

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 90461446

Filing Date: 01/12/2021

NOTE: Data fields with the * are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.

The table below presents the data as entered.

Input Field	Entered
TEAS Plus	YES
MARK INFORMATION	
*MARK	DEFENDERS OF THE AMERICAN DREAM
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	DEFENDERS OF THE AMERICAN DREAM
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	Defenders of the American Dream LLC
*MAILING ADDRESS	701 Palomar Airport Road, Suite 230
*CITY	Carlsbad
*STATE (Required for U.S. applicants)	California
*COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
*ZIP/POSTAL CODE (Required for U.S. and certain international addresses)	92011
PHONE	858-227-6633
FAX	(858) 408-4422
*EMAIL ADDRESS	XXXX
LEGAL ENTITY INFORMATION	
*TYPE	LIMITED LIABILITY COMPANY
* STATE/COUNTRY/REGION/JURISDICTION/U.S. TERRITORY WHERE LEGALLY ORGANIZED	Nevada
GOODS AND/OR SERVICES AND BASIS INFORMATION	
*INTERNATIONAL CLASS	045
	Licensing of intellectual property and patents and patent

*IDENTIFICATION	portfolios; Licensing of intellectual property, namely, patents and patent portfolios
*FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 11/25/2020
FIRST USE IN COMMERCE DATE	At least as early as 11/25/2020
SPECIMEN FILE NAME(S)	
ORIGINAL PDF FILE	SPE0-758027191-20210112154854361473 . TM2014US00 . Specimen.pdf
CONVERTED PDF FILE(S) (3 pages)	\\TICRS\EXPORT18\IMAGEOUT18\904\614\90461446.xml1\ FTK0003.JPG
	\\TICRS\EXPORT18\IMAGEOUT18\904\614\90461446.xml1\ FTK0004.JPG
	\\TICRS\EXPORT18\IMAGEOUT18\904\614\90461446.xml1\ FTK0005.JPG
SPECIMEN DESCRIPTION	Attached is a copy of a licensing demand letter used by Applicant in interstate commerce. The demand letter includes use of the applied-for-mark in association with the class of services specified. Sensitive information related to the addressee and licensing fees has been redacted.
WEBPAGE URL	None Provided
WEBPAGE DATE OF ACCESS	None Provided
ADDITIONAL STATEMENTS INFORMATION	
*TRANSLATION (if applicable)	
*TRANSLITERATION (if applicable)	
*CLAIMED PRIOR REGISTRATION (if applicable)	
*CONSENT (NAME/LIKENESS) (if applicable)	
*CONCURRENT USE CLAIM (if applicable)	
ATTORNEY INFORMATION	
NAME	Trevor Q. Coddington, Esq.
ATTORNEY DOCKET NUMBER	TM2014US00
ATTORNEY BAR MEMBERSHIP NUMBER	XXX
YEAR OF ADMISSION	XXXX
U.S. STATE/ COMMONWEALTH/ TERRITORY	XX
FIRM NAME	Insigne LLP
STREET	701 Palomar Airport Road, Suite 230
CITY	Carlsbad
STATE	California
COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
ZIP/POSTAL CODE	92011

PHONE	858-227-6633
FAX	(858) 408-4422
EMAIL ADDRESS	trademarks@insigne.law
CORRESPONDENCE INFORMATION	
NAME	Trevor Q. Coddington, Esq.
PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE	trademarks@insigne.law
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)	docket@insigne.law
FEE INFORMATION	
APPLICATION FILING OPTION	TEAS Plus
NUMBER OF CLASSES	1
APPLICATION FOR REGISTRATION PER CLASS	250
*TOTAL FEES DUE	250
*TOTAL FEES PAID	250
SIGNATURE INFORMATION	
* SIGNATURE	/Trevor Coddington/
* SIGNATORY'S NAME	Trevor Coddington
* SIGNATORY'S POSITION	Attorney of Record, CA bar member
SIGNATORY'S PHONE NUMBER	858-227-6633
* DATE SIGNED	01/12/2021
SIGNATURE METHOD	Signed directly within the form

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 90461446

Filing Date: 01/12/2021

To the Commissioner for Trademarks:

MARK: DEFENDERS OF THE AMERICAN DREAM (Standard Characters, see [mark](#))

The literal element of the mark consists of DEFENDERS OF THE AMERICAN DREAM. The mark consists of standard characters, without claim to any particular font style, size, or color.

