ZENDESK CONNECT. The ZENDESK SUPPORT mark has been in continuous use for tracking, prioritizing and solving customer tickets submitted via email and other media since at least as early as October 26, 2016; the ZENDESK CHAT mark has been in continuous use for live chat to connect with customers in real time since at least as early as October 26, 2016; the ZENDESK TALK mark has been in continuous use for a call center solution built into a ticketing system since at least as early as October 26, 2016; the ZENDESK EXPLORE mark has been in continuous use for analytics to measure and understand the entire customer experience since at least as early as October 26, 2016; and the ZENDESK CONNECT mark has been in continuous use for customer intelligence software built for targeted campaigns and proactive engagement since at least as early as October 26, 2016. Collectively, the ZENDESK NEIGHBOR FOUNDATION, RELATE BY ZENDESK, ZENDESK MESSAGE, ZENDESK SUPPORT, ZENDESK CHAT, ZENDESK TALK, ZENDESK EXPLORE and ZENDESK CONNECT trademarks are referred to herein as the “ZENDESK Formative Marks.”

22. Zendesk promotes and advertises, and has expended considerable resources and sums to promote and advertise, the ZENDESK Word Mark and the ZENDESK Formative Marks in association with the ZENDESK Goods and Services and the goods and services for each mark as alleged herein. For example, Zendesk promotes and advertises its ZENDESK Word Mark and ZENDESK Formative Marks by attending and hosting trade shows and participating in email campaigns, targeted advertising and search advertising campaigns. Zendesk invests heavily in sales and marketing of the ZENDESK marks and the ZENDESK Goods and Services, having expended over \$396 Million in 2019.

23. Zendesk provides the ZENDESK Goods and Services to registered users, including through its ZENDESK website and through ZENDESK branded mobile software applications including, for example, Apple “iOS” and Google “Android” operating systems, the first such software application having launched as early as 2008.

24. In addition to its federal trademark rights based upon the ZENDESK Registration, Zendesk also owns common law trademark rights separately in the ZENDESK Word Mark, and separately in each of the ZENDESK Formative Marks.

25. As a result of Zendesk’s trademark use as alleged herein, and in view of Zendesk’s advertising, promotion and sale of the ZENDESK Goods and Services in association with the trademarks alleged herein, the ZENDESK Word Mark is distinctive and well known to the relevant trade and public as identifying and distinguishing Zendesk’s goods and services as alleged herein.

26. As a result of Zendesk’s trademark uses as alleged herein, and in view of Zendesk’s advertising, promotion and sale of the goods and services in association with the trademarks alleged herein, the ZENDESK Formative Marks and each of them are distinctive and well known to the relevant trade and public as identifying and distinguishing Zendesk’s goods

and services as alleged herein.

Void Ab Initio for Nonuse

27. Petitioner repeats and realleges the averments in paragraphs 1 through 26 above, and hereby incorporates the same as though fully set forth herein.

28. The ZENWORK Registration covers “Software as a service (SAAS) services featuring software for human resources management, namely, management of recruitment, management of human resources processes, management of leave, attendance and time tracking, management of performance and compensation modeling, management of benefits administration, management of payroll and taxes.”

29. On information and belief, Registrant never engaged in use in commerce of any of the following goods and services under the ZENWORK mark (the “Objected Services”): “Software as a service (SAAS) services featuring software for human resources management, namely, management of recruitment, management of human resources processes, management of leave, attendance and time tracking, management of performance and compensation modeling, management of benefits administration, management of payroll”.

30. On information and belief, Registrant falsely asserted in its Statement of Use, submitted March 13, 2017, that “For a trademark or service mark application, the mark is in use in commerce on or in connection with **all** the goods/services in the application or notice of allowance, or as subsequently modified” (emphasis added). On information and belief, Registrant falsely asserted in its Statement of Use, submitted March 13, 2017, that, “The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and that all

statements made on information and belief are believed to be true.” On information and belief, Registrant falsely asserted in its Statement of Use, submitted March 13, 2017, that Registrant’s date of first use in commerce of the ZENWORK mark on the Objected Services was December 31, 2016. A true and correct copy of Registrant’s false Statement of Use is attached hereto as **Exhibit G.**

31. Because Registrant had never rendered the Objected Services in commerce under the ZENWORK Mark as required by 15 U.S.C. 1051(a) prior to the expiration of its time to file a statement of use, those services are *void ab initio* and partial cancellation of the Objected Services listed in Class 42 of the ZENWORK Registration is appropriate under 15 U.S.C. § 1064.

32. In light of the foregoing, the registration as to the Objected Services in the ZENWORK Registration is *void ab initio* for nonuse.

33. WHEREFORE, Petitioner prays that this Petition for Cancellation or Partial Cancellation be sustained, and that the Objected Services in the ZENWORK Registration be partially cancelled.

Priority and Likelihood of Confusion

34. Petitioner repeats and realleges the averments in paragraphs 1 through 33 above, and hereby incorporates the same as though fully set forth herein.

35. Zendesk filed the trademark application which matured into Registration No. 3,818,497 on January 16, 2009, which is well before the July 29, 2016 filing date of the ZENWORK Registration.

36. On information and belief, Registrant acquired no rights in the United States in the term ZENWORK (the “ZENWORK Mark”) before January 16, 2009, which is the filing date

of Zendesk's Application Serial No. 79/068,289, and constructive first use date based on the matured ZENDESK Registration, Federal Trademark Registration No. 3,818,497.

37. On information and belief, Registrant acquired no rights in the United States in the ZENWORK Mark before July 13, 2010, the registration date of Zendesk's Application Serial No. 79/068,289, which matured into the ZENDESK Registration, Federal Trademark Registration No. 3,818,497.

38. On information and belief, Registrant acquired no rights in the United States in the ZENWORK Mark before at least as early as December 31, 2008, when Zendesk began to develop its common law rights in the ZENDESK Word Mark as alleged above.

39. On information and belief, Registrant acquired no rights in the United States in the ZENWORK Mark before at least as early as May 13, 2015, when Zendesk began to develop in its common law rights in the ZENDESK NEIGHBOR FOUNDATION trademark as alleged above.

40. On information and belief, Registrant acquired no rights in the United States in the ZENWORK Mark before at least as early as October 7, 2015, when Zendesk began to develop its common law rights in the RELATE BY ZENDESK trademark as alleged above.

41. On information and belief, Registrant acquired no rights in the United States in the ZENWORK Mark before at least as early as April 12, 2016, when Zendesk began to develop its common law rights in the ZENDESK MESSAGE trademark as alleged above.

42. Given the facts asserted in paragraphs 35-41 above, there is no issue as to priority.

43. Registrant's ZENWORK Mark incorporates the distinctive ZEN feature. Moreover, in both marks, the ZEN element is followed by a single syllable, four-letter word ending with a hard "K" sound, DESK versus WORK. Additionally, both DESK and WORK are

words associated with workplaces. ZENDESK and ZENWORK are therefore highly similar in sight, sound, and meaning. Like Petitioner's ZENDESK marks, the ZENWORK Mark allegedly is used in conjunction with software as a service, including software utilized by employees handling a variety of business management functions, including human resources (HR). Such use on Registrant's Objected Services is likely to cause confusion for the reasons alleged herein.

44. Registrant's Objected Services are highly similar and/or related to the ZENDESK Goods and Services. For example, it is common for one company to provide software that performs helpdesk functionality and software that performs human resources functionality. Attached as **Exhibit C** is evidence of Zendesk's own provision of its help desk software specifically for human resources: <https://www.zendesk.com/internal-help-desk/hr-help-desk-software/> and <https://www.zendesk.com/internal-help-desk/>. Attached as **Exhibits D, E, and F** are current registrations showing third parties that provide both help desk software and human resources software under the same mark.

45. On information and belief, Registrant intends to provide its Objected Services in connection with the ZENWORK Mark at least in part, through a global computer network and/or through web-based software applications, mobile software applications and/or mobile devices.

46. On information and belief, Registrant's Objected Services are intended to be offered to at least some of the same classes of consumers and through at least some of the channels of trade as the ZENDESK Goods and Services are offered under Zendesk's ZENDESK Word Mark. As applied to Registrant's Objected Services, the ZENWORK Marks so resemble Zendesk's ZENDESK Word Mark as alleged herein as to be likely to cause confusion, or to cause mistake, or to deceive as to the source of the goods or services.