The applicant, Defenders of the American Dream LLC, a limited liability company legally organized under the laws of Nevada, having an address of

701 Palomar Airport Road, Suite 230
Carlsbad, California 92011
United States
858-227-6633(phone)
(858) 408-4422(fax)
XXXX

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 045: Licensing of intellectual property and patents and patent portfolios; Licensing of intellectual property, namely, patents and patent portfolios

Use in Commerce: The applicant is using the mark in commerce on or in connection with the identified goods/services. The applicant attaches, or will later submit, one specimen as a JPG/PDF image file showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, regardless of whether the mark itself is in the standard character format or is a stylized or design mark. The specimen image file may be in color, and the image must be in color if color is being claimed as a feature of the mark.

In International Class 045, the mark was first used by the applicant or the applicant's related company or licensee predecessor in interest at least as early as 11/25/2020, and first used in commerce at least as early as 11/25/2020, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, consisting of a(n) Attached is a copy of a licensing demand letter used by Applicant in interstate commerce. The demand letter includes use of the applied-for-mark in association with the class of services specified. Sensitive information related to the addressee and licensing fees has been redacted..

Original PDF file:

[SPE0-758027191-2021011215 4854361473 . TM2014US00 . Specimen.pdf](#)

Converted PDF file(s) (3 pages)

[Specimen File1](#)

[Specimen File2](#)

[Specimen File3](#)

Webpage URL: None Provided

Webpage Date of Access: None Provided

The owner's/holder's proposed attorney information: Trevor Q. Coddington, Esq.. Trevor Q. Coddington, Esq. of Insigne LLP, is a member of the XX bar, admitted to the bar in XXXX, bar membership no. XXX, is located at

701 Palomar Airport Road, Suite 230
Carlsbad, California 92011

United States
858-227-6633(phone)
(858) 408-4422(fax)
trademarks@insigne.law

The docket/reference number is TM2014US00.

Trevor Q. Coddington, Esq. submitted the following statement: The attorney of record is an active member in good standing of the bar of the highest court of a U.S. state, the District of Columbia, or any U.S. Commonwealth or territory.

The applicant's current Correspondence Information:

Trevor Q. Coddington, Esq.

PRIMARY EMAIL FOR CORRESPONDENCE: trademarks@insigne.law

SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): docket@insigne.law

Requirement for Email and Electronic Filing: I understand that a valid email address must be maintained by the applicant owner/holder and the applicant owner's/holder's attorney, if appointed, and that all official trademark correspondence must be submitted via the Trademark Electronic Application System (TEAS).

A fee payment in the amount of \$250 has been submitted with the application, representing payment for 1 class(es).

Declaration

Basis:

If the applicant is filing the application based on use in commerce under 15 U.S.C. § 1051(a):

- The signatory believes that the applicant is the owner of the trademark/service mark sought to be registered;
- The mark is in use in commerce and was in use in commerce as of the filing date of the application on or in connection with the goods/services in the application;
- The specimen(s) shows the mark as used on or in connection with the goods/services in the application and was used on or in connection with the goods/services in the application as of the application filing date; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

And/Or

If the applicant is filing the application based on an intent to use the mark in commerce under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e):

- The signatory believes that the applicant is entitled to use the mark in commerce;
 - The applicant has a bona fide intention to use the mark in commerce and had a bona fide intention to use the mark in commerce as of the application filing date on or in connection with the goods/services in the application; and
 - To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.
- To the best of the signatory's knowledge and belief, no other persons, except, if applicable, 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 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 all statements made on information and belief are believed to be true.

Declaration Signature

Signature: /Trevor Coddington/ Date: 01/12/2021

Signatory's Name: Trevor Coddington

Signatory's Position: Attorney of Record, CA bar member

Signatory's Phone Number: 858-227-6633

Signature method: Signed directly within the form

Payment Sale Number: 90461446

Payment Accounting Date: 01/12/2021

Serial Number: 90461446

Internet Transmission Date: Tue Jan 12 16:06:33 ET 2021

TEAS Stamp: USPTO/FTK-XX.XX.XX.XXX-20210112160633063
681-90461446-7601b942d081a207b84b2ff69b2
64ba40cd9a3b218b78f8eec4c7a0228be33f-CC-
06314482-20210112160459381463

DEFENDERS OF THE AMERICAN DREAM



WASHINGTON DC | SAN DIEGO

Pacific Center One
701 Palomar Airport Road, Suite 230
Carlsbad, CA 92011

Trevor Q. Coddington, Ph.D.
DAD@insigne.law
(858) 227-6635

SUBJECT TO FRE 408

VIA EMAIL [REDACTED]

November 25, 2020



RE: License Needed for Unauthorized Use of reCAPTCHA v2

Dear [REDACTED]

We represent Defenders of the American Dream LLC (DAD) in its intellectual property matters. DAD owns United States Patent No. 8,621,578, entitled "Methods and Systems for Protecting Website Forms from Automated Access" (the '578 patent), a copy of which is attached. Several claims of the '578 patent read on Google's reCAPTCHA v2, which we understand is integrated into your company's website(s) to discern human users from bots. An exemplary infringement chart is enclosed herewith.