47. On information and belief, Registrant's Objected Services are intended to be offered to at least some of the same classes of consumers and through at least some of the channels of trade as the Petitioner's goods and services offered in connection with ZENDESK Formative Marks and each of them as alleged herein. As applied to Registrant's Objected Services, the ZENWORK Marks so resemble the ZENDESK Formative Marks and each of them as to be likely to cause confusion, or to cause mistake, or to deceive as to the source of the goods or services.

48. Petitioner will be damaged by the continued registration of the ZENWORK Mark for the Objected Services identified in Registration No. 5197406 as a result of the aforementioned likelihood, confusion, mistake or deception.

49. WHEREFORE, Petitioner prays that this Petition for Cancellation or Partial Cancellation be sustained, and that the Objected Services in the ZENWORK Registration be partially cancelled.

Fraud on the PTO

50. Petitioner repeats and realleges the averments in paragraphs 1 through 49 above, and hereby incorporates the same as though fully set forth herein.

51. On information and belief, Registrant falsely asserted in its Statement of Use, submitted March 13, 2017, that "For a trademark or service mark application, the mark is in use in commerce on or in connection with **all** the goods/services in the application or notice of allowance, or as subsequently modified" (emphasis added).

52. On information and belief, Registrant falsely asserted in its Statement of Use, submitted March 13, 2017, that, "The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission

or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.”

53. On information and belief, Registrant falsely asserted in its Statement of Use, submitted March 13, 2017, that Registrant’s date of first use in commerce of the ZENWORK mark on the Objected Services was December 31, 2016. A true and correct copy of Registrant’s false Statement of Use is attached hereto as **Exhibit G**.

54. Registrant’s false statement was signed and submitted on behalf of Registrant by Registrant’s attorney, correspondent of record, and authorized representative, Bryan P. Stanley, of the law firm Kutak Rock LLP, on March 13, 2017.

55. Registrant’s signing of the Statement of Use, and the declarations contained therein, was intentional.

56. On information and belief, Registrant’s statement that the ZENWORK Mark was in use in commerce for **all** of the goods and services in the ZENWORK Registration was false.

57. In January of 2020, Petitioner hired the firm Marksmen to investigate Registrant’s use of the ZENWORK mark. Marksmen found no evidence of use of the ZENWORK mark by Registrant for the Objected Services at any time prior to March 13, 2017, when Registrant’s false Statement of Use was filed. Additionally, Marksmen found no evidence of use of the ZENWORK mark by Registrant for the Objected Services at any time prior to December 31, 2016, the date Registrant claimed as its date of first use in commerce.

58. On information and belief, Registrant and/or Registrant’s attorney knew, or should have known, that reliance on this false statement was a material condition to obtaining registration of the ZENWORK Mark.

59. On information and belief, Registrant intended that the United States Patent and Trademark Office (“USPTO”) rely on its false Statement of Use in order to accomplish registration of its ZENWORK Registration.

60. On information and belief, the USPTO did in fact rely on Registrant’s false statement of use when it granted the ZENWORK Registration.

61. On information and belief, Registrant knew it was not using the ZENWORK Mark in commerce on the Objected Services as of March 13, 2017.

62. On information and belief, Registrant knew it was not using the ZENWORK Mark in commerce on the Objected Services as of December 31, 2016.

63. Registrant’s knowledge and intent to deceive are evidenced by the specimen submitted by Registrant in connection with its statement of use, which shows only use of the mark on tax-related services. A true and correct copy of Registrant’s specimen is attached hereto as **Exhibit H**.

64. Registrant’s knowledge and intent to deceive are evidenced by its Application Nos. 88/580,820 and 88/580,824, which claim a first use date of the term “ZENWORK HR” for HR-related services of June 1, 2019.

65. On information and belief, had Registrant been using ZENWORK for the Objected Services prior to June 1, 2019, it would not have applied to register the mark ZENWORK HR for HR-related services.

66. As such, the false Statement of Use submitted by Registrant on March 13, 2017, alleging a date of first use in commerce of December 31, 2016, constitutes fraud on the USPTO, warranting cancellation of the ZENWORK Registration in full.

67. WHEREFORE, Petitioner prays that this Petition for Cancellation or Partial

Cancellation be sustained, and that the ZENWORK Registration be fully cancelled.

Prayer for Relief

WHEREFORE, Petitioner prays that this Petition for Cancellation or Partial Cancellation be sustained, and that the ZENWORK Registration be so fully or partially cancelled.

Dated: April 20, 2020

Respectfully submitted,

/Katherine M. Basile/

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Zendesk, Inc.

Certificate of Service

This is to certify that on April 20, 2020, the foregoing Petition for Cancellation or Partial Cancellation was filed via the ESTTA system, which will provide notice to the following attorney correspondent of record:

PATRICK C. STEPHENSON
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/Katrina M. Kershner/
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EXHIBIT A



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ZENDESK

Word Mark ZENDESK

Goods and Services

IC 009. US 021 023 026 036 038. G & S: [Recorded and downloadable computer software, namely, computer software for business management, database management, customer service management and management of customer relations; software for electronic communications] * Recorded and downloadable computer software, namely, computer software for business information and communications management, business database management, customer service management and management of customer relations all of the foregoing directed to the fields of customer support, customer relationship management, customer service, customer engagement, and helpdesk functionality; software for electronic communications within businesses and between businesses and their customers, all of the foregoing in the fields of customer support, customer relationship management, customer service, customer engagement, and helpdesk functionality *

IC 035. US 100 101 102. G & S: Assistance in business management and business administration; compilation and systematization of information into computer databases; business information provided through local and global computer networks; rental of advertising space on the internet; [retail store and] on-line retail store services featuring computer software

IC 038. US 100 101 104. G & S: Telecommunications, namely, transmission of communications, information and data through local and global computer networks; communication services, namely, transmission of voice, audio, visual images and data by local and global computer networks; rental of access time to global computer networks, namely, providing telecommunications access to databases relating to management of customer relationships

IC 042. US 100 101. G & S: [Computer programming; design, development and customization of computer software; rental of computer programs or applications software which enables the compilation and processing of data for central database through local and global networks; providing temporary use of on-line non-downloadable software, namely, graphical user interface software for use in managing customer relationships] * Computer programming in the fields of customer support, customer relationship management, customer service, customer engagement, and helpdesk functionality; design, development and customization of computer software in the fields of customer support, customer relationship management, customer service, customer engagement, and helpdesk functionality; rental of computer programs or applications software which enables the compilation and processing of data for central database through local and global networks directed to the fields of customer support, customer relationship management, customer service, customer engagement, and helpdesk functionality; providing temporary use of on-line non-downloadable software, namely, graphical user interface software for use in managing

customer relationships, all of the foregoing in the fields of customer support, customer relationship management, customer service, customer engagement, and helpdesk functionality *

**Standard
Characters
Claimed**

**Mark
Drawing
Code** (4) STANDARD CHARACTER MARK

**Serial
Number** 79068289

Filing Date January 16, 2009

**Current
Basis** 66A

**Original
Filing Basis** 66A

**Published
for
Opposition** March 23, 2010

**Change In
Registration** CHANGE IN REGISTRATION HAS OCCURRED

**Registration
Number** 3818497

**International
Registration
Number** 1001362

**Registration
Date** July 13, 2010

Owner (REGISTRANT) **Zendesk**, Inc. CORPORATION DELAWARE 1019 Market Street San Francisco CA 94103 UNITED STATES

**Attorney of
Record** Miguel Danielson

Priority Date July 17, 2008

**Description
of Mark** Color is not claimed as a feature of the mark.

**Type of
Mark** TRADEMARK. SERVICE MARK

Register PRINCIPAL

**Affidavit
Text** SECT 15. SECTION 71

**Live/Dead
Indicator** LIVE

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	SEARCH OG	TOP	HELP	PREV LIST	CURR LIST	NEXT LIST
FIRST DOC	PREV DOC	NEXT DOC	LAST DOC							

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EXHIBIT B

From: TMOOfficialNotices@USPTO.GOV
Sent: Friday, January 15, 2016 11:00 PM
To: tmadmin@danielsonlegal.com
Subject: Official USPTO Notice of Acceptance/Acknowledgement Sections 71 and 15: U.S. Trademark RN 3818497: ZENDESK: Docket/Reference No. ZEN-601 US

U.S. Registration Number: 3818497
U.S. Registration Date: Jul 13, 2010
Mark: ZENDESK
U.S. Registration Holder/Owner: Zendesk, Inc.

U.S. Serial Number: 79068289
International Reg. No.: 1001362

Jan 15, 2016

NOTICE OF ACCEPTANCE UNDER SECTION 71

The declaration of use or excusable nonuse filed for the above-identified registration meets the requirements of Section 71 of the Trademark Act, 15 U.S.C. §1141k. **The Section 71 declaration is accepted.**

NOTICE OF ACKNOWLEDGEMENT UNDER SECTION 15

The declaration of incontestability filed for the above-identified registration meets the requirements of Section 15 of the Trademark Act, 15 U.S.C. §1065. **The Section 15 declaration is acknowledged.**

The U.S. registration will remain in force for the term of the international registration upon which it is based for the following class(es).

Class(es):
009, 035, 038, 042

BENJAMIN, SARA NICOLE
TRADEMARK SPECIALIST
POST-REGISTRATION DIVISION
571-272-9500

ADDITIONAL REQUIREMENTS FOR MAINTAINING A U.S. TRADEMARK REGISTRATION EXTENDING PROTECTION OF AN INTERNATIONAL REGISTRATION

WARNING: In addition to filing renewals of your international registration with the International Bureau of the World Intellectual Property Organization (WIPO) as required under the Madrid Protocol, your registered extension of protection will be canceled if you do not file the documents below during the specified time periods.

I) SECTION 71 DECLARATION OF USE

Requirements in the First Ten Years

What and When to File: You must file a declaration of use (or excusable nonuse) between the 9th and 10th years after the date of issuance of the U.S. registration extending protection. 15 U.S.C. §1141k(a)(2).

Requirements in Successive Ten-Year Periods

What and When to File: You must file a declaration of use (or excusable nonuse) between every 9th and 10th-year period, calculated from the date of issuance of the U.S. registration extending protection. 15 U.S.C. §1141k(a)(2).

Grace Period Filings

The above documents will be considered as timely if filed within six months after the deadlines listed above with the payment of an additional fee. 15 U.S.C. §1141k(a)(3).

Failure to file the Section 71 declaration will result in the cancellation of the U.S. registration and invalidation of the protection of the international registration in the United States.

II) RENEWAL OF INTERNATIONAL REGISTRATION

The international registration remains in force for 10 years, with the possibility of renewal. Madrid Protocol, Article 6(1). **Failure to renew the international registration with the International Bureau of WIPO will result in the expiration of the U.S. registration even if the Section 71 declaration of use has been accepted.**

Any international registration may be renewed for a period of ten years from the expiry of the preceding period, by the mere payment of the required fee to the International Bureau. Madrid Protocol, Article 7(1). The deadlines for renewing the international registration are calculated from the international registration date. If the international registration is not renewed, the corresponding U.S. registration will cease to be valid as of the date of the expiration of the international registration. 15 U.S.C. §1141j(b). Renewal applications must be filed with the International Bureau in accordance with Article 7 of the Madrid Protocol, 37 C.F.R. §7.41(a). The USPTO will not process or forward any requests to renew an international registration or extension of protection to the United States if mistakenly submitted to the USPTO. 37 C.F.R. §7.41(b).

***** THE USPTO WILL NOT SEND ANY FURTHER NOTICE OR REMINDER OF THESE REQUIREMENTS. THE HOLDER/OWNER SHOULD CONTACT THE USPTO ONE YEAR BEFORE THE EXPIRATION OF THE TIME PERIODS SHOWN ABOVE TO DETERMINE APPROPRIATE REQUIREMENTS AND FEES.*****

To view this notice and other documents for this application on-line, go to <http://tdr.uspto.gov/search.action?sn=79068289>. NOTE: This notice will only be available on-line the next business day after receipt of this e-mail.

EXHIBIT C

Zendesk for HR teams

Engaged employees are better for business

LEARN MORE

The power of engaged employees

Zendesk's multi-channel request management and self-service portal give HR teams the power to streamline operations for happy, engaged employees. Because companies with the highest employee engagement see 4% more sales growth and shareholder returns than average, 90% less staff turnover, and double the customer loyalty.

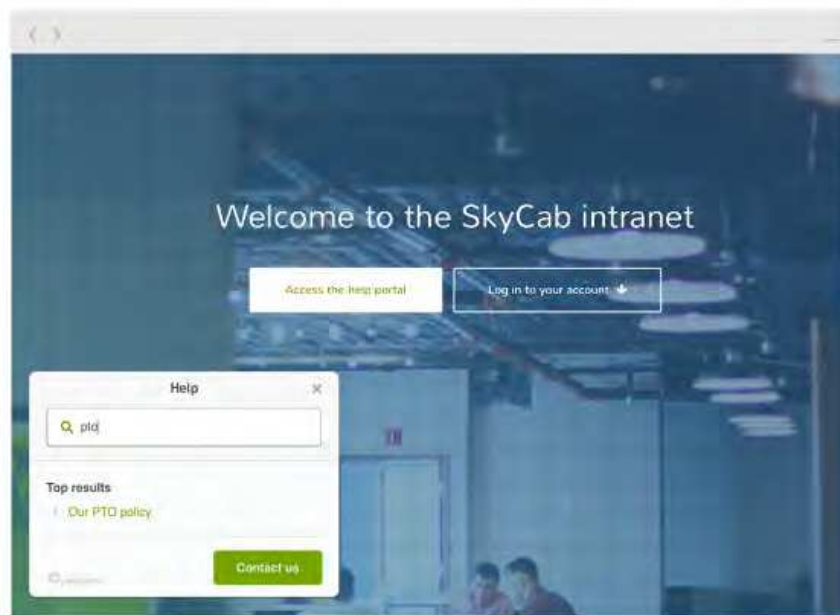
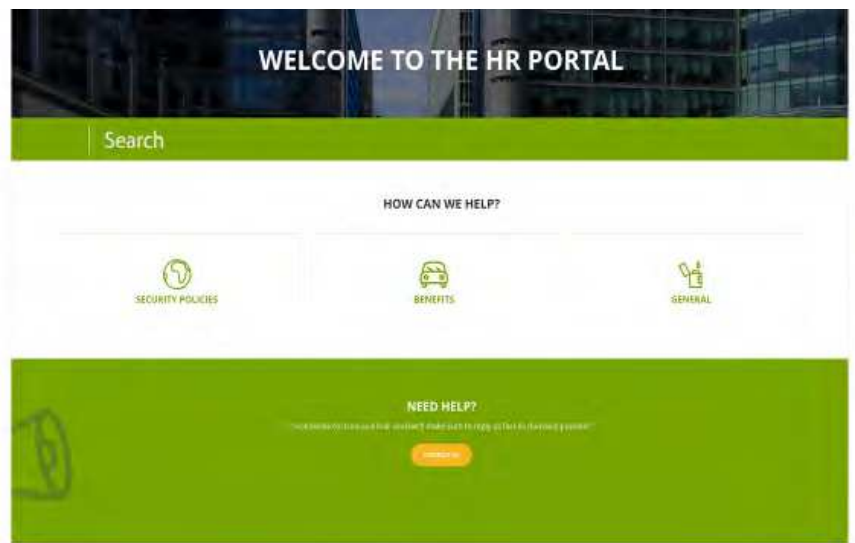
Self-service serves everyone

Engaged employees are empowered



serves everyone

Engaged employees are empowered employees. That's why a self-service portal is the first step to a better HR help desk. Zendesk's Help Center lets employees find the information they need about health insurance, benefits, and other policies whenever they like, on any device.