The '578 patent was initially invented and owned by Confident Technologies, Inc. (CTI), a small startup located in San Diego, CA. CTI commercialized several software solutions, including its Confident CAPTCHA, a clickable, image-based CAPTCHA that stopped spam and malicious bots while remaining very easy for people to solve. Enterprises such as Nike utilized the Confident CAPTCHA solution to prevent post-launch creation of secondary markets with inflated prices for limited edition products. However, once Google introduced its image-based reCAPTCHA, for free no less, CTI was unable to maintain a financially viable business. To add insult to injury, Google chose to ignore CTI's communications regarding its CAPTCHA solution and the '578 patent's exclusive rights. Google's efficient infringement subsequently forced CTI to abandon operations and any return on the millions of



Innovation at Law

dollars of capital investment used to develop its patented solutions.¹

Meanwhile, your company obtained and utilized the patented technology for free.

DAD was created to help innovators such as CTI achieve the promise of a reward for their inventive labor and to support the United States patent system's proper functioning. If inventors believe that the patent system is stacked against them and will suffer efficient infringement, less patentable innovation will be created. Without legal security in stable and effective patent rights, venture capitalists will not invest in inventors or startups, and the innovation economy will suffer as a whole.

For your company, this means the time has come to pay for its use of patented technology. Fortunately, DAD offers a one-time, standard license fee for the '578 patent (depending on the timing of your company's acceptance) as follows:

Fee²	<u>Timing of Acceptance</u>
	DAD's standard licensing terms are accepted immediately. After DAD disproves a non-infringement or invalidity position.
	After DAD provides a draft patent infringement complaint. Your company tells DAD to "pound sand" or the like, or forced to commence or defend adjudication of the '578 patent in a United States District Court or the United States Patent and Trademark Office. ³

These license fee steps account for the amount of attorney time involved, among other factors. Nonetheless, you have the opportunity to resolve your infringement for a nominal amount. DAD's licensing terms include a full release and a covenant not to sue for past, present, and future infringement, among other typical terms.

DAD prefers to settle this matter without unnecessary legal posturing. Nevertheless, DAD is prepared to address the merits of its patent infringement claim against your company and any other issues you may have with the use of reCAPTCHA v2.

CTI litigated the '578 patent against Ticketmaster/Live Nation, AXS Group, and Fandango. Notably, in the AXS Group lawsuit, the Court found "that the invention claimed in the '578 patent is not directed to an abstract idea." Order Denying Defendants' Motion to Dismiss (ECF No. 23), *Confident Tech. Inc. v. AXS Group LLP*, Case No. 17-cv-02181 (S.D.Cal., M. Huff).

¹ Efficient infringement occurs when a company deliberately chooses to infringe a patent given that it is cheaper than to license the patent.

² Government entities are eligible for a discount.

³ Please note that the United States Patent and Trademark Office is also utilizing reCAPTCHA.

Per Google's Terms of Use, your company agreed to defend and indemnify Google for patent infringement. See, e.g., Google APIs Terms of Service (Last modified: January 16, 2019) (available at <https://developers.google.com/terms/>) at Section 2.b ("You will not use the APIs to encourage or promote illegal activity or violation of third party rights.") and Section 9.c ("Unless prohibited by applicable law, if you are a business, you will defend and indemnify Google, and its affiliates, directors, officers, employees, and users, against all liabilities, damages, losses, costs, fees (including legal fees), and expenses relating to any allegation or third-party legal proceeding to the extent arising from: ... your violation or your end user's violation of the Terms ...").

This letter is not intended to and does not waive any of DAD's rights. Further, this letter does not purport to be a full or complete statement of the facts or the law. It is without prejudice to any rights, claims, and remedies available to DAD, whether legal or equitable, all of which are expressly reserved.

If you have any questions, please email those to DAD@insigne.law. We look forward to a response by **December 9, 2020**, and sending you DAD's standard licensing agreement for your review.

Your support of patented innovation is much appreciated.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Trevor Coddington". The signature is fluid and cursive, with a large initial "T" and "C".

Trevor Coddington, Ph.D.