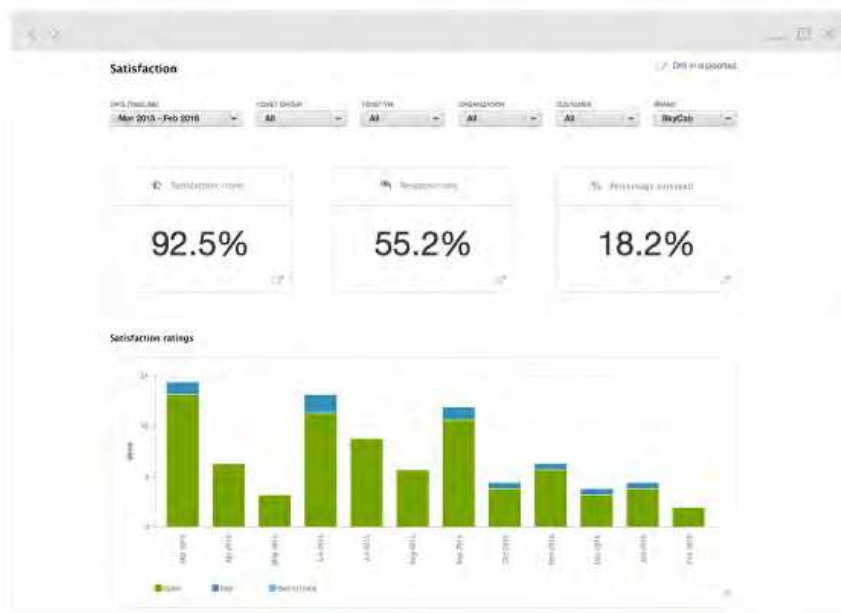
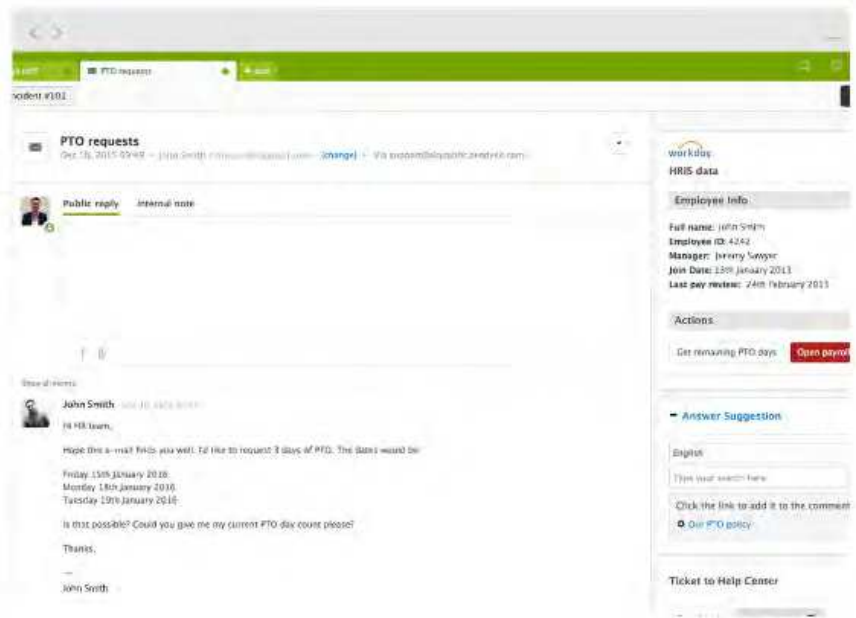
Be everywhere at once

Connect to employees where they are without extra work. Zendesk's software can embed web, mobile, and chat widgets on internal sites and portals. As the employee types, the widget displays links to relevant help center articles to further reduce repetitive questions.

Shorter.

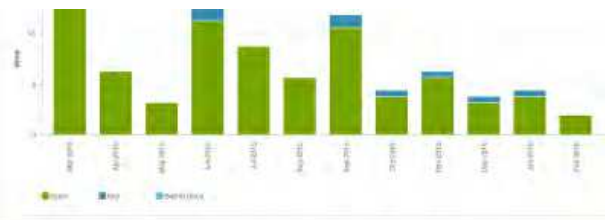


Zendesk's answer suggestion app analyzes ticket content to add relevant help center articles right next to the ticket. HR teams can also view employee data like holiday and benefit allocations by integrating with popular HR management systems such as Workday or other HR apps from the Zendesk app marketplace for a better ticketing system.



Back decisions with data

Visualize your work to discover team bottlenecks and process improvements. Zendesk's powerful analytics track the volume of HR requests, and how quickly issues are resolved across locations and channels. Plus, you can measure employee satisfaction related to HR support with automated employee sentiment surveys.



issues are resolved across locations and channels. Plus, you can measure employee satisfaction related to HR support with automated employee sentiment surveys.



Despite the growing volume of requests, Zendesk has helped our Shared Services team grow to be more efficient, organized, and productive. We really couldn't have asked for a better tool, especially with the custom analytics through Zendesk Insights.

Noal Robinson
Shared Services Manager, UTi

MORE RESOURCES

It gets better and better

FASTEST TIME TO VALUE

BUILT FOR THE DIGITAL WORKFORCE

FASTEST TIME TO VALUE

UTi deploys an enterprise HR help desk to improve HR Service Delivery without expensive consulting and training.

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BUILT FOR THE DIGITAL WORKFORCE

Leading retailer John Lewis serves a mobile workforce of 70,000 with benefit queries.

[Learn more >](#)

MANAGE HR REQUESTS ACROSS CHANNELS

Zendesk HR becomes more responsive with multiple points of contact with one place in the cloud to manage them all.

[Learn more >](#)

GROW AND INNOVATE YOUR HR SERVICE DELIVERY

An open platform, apps marketplace and SaaS delivery means you can scale and tailor your HR help desk when and how you need.

[Learn more >](#)

See for yourself

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Our Products

The Zendesk Suite
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Guide

Top Features

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Zendesk Benchmark

MANAGE HR REQUESTS ACROSS CHANNELS

Zendesk HR becomes more responsive with multiple points of contact with one place in the cloud to manage them all.

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An open platform, apps marketplace and SaaS delivery means you can scale and tailor your HR help desk when and how you need.

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See for yourself

[Sign up for a demo](#)

Our Products

The Zendesk Suite
Support
Guide
Chat
Talk
Sell
Explore
Gather
Connect
Sunshine
Sunshine Conversations
Integrations & Apps
Product Updates

Top Features

Ticketing System
Knowledge Base
Community Forums
Help Desk Software
Security

Resources

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Customer Stories
Services

Company

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Events
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Diversity & Inclusion
Contact us
Sitemap
System Status
Product Help
Legal

Favorite Things

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Zendesk for Startups
Zendesk Benchmark
Zendesk for Small Business
Gartner CRM Magic Quadrant
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ZENDESK FOR INTERNAL TEAMS

Employees are customers too

Customer expectations around service have evolved—and employees now expect the same standard at their own workplace. Zendesk is already great at delivering the best customer experiences—and that means it's just as great when it comes to creating those same experiences for your internal teams. With Zendesk, internal teams can create consumer-like experiences for their employees that are easy, reliable, and more productive. Because when companies work hard for their employees, their employees work harder for them in return.

Contact us

Join these companies that already provide great experiences for their employees



The Zendesk approach to internal helpdesks

Help employees help themselves

Give your employees the tools and resources they need to be happier and more productive at work. From a self-service knowledge base to omnichannel support, Zendesk is the perfect hub for your employees—giving them the answers to

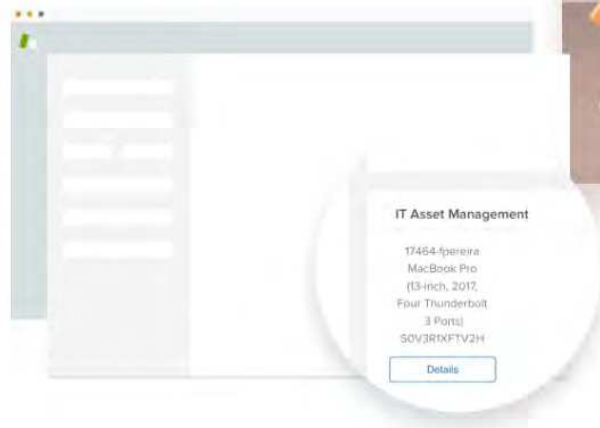
Contact Sales

Give your employees the tools and resources they need to be happier and more productive at work. From a self-service knowledge base to omnichannel support, Zendesk is the perfect hub for your employees—giving them the answers to whatever they need, when they need it.

Spare your help desk team the pain of hunting for employee and business information. With Zendesk, your help desk can access apps, systems, and integrations for change management, asset management, team collaboration and more—all from one central place.



Explore the [Apps Marketplace](#)



Document title: Internal Help Desk Software for Employees | Zendesk
Capture URL: <https://www.zendesk.com/internal-help-desk/>
Capture timestamp (UTC): Mon, 20 Apr 2020 19:27:07 GMT

Applaud your squad

Make your IT and HR teams companywide heroes. When there's a high volume of tickets, help your team scale with AI, automations and workflows. Deflect more tickets and speed up resolution times, letting your team focus on solving the harder stuff.

See how to scale support with AI

Hey! My VPN isn't working. Can you help?



Send

We found matching articles that were automatically sent to the requester

Improve Answers

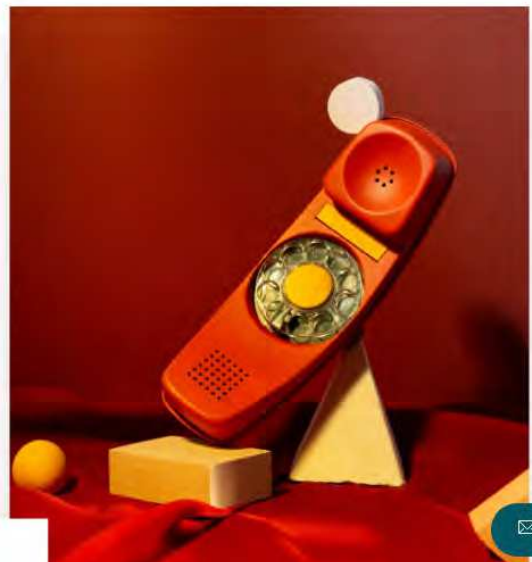
VPN

General Troubleshooting

Login Tips

Check the stats

Improve your employee experience with more efficient processes. Make good decisions with good data by analyzing trends, response times, and satisfaction scores to find out what's working well—and where there's still room to improve.



Contact Sales



[Learn more about our reporting capabilities](#)

[Schedule a demo](#)

See how internal help desk teams are improving employee experiences with Zendesk

IMPROVE TEAM PRODUCTIVITY

Smooth sailing

"We never have issues with Zendesk. It's a tool that's doing its job and allowing us to do our work. It works well in the background. At other companies where I've worked with a service desk tool, the tool becomes a pain point—the system stands in the way of getting your work done. Zendesk allows our team to process a high workload."

Hadleigh Lynn

Global Desktop Support Lead



See why 14 teams at [Xero](#) are using Zendesk to scale support for employees

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See why 14 teams at [Xero](#) are using
Zendesk to scale support for employees



SUPPORT OVER 460,000 EMPLOYEES

A simple solution at scale

"We have the vision that we can resolve any queries from colleagues or partners globally quickly, painlessly, and cost-effectively. Zendesk gives us the opportunity to be quite flexible with the configuration whilst keeping the level of consistency we need. It's a lot simpler to use out of the box, and simpler to manage from a central team perspective than a lot of the other tools that we might use."

Adam Bruce

Lead Product Manager



Discover how [Tesco](#) uses Zendesk to support internal teams

STREAMLINE PROCESSES TO IMPROVE RESPONSE TIME

Stay connected

"One of our favorite things about Zendesk Support is the ability to keep our employees in the loop. The built-in triggers send email updates automatically as we process a ticket. We keep hearing that we're so much more responsive now—but it's not because the agents are doing anything differently. It's because the system is automatically providing feedback to the employee, which we didn't do before."

Russ Gangloff

Director of Customer Support



See how [OpenTable](#) leverages
automations to improve employee
CSAT

Contact Sales



See how **OpenTable** leverages automations to improve employee CSAT



CENTRALIZE ALL TOOLS INTO AN INTEGRATED HUB

Everything in one place

"The fact that we can have all contacts in one place gives us a rich database from which to make informed decisions. So not only are we able to maintain a certain level of service, but Zendesk also gives us the information upon which to continuously improve that service because we're constantly digging through it and saying, 'Okay, what else can we change?'"

Dustin Swayne

Tennessee Department of Labor and Workforce Development



See how the **State of Tennessee** is innovating on their help desk services

Streamline operations with over 750 app integrations, including apps for Asset Management, Change Management, Collaboration and more.



Visit our Apps Marketplace

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Want to learn more about Zendesk for help desks?

How consumer expectations are shaping the workplace

Research & Reports



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How to optimize your help desk to deliver better employee experiences

Webinar



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Employees are customers, too

Blog post



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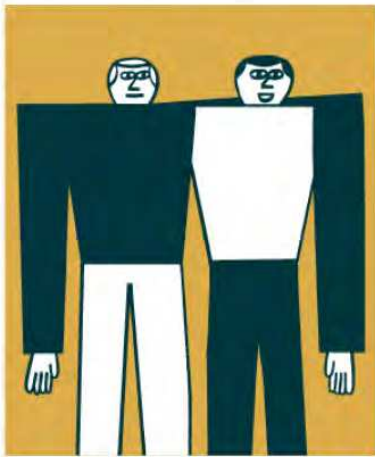
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The Sales Suite
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Talk
Sell
Explore
Gather
Connect
Sunshine
Sunshine Conversations
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EXHIBIT D

**Trademarks > Trademark Electronic Search System (TESS)**

TESS was last updated on Thu Nov 7 03:51:06 EST 2019

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(Use the "Back" button of the Internet Browser to return to TESS)

ACRETIX

Word Mark ACRETIX

Goods and Services IC 042. US 100 101. G & S: Providing temporary use of non-downloadable software for the purpose of client management, vendor management, employee management, project management, outsourcing services, staffing, workforce management, time sheet and invoice management, finance management, payroll management, human capital management, Information technology management, performance management, compliance management, legal management, reporting management and User administration management; providing temporary use of non-downloadable computer software for employee and personnel related services, namely, payroll administration, payroll tax calculation, tax regulation compliance, payroll tax preparation, electronic payroll tax filing and reporting, electronic document storage, time and attendance tracking, employee benefits administration, employee risk and safety training, employee counseling and support programs, employee pension and retirement funds administration, employee flexible spending accounts administration, workers compensation, employee recruiting, pre-employment background screening, and employee income management; providing temporary use of non-downloadable computer software for client management, namely, client contracts administration, client purchase order administration, new client management, Client relationship management, Client income management, Client reporting management, Client Communication Management; providing temporary use of non-downloadable computer software for Vendor management, namely, vendor contracts administration, vendor purchase order administration, new vendor management, Vendor relationship management, Vendor income management, Vendor reporting management, Vendor Communication Management. providing temporary use of non-downloadable computer software for employee management, namely, employee document management, employee on boarding management, employee off boarding management, employee communications management, employee immigration management, employee I9 and e-verify management, employee benefits management, employee leave/absence management, Employee communications management, Employee project management, employee worksite management, employee client site management, employee billing management, employee payroll management, employee issue management, employee portal, employee expense management; providing temporary use of non-downloadable computer software for project management, namely, project document management, New project management, Project resource management, project billing management, project expense management, project travel management, project scheduling management, project task management, project reporting, project bug tracking, project communication management, project financials management, project reporting management; providing temporary use of non-downloadable computer software for Sales management, namely, business development management, Applicant tracking system, Client requirement management, recruiter management, Sale force management, case studies management, teaming partners management, commissions management, sales reporting system; providing temporary use of non-downloadable computer software for finance management, namely, time sheet management, invoice management, vendor account payable management, travel and expense reports management, business banking management, Chief financial officer dashboard, all finance document management center including all corporate taxes; providing temporary use of non-downloadable computer software for payroll management, namely, automated payroll run, State registration management, state unemployment tax management, County tax registration management, payroll schedule management, payroll provider management, all payroll document management and payroll report center. providing temporary use of non-downloadable computer software for Information Technology management, namely, Software Asset management, hardware Asset management, subscription Services management, Mobile Device management, Internet Carriers management, Assets dashboard, Wireless device management, **Helpdesk** software, and an Information Technology Dashboard; providing temporary use of non-downloadable computer software for Legal management, namely, contract management, purchase order management, Government registration management including federal, state and county, Corporate charter management, Attorney management, Immigration management, including case management, legal dashboard; providing temporary use of non-downloadable computer software for performance management, namely, employee performance management, client performance management, vendor performance management, finance performance management, **Human resources** performance management, payroll performance management, immigration performance management, corporate performance management; providing temporary use of online non-downloadable software for compliance management, namely, Employee compliance management, finance compliance management, payroll compliance management, immigration compliance management, client compliance management, Vendor compliance management, benefits compliance management; providing temporary use of non-downloadable software for the purpose of Help management, namely, Client help Management, vendor help management, employee help management, project help management, outsourcing help management, staffing help management, workforce help management, time sheet help management and invoice help management, finance help management, payroll help management, human capital help management, Information technology help management, performance help management, legal help management, reporting help management and User administration help management. providing temporary use of online non-downloadable software for software administration management, namely, Employee administration management, user administration management, Site permission management, Department permission management, workflow permission management, organization chart permission management, menu display administration management, form permission management, form access management, workflow access management, user modules access management. FIRST USE: 20140900. FIRST USE IN COMMERCE: 20140900

Standard Characters Claimed**Mark Drawing Code** (4) STANDARD CHARACTER MARK**Serial Number** 85472037**Filing Date** November 14, 2011**Current Basis** 1A**Original Filing Basis** 1B**Published for Opposition** May 1, 2012**Registration Number** 4682374**Registration** February 3, 2015

Date
Owner (REGISTRANT) Ram Karuppusamy INDIVIDUAL INDIA 13454 Sunrise Valley Dr, Suite 120 Herndon VIRGINIA 20171
(LAST LISTED OWNER) ACRETIX, INC. CORPORATION VIRGINIA 13454 SUNRISE VALLEY DRIVE SUITE 120 HERNDON VIRGINIA 20171
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Kathleen A. Rheintgen
Description of Mark Color is not claimed as a feature of the mark.
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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EXHIBIT E


[Trademarks](#) > Trademark Electronic Search System (TESS)

TESS was last updated on Thu Nov 7 03:51:06 EST 2019

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ICESTACK

Word Mark ICESTACK

Goods and Services IC 009. US 021 023 026 036 038. G & S: Computer software, downloadable computer software and downloadable mobile applications for use in connection with social media for peer-to-peer sharing of voice, text, picture and video messages, business services, customer support and feedback, ordering, network sharing, facilitation of customer and business communications, project management, creating and maintaining records of work performed, description and sharing of information about third party service providers for maintaining and building a searchable information database that allows users to locate, search, organize, share and request third party services, a software, database and social media platform to facilitate customer online orders, process payments, process shipments and deliveries of goods and performance of services, comment and other communication between consumers of services with third party service providers; computer software, downloadable computer software and downloadable mobile applications for social media marketing, online project management and for monitoring, creating and maintaining records of work performed; computer software, downloadable computer software and downloadable mobile applications for use with electronic storage of data; computer storage devices, namely, high-speed storage subsystems for storage and backup of electronic data either locally or via a telecommunications network

IC 035. US 100 101 102. G & S: Advisory and consultancy in the field of business information services; compilation of business information into computer databases; advertising and marketing services; provision of customer and business contact information; business management and business administration

IC 042. US 100 101. G & S: Maintenance, upgrading, updating, development, programming, design and installation of computer software and consulting in relation thereto; providing a website featuring temporary use of non-downloadable software for use in connection with social media, business services, customer support and feedback, ordering, network sharing, facilitation of customer and business communications, project management, creating and maintaining records of work performed, description and sharing of information about third party service providers, a platform facilitating communication between consumers of services with third party service providers for maintaining and building a searchable information database that allows users to locate, search, organize, share and request third party services, a software, database and social media platform to facilitate customer online orders, process payments, process shipments and deliveries of goods and performance of services, comment and other communication between consumers of services with third party service providers; providing a website featuring temporary use of non-downloadable software for use in connection for social media marketing, online project management and for monitoring, creating and maintaining records of work performed and electronic storage of data; computer support services, namely, computer programming and software repair services; hosting of software as a service (SaaS) featuring software for database management, marketing, **human resources**, customer leads, vendor management, business information, **helpdesk** ticketing, **helpdesk** tracking and consultation in relation to the hosting thereto; Application service provider (ASP), namely, hosting computer software applications of others; consulting services in the field of hosting computer software applications; Application service provider, namely, hosting, managing, developing, analyzing, and maintaining applications, software, and web sites, of others in the fields of advertising and marketing and consultation in relation to the hosting thereto; providing on-line non-downloadable software for use in connection with social media for peer-to-peer sharing of voice, text, picture and video messages, business services, customer support and feedback, ordering, network sharing, facilitation of customer and business communications, project management, creating and maintaining records of work performed, description and sharing of information about third party service providers for maintaining and building a searchable information database that allows users to locate, search, organize, share and request third party services, a software, database and social media platform to facilitate customer online orders, process payments, process shipments and deliveries of goods and performance of services, comment and other communication between consumers of services with third party service providers; providing on-line non-downloadable software for use in connection social media marketing, online project management and for monitoring, creating and maintaining records of work performed and electronic storage of data; designing, creating, maintaining, and hosting information and interactive websites for others and consulting in relation thereto; computer services, namely, creating indexes of online information; Providing information in the fields of computer and information technology and software development via an on-line website and e-mail

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 85685665

Filing Date July 24, 2012

Current Basis 44E

Original Filing Basis 44D

Published for Opposition January 26, 2016

Registration Number 4934765

Registration Date April 12, 2016

Owner (REGISTRANT) EXPERIECO HOLDINGS LIMITED LIMITED LIABILITY COMPANY NEW ZEALAND 19 NEWTON ROAD, NEWTON AUCKLAND NEW ZEALAND

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record Brett M. Tolpin

Priority Date May 24, 2012
Type of Mark TRADEMARK. SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

TESS HOME NEW USER STRUCTURED FREE FORM BROWSE DICT SEARCH OG TOP HELP PREV LIST CURR LIST NEXT LIST FIRST DOC PREV DOC NEXT DOC LAST DOC

| HOME | SITE INDEX | SEARCH | eBUSINESS | HELP | PRIVACY POLICY

EXHIBIT F



[Trademarks](#) > Trademark Electronic Search System (TESS)

TESS was last updated on Thu Nov 7 03:51:06 EST 2019

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [BOTTOM](#) [HELP](#) [PREV LIST](#) [CURR LIST](#) [NEXT LIST](#) [FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#) [LAST DOC](#)

[Logout](#) Please logout when you are done to release system resources allocated for you.

[Start](#) List At: OR [Jump](#) to record: **Record 3 out of 20**

[TSDR](#) [ASSIGN Status](#) [TTAB Status](#) (Use the "Back" button of the Internet Browser to return to TESS)

InnoWise

Word Mark

INNOWISE

Goods and Services

IC 009. US 021 023 026 036 038. G & S: Computer software for process automation in the field of software automation; software robots in the nature of software for automation in energy, utilities, banking, insurance, healthcare, and information technology; automation software robots for automating all business and information technology processes, namely, accounts payable, accounts receivables, information technology **helpdesk** automation, **human resources** onboarding, order to cash, procure to pay and information technology access requests. FIRST USE: 20170515. FIRST USE IN COMMERCE: 20170515

IC 042. US 100 101. G & S: Computer software development; computer software development in the field of software robots; providing non-downloadable computer software for robotic process automation in the field of software automation; software robots in the nature of non-downloadable software for process automation in the energy, utilities, banking, insurance, healthcare, and information technology fields; and automation software robots in the nature of non-downloadable software for automating all business and information technology processes, namely, accounts payable, accounts receivables, information technology help desk automation, **human resources** onboarding, order to cash, procure to pay, and information technology access requests. FIRST USE: 20170515. FIRST USE IN COMMERCE: 20170515

Standard Characters Claimed

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Serial Number

87481178

Filing Date

June 8, 2017

Current Basis

1A

Original Filing Basis

1A

Published for Opposition

December 5, 2017

Registration Number

5405550

Registration Date

February 20, 2018

Owner

(REGISTRANT) InnoWise LLC LIMITED LIABILITY COMPANY TEXAS 1500 S Dairy Ashford, Ste. 285 Houston TEXAS 77077

Attorney of Record

Usha Menon

Type of Mark

TRADEMARK. SERVICE MARK

Register

PRINCIPAL

Live/Dead Indicator

LIVE

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [TOP](#) [HELP](#) [PREV LIST](#) [CURR LIST](#) [NEXT LIST](#) [FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#) [LAST DOC](#)

EXHIBIT G

Trademark/Service Mark Statement of Use (15 U.S.C. Section 1051(d))

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	87121614
LAW OFFICE ASSIGNED	LAW OFFICE 111
EXTENSION OF USE	NO
MARK SECTION	
MARK	https://tmng-al.uspto.gov/resting2/api/img/87121614/large
LITERAL ELEMENT	ZENWORK
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
OWNER SECTION	
NAME	ZENWORK, INC
INTERNAL ADDRESS	1 E. CENTER STREET
STREET	SUITE 250
CITY	FAYETTEVILLE
STATE	Arkansas
ZIP/POSTAL CODE	72701
COUNTRY	United States
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	042
CURRENT IDENTIFICATION	Software as a service (SAAS) services featuring software for human resources management, namely, management of recruitment, management of human resources processes, management of leave, attendance and time tracking, management of performance and compensation modeling, management of benefits administration, management of payroll and taxes
GOODS OR SERVICES	KEEP ALL LISTED
FIRST USE ANYWHERE DATE	12/31/2016
FIRST USE IN COMMERCE DATE	12/31/2016
SPECIMEN FILE NAME(S)	
ORIGINAL PDF FILE	SPN0-415202250-20170313111203626995_ Zenwork Specimen.pdf
CONVERTED PDF FILE(S) (2 pages)	\\TICRS\EXPORT17\IMAGEOUT17\871\216\87121614\xml7\SOU0002.JPG

	\\TICRS\EXPORT17\IMAGEOUT17\871\216\87121614\xml7\SOU0003.JPG
SPECIMEN DESCRIPTION	a page from Applicant's website promoting the services
REQUEST TO DIVIDE	NO
PAYMENT SECTION	
NUMBER OF CLASSES IN USE	1
SUBTOTAL AMOUNT [ALLEGATION OF USE FEE]	100
TOTAL AMOUNT	100
SIGNATURE SECTION	
DECLARATION SIGNATURE	/Bryan P. Stanley/
SIGNATORY'S NAME	Bryan P. Stanley
SIGNATORY'S POSITION	Attorney of Record, Missouri bar member
DATE SIGNED	03/13/2017
SIGNATORY'S PHONE NUMBER	(816) 960-0090
FILING INFORMATION	
SUBMIT DATE	Mon Mar 13 11:16:53 EDT 2017
TEAS STAMP	USPTO/SOU-X.XX.XXX.XXX-20 170313111653790718-871216 14-5807f4315ba1e7e3a699e8 974c650cccc29dc2c589f8928 a5caf39db98d0196397-CC-97 80-20170313111203626995

Trademark/Service Mark Statement of Use (15 U.S.C. Section 1051(d))

To the Commissioner for Trademarks:

MARK: ZENWORK(Standard Characters, see <https://tmng-al.uspto.gov/resting2/api/img/87121614/large>)
SERIAL NUMBER: 87121614

The applicant, ZENWORK, INC, having an address of
1 E. CENTER STREET
SUITE 250
FAYETTEVILLE, Arkansas 72701
United States

is submitting the following allegation of use information:

For International Class 042:

Current identification: Software as a service (SAAS) services featuring software for human resources management, namely, management of recruitment, management of human resources processes, management of leave, attendance and time tracking, management of performance and compensation modeling, management of benefits administration, management of payroll and taxes

The mark is in use in commerce on or in connection with all of the goods/services, or to indicate membership in the collective organization listed in the application or Notice of Allowance or as subsequently modified for this specific class.

The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 12/31/2016, and first used in commerce at least as early as 12/31/2016, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) a page from Applicant's website promoting the services.

Original PDF file:

[SPN0-415202250-20170313111203626995 . Zenwork Specimen.pdf](#)

Converted PDF file(s) (2 pages)

[Specimen File1](#)

[Specimen File2](#)

The applicant is not filing a Request to Divide with this Allegation of Use form.

A fee payment in the amount of \$100 will be submitted with the form, representing payment for the allegation of use for 1 class.

Declaration

- ☒ The applicant is the owner of the mark sought to be registered.
- ☒ **For a trademark or service mark application**, the mark is in use in commerce on or in connection with all the goods/services in the application or notice of allowance, or as subsequently modified.
For a collective trademark, collective service mark, collective membership mark application, the applicant is exercising legitimate control over the use of the mark in commerce by members on or in connection with all the goods/services/collective membership organization in the application or notice of allowance, or as subsequently modified.
For a certification mark application, the applicant is exercising legitimate control over the use of the mark in commerce by authorized users on or in connection with the all goods/services in the application or notice of allowance, or as subsequently modified, and the applicant is not engaged in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.
- ☒ The specimen(s) shows the mark as used on or in connection with the goods/services/collective membership organization in commerce.

- ☒ To the best of the signatory's knowledge and belief, no other persons, except, if applicable, authorized users, members, and/or concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services/collective membership organization of such other persons, to cause confusion or mistake, or to deceive.
- ☒ To the best of the signatory's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the allegations and other factual contentions made above have evidentiary support.
- ☒ The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Signature: /Bryan P. Stanley/ Date Signed: 03/13/2017
Signatory's Name: Bryan P. Stanley
Signatory's Position: Attorney of Record, Missouri bar member
Signatory's Phone: (816) 960-0090

RAM Sale Number: 87121614
RAM Accounting Date: 03/13/2017

Serial Number: 87121614
Internet Transmission Date: Mon Mar 13 11:16:53 EDT 2017
TEAS Stamp: USPTO/SOU-X.XX.XXX.XXX-20170313111653790
718-87121614-5807f4315ba1e7e3a699e8974c6
50cccc29dc2c589f8928a5caf39db98d0196397-
CC-9780-20170313111203626995



[Enterprise 1099](#) [SMB 1099](#) [ACA 1095](#) [Payroll Tax 94X/W2](#) [2290 & 8849](#) [FINCEN 114](#) [Vendor Verification](#) [Tax Extensions](#) [E-File Assist](#)

ENTERPRISE 1099

Enterprise 1099 solution helps larger customer address their information reporting requirements to the Internal Revenue Service and various States. With over 10 years of experience in tax technology and compliance industry, our cloud based software and services offer a complete up to date federal and state information reporting solution.

Our proprietary "tumbler" technology works on many to one data mapping, allowing data from any source system to be imported into Zenwork 1099 system and further "tumbler" engine does the magic to ensure reporting to The US Federal and all states in 100% correct, up to date format.

- US Federal and State E-Files
- TIN Compliance
- W-9/W-8 Solicitation
- E-Statement Delivery
- Fully managed E-File Assist
- Withholding management
- Workflow & Rights Management
- Recipient Portal
- Reporting Capabilities

SMB 1099



TAX1099.com, powered by Zenwork, Inc., is an IRS-approved E-file provider for 1099, 1098, W2, and 940/941/944 and other forms. We blend Tax expertise with technology to provide superior compliance tools. TAX1099.com provides an ideal solution for small business, independent accountants, bookkeepers, CPA firms, and third party filers requiring multiple company support.

Our focus on developing and maintaining a measurable client satisfaction program has created a company culture where each of our associates delivers world class service, every day, with every interaction. Sign up for a free account and check us out today!

Tax1099.com leverages API to fully integrate with [QuickBooks Online](#), [QuickBooks Desktop](#), [Intuit.com](#), [Intacct](#), [ZohoBooks](#) and many more. Check out SMB information reporting services cloud-based software website at [www.tax1099.com](#)

ACA 1095

Affordable Care Act - Zenwork's IRS approved ACA reporting framework revolves around **Track** → **Import** → **Report**. Our highly scalable on demand solution offers ACA solution for the employers with 50+ FTEs and Insurance providers.

Employers with 50+ FTEs Zenwork ACA compliance is an easy to use solution where data can be imported from various sources (including optional API integration) to our cloud based system for an easy reporting to the IRS. Employees copy can be provided via our e-Delivery portal or using first class USPS mail.

For Health Insurers Health plan providers now rely on cutting edge Zenwork ACA reporting solution to report HRS on the minimum essential coverage. Our easy to use framework for the Health Insurers ensures easy data compilation and reporting.

PAYROLL TAX 94X/W2

IRS approved secure 94X filing supports 941/940 and 944 forms electronically. The electronic form validation within our software catches most of the errors before 94X series form gets filed with the IRS.

EXCISE TAX 2290 & 8849



We offer a Full Service 2290 tax filing for our customers with large fleets or who need additional assistance with the filing process. Our trained support specialists will take care of your 2290 tax filing needs. From entering your tax information to providing you with your accepted schedule 1.

The Full Service feature includes Audit Assist at no additional charge. Dealing with the IRS does not have to be complicated or confusing. With Audit Assist, we will:

- Determine why the IRS contacted you regarding your 2290 tax filing.
- Evaluate the cause of the issue.
- Determine the next steps to resolve the issue.

FINCEN 114



We offer a smart e-File tool for preparing FINCEN Form 114 (FBAR, formerly IRS Form TDF 90.321). We have over 14 years of tax filing experience as well as web development expertise. We provide an easy to use, cost-effective, step-by-step wizard for completing your FINCEN Form 114.

Services provides:

- Peace of mind with our easy-to-use, step-by-step tax interview for Fincent Form 114. You won't leave out any of the information called for.
- Convenience and cost-savings for individuals who use our filing option rather than working with an accountant.
- Flexibility. Save your information and return later to finish completing your filing.
- An efficient process that takes only a few minutes to complete.
- For tax professionals, one login to the Form 114 for all of your clients as well as reduced pricing.
- For corporations, we can assist you with your filing to ensure compliance with updated regulations concerning which officers may need to report their substantial authority over a foreign bank account. Contact us via email for details and pricing.

VENDOR VERIFICATION



Our Real Time Verification validates the vendor/contractor's name and Taxpayer Identification Number (TIN) against the IRS database, returning your results in seconds. Validating the information provided to you on the W-9 helps limit your exposure to incorrect filing penalties from the IRS when you file your 1099 forms. Those penalties can reach \$100 per incident, not to mention the expense of your time to respond to the IRS. In addition to the IRS check, we also verify the information against several other databases, including the Death Master File, OFAC, and the Denied Persons List among others. Protect yourself and your company by always verifying the vendor/contractor you hire is who they say they are.

BIZ & PERSONAL TAX EXTENSIONS



eZextension.com brings you an IRS-approved e-file tax extension service which is easy to use and understandable. With over 17 years of experience, we are leaders in e-filing and tax software products who safeguard the taxpayers from IRS penalties and audit risks.

File now and avoid possible IRS late filing penalties! It takes only 5-10 minutes to complete your individual extension form 4868 with us. Individual extension tax filing allows you to file and receive acknowledgment quickly.

Individual Tax Extension for Form 4868 can be filed online on our website or call us and our experienced tax professional will work with you to complete a timely extension for you. Our online or Tele-File feature offers quick and easy filing of Extension Form 4868.

Business Tax Extension for Form 7004 can be filed online on our website or call us and our experienced tax professional will work with you to complete a timely extension for you. Our online or Tele-File feature offers quick and easy filing of Extension Form 7004.

E-FILE ASSIST (OUTSOURCING)

Create recipient copies immediately and delay the e-file until March 31. Make any changes before the e-file with no additional costs.

With scheduled e-filing, even if you aren't able to check TIN and name combinations before creating the forms, you can check and update before the e-file occurs. That gives you several weeks to contact any vendors with mismatched data before e-filing.

Note: While selecting the forms to create during check-out, select the button that says "Schedule All Vendor E-File." You can also schedule an individual vendor for e-file by using the schedule button in their actions row. Once you click either button, choose the date you want the e-file to occur from the calendar. We send the e-file beginning on 12:01 a.m. EST on the date you select. Delay the e-file to as late as 3/31/15.

FEE RECORD SHEET

Serial Number: 87121614



RAM Sale Number: 87121614

Total Fees: \$100

RAM Accounting Date: 20170313

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Total Fee</u>
Statement of Use (SOU)	7003	20170313	\$100	1	\$100

Transaction Date: 20170313



EXHIBIT H



[Enterprise 1099](#) [SMB 1099](#) [ACA 1095](#) [Payroll Tax 94X/W2](#) [2290 & 8849](#) [FINCEN 114](#) [Vendor Verification](#) [Tax Extensions](#) [E-File Assist](#)

ENTERPRISE 1099

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- US Federal and State E-Files
- TIN Compliance
- W-9/W-9 Solicitation
- E-Statement Delivery
- Fully managed E-File Assist
- Withholding management
- Workflow & Rights Management
- Recipient Portal
- Reporting Capabilities

SMB 1099



TAX1099.com, powered by Zenwork, Inc., is an IRS approved E-file provider for 1099, 1098, W2, and 940/941/944 and other forms. We blend Tax expertise with technology to provide superior compliance tools. TAX1099.com provides an ideal solution for small business, independent accountants, bookkeepers, CPA firms, and third party filers requiring multiple company support.

Our focus on developing and maintaining a measurable client satisfaction program has created a company culture where each of our associates delivers world class service, every day, with every interaction. Sign up for a free account and check us out today!

Tax1099.com leverages API to fully integrate with [QuickBooks Online](#), [QuickBooks Desktop](#), [Intuit.com](#), [Intacct](#), [ZohoBooks](#) and many more. Check out SMB information reporting services cloud-based software website at [www.tax1099.com](#)

ACA 1095

Affordable Care Act - Zenwork's IRS approved ACA reporting framework revolves around **Track** → **Import** → **Report**. Our highly scalable on demand solution offers ACA solution for the employers with 50+ FTEs and Insurance providers.

Employers with 50+ FTEs Zenwork ACA compliance is an easy to use solution where data can be imported from various sources (including optional API integration) to our cloud based system for an easy reporting to the IRS. Employees copy can be provided via our e-Delivery portal or using first class USPS mail.

For Health Insurers Health plan providers now rely on cutting edge Zenwork ACA reporting solution to report IRS on the minimum essential coverage. Our easy to use framework for the Health Insurers ensures easy data compilation and reporting.

PAYROLL TAX 94X/W2

IRS approved secure 94X filing supports 941/940 and 944 forms electronically. The electronic form validation within our software catches most of the errors before 94X series form gets filed with the IRS.

EXCISE TAX 2290 & 8849



We offer a Full Service 2290 tax filing for our customers with large fleets or who need additional assistance with the filing process. Our trained support specialists will take care of your 2290 tax filing needs. From entering your tax information to providing you with your accepted schedule 1.

The Full Service feature includes Audit Assist at no additional charge. Dealing with the IRS does not have to be complicated or confusing. With Audit Assist, we will:

- Determine why the IRS contacted you regarding your 2290 tax filing.
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- Determine the next steps to resolve the issue.

FINCEN 114



We offer a smart e-File tool for preparing FINCEN Form 114 (FBAR, formerly IRS Form TDF 90.321). We have over 14 years of tax filing experience as well as web development expertise. We provide an easy to use, cost-effective, step by step wizard for completing your FINCEN Form 114.

Services provides:

- Peace of mind with our easy-to-use, step-by-step tax interview for Fincent Form 114. You won't leave out any of the information called for.
- Convenience and cost-savings for individuals who use our filing option rather than working with an accountant.
- Flexibility. Save your information and return later to finish completing your filing.
- An efficient process that takes only a few minutes to complete.
- For tax professionals, one login to the Form 114 for all of your clients as well as reduced pricing.
- For corporations, we can assist you with your filing to ensure compliance with updated regulations concerning which officers may need to report their substantial authority over a foreign bank account. Contact us via email for details and pricing.

VENDOR VERIFICATION



Our Real Time Verification validates the vendor/contractor's name and Taxpayer Identification Number (TIN) against the IRS database, returning your results in seconds. Validating the information provided to you on the W-9 helps limit your exposure to incorrect filing penalties from the IRS when you file your 1099 forms. Those penalties can reach \$100 per incident, not to mention the expense of your time to respond to the IRS. In addition to the IRS check, we also verify the information against several other databases, including the Death Master File, OFAC, and the Denied Persons List among others. Protect yourself and your company by always verifying the vendor/contractor you hire is who they say they are.

BIZ & PERSONAL TAX EXTENSIONS



eZextension.com brings you an IRS-approved e-file tax extension service which is easy to use and understandable. With over 17 years of experience, we are leaders in e-filing and tax software products who safeguard the taxpayers from IRS penalties and audit risks.

File now and avoid possible IRS late filing penalties! It takes only 5-10 minutes to complete your individual extension form 4868 with us. Individual extension tax filing allows you to file and receive acknowledgement quickly.

Individual Tax Extension for Form 4868 can be filed online on our website or call us and our experienced tax professional will work with you to complete a timely extension for you. Our online or Tele-File feature offers quick and easy filing of Extension Form 4868.

Business Tax Extension for Form 7004 can be filed online on our website or call us and our experienced tax professional will work with you to complete a timely extension for you. Our online or Tele-File feature offers quick and easy filing of Extension Form 7004.

E-FILE ASSIST (OUTSOURCING)

Create recipient copies immediately and delay the e-file until March 31. Make any changes before the e-file with no additional costs.

With scheduled e-filing, even if you aren't able to check TIN and name combinations before creating the forms, you can check and update before the e-file occurs. That gives you several weeks to contact any vendors with mismatched data before e-filing.

Note: While selecting the forms to create during check-out, select the button that says "Schedule All Vendor E-File." You can also schedule an individual vendor for e-file by using the schedule button in their actions row. Once you click either button, choose the date you want the e-file to occur from the calendar. We send the e-file beginning on 12:01 a.m. EST on the date you select. Delay the e-file to as late as 3/31/15.