

September 23, 2024

#### VIA EMAIL & COURIER

Heather Brunner Chief Executive Officer WPEngine, Inc. (d/b/a/ WP Engine) 504 Lavaca Street, Suite 1000 Austin, TX 78701 heather.brunner@wpengine.com

#### With copy to:

Chad Costello General Counsel chad.costello@wpengine.com

Jason Teichman Chief Operating Officer jason.teichman@wpengine.com

Sam Monti Chief Financial Officer sam.monti@wpengine.com Perkins Coie LLP 700 13th Street, N.W. Suite 800 Washington, D.C. 20005-3960 T: +1.202.654.6200 F: +1.202.654.6211 perkinscoie.com

JAMES R. DAVIS II JamesRDavis@perkinscoie.com D: +1.202.661.5828

Ramadass Prabhakar Chief Technology Officer ramadass.prabhakar@wpengine.com

Ezinne Udezue Chief Product Officer ezinne.udezue@wpengine.com

Annette Alexander Chief People Officer annette.alexander@wpengine.com

#### Re: Unauthorized Use of WordPress Foundation and WooCommerce, Inc. Intellectual Property Our Ref. No.: 110338.7100

Dear Ms. Brunner:

We represent Automattic Inc. and WooCommerce, Inc. (collectively, our "Client") in connection with intellectual property matters.

As you know, our Client owns all intellectual property rights globally in and to the world-famous WOOCOMMERCE and WOO trademarks; and the exclusive commercial rights from the WordPress Foundation to use, enforce, and sublicense the world-famous WORDPRESS trademark, among others, and all other associated intellectual property rights.

September 23, 2024 Page 2

We are writing about WP Engine's web hosting and related services that improperly use our Client's WORDPRESS and WOOCOMMERCE trademarks in their marketing.

We understand that our Client has contacted you about securing a proper license to use its trademarks, yet no such agreement has been reached. As such, your blatant and widespread unlicensed use of our Client's trademarks has infringed our Client's rights and confused consumers into believing, falsely, that WP Engine is authorized, endorsed, or sponsored by, or otherwise affiliated or associated with, our Client. WP Engine's unauthorized use of our Client's trademarks also dilutes their rights, tarnishes their reputation, and otherwise harms the goodwill they have established in their famous and well-known trademarks, and has enabled WP Engine to unfairly compete with our Client, leading to WP Engine's unjust enrichment.

### Accordingly, our Client insists that you immediately stop all unauthorized use of their trademarks. Please find additional details below.

#### **Our Client's Rights**

As noted above, our Client owns all intellectual property rights in and to the world-famous WOOCOMMERCE and WOO trademarks and the exclusive commercial rights to the world famous WORDPRESS trademark, among others, and all other associated intellectual property rights, in connection with software for Internet publishing and managing website content, website development, and other related goods and services. These rights include the following U.S. incontestable federal trademark registrations:

- WORDPRESS, U.S. Reg. No. 3201424
- WORDPRESS, U.S. Reg. No. 4764217
- WORDPRESS, U.S. Reg. No. 4865558
- WOOCOMMERCE, U.S. Reg. No. 5561427
- WOO COMMERCE
  - , U.S. Reg. No. 5561428
- WOO, U.S. Reg. No. 5561425
- WOO, U.S. Reg. No. 5561426

Copies of the registration certificates for these registrations are attached as Exhibit A.

September 23, 2024 Page 3

#### Violations of Our Client's Intellectual Property Rights

WP Engine promotes its services as bringing "WordPress to the masses". See <u>https://wpengine.com/about-us/</u>. In reality WP Engine brings almost zero aspect of WordPress to the world: It claims to contribute 40 hours per week to WordPress (see <u>https://wordpress.org/five-for-the-future/pledge/wp-engine/</u>), while, by contrast, Automattic is contributing almost 4000 hours per week to WordPress. See https://wordpress.org/five-for-the-future/pledge/wp-engine/).

Instead, WP Engine's entire business model is predicated on using our Client's trademarks – particularly WORDPRESS, WOOCOMMERCE, and WOO – to mislead consumers into believing there is an association between WP Engine and Automattic. Even a cursory review of WP Engine's website shows numerous examples of such misappropriation. See **Exhibit B** attached hereto.

On information and belief, WP Engine has developed a business generating annual revenues of over \$400 million, which has been based entirely on extensive and unauthorized uses of our Client's trademarks.

Unsurprisingly, WP Engine's infringing commercial uses of our Client's trademarks have created consumer confusion as to whether WP Engine is affiliated with our Client; including many references to WP Engine being "WordPress Engine". A few of the hundreds of examples of actual confusion are attached as **Exhibit C**. Moreover, an objective empirical survey by a leading professional survey expert indicates that a significant degree of marketplace confusion is caused by your infringing use of the WORDPRESS and WOOCOMMERCE trademarks.

Your unauthorized use of our Client's trademarks infringes their rights and dilutes their famous and well-known marks. Negative reviews and comments regarding WP Engine and its offerings are imputed to our Client, thereby tarnishing our Client's brands, harming their reputation, and damaging the goodwill our Client has established in its marks. Your unauthorized use of our Client's intellectual property has enabled WP Engine to unfairly compete with our Client, and has led to unjust enrichment and undue profits.

#### Violations of Our WordPress Foundation Trademark Policy

It is further inappropriate that you violated the terms of your WordCamp US Sponsorship Agreement, which specified clearly that "any use of the WordPress trademarks is subject to the WordPress Trademark Policy listed at <u>http://wordpressfoundation.org/trademark-policy</u>." You repeatedly and intentionally violated the WordPress Foundation Trademark Policy's prohibition on the "use [of] the[] [WordPress marks] as part of a product, project, service, domain name, or company name," as demonstrated in Exhibit B attached hereto. September 23, 2024 Page 4

#### **Action Requested**

Our Client cannot permit this unauthorized use of its intellectual property. Our Client is entitled to file civil litigation to obtain an injunction and an award of actual damages, a disgorgement of your profits, and our Client's costs and fees. Our Client also is entitled to seek an award of attorneys' fees due to the bad faith and extraordinary nature of WP Engine's knowing and willful infringements.

Notwithstanding the above, our Client is willing to amicably resolve this matter, including through a licensing relationship for use of its trademarks. However, until there is such a license in place, we demand that you (and any parties operating in concert with you or at your direction) **immediately**:

- Stop all unauthorized use of our Client's trademarks, including but not limited to the WORDPRESS, WOOCOMMERCE, and WOO trademarks;
- Remove any offerings making unauthorized use of our Client's trademarks from any websites under your control, any associated social media accounts, and any other online or offline locations;
- Remove and destroy any advertisements that make unauthorized use of our Client's trademarks, including any online or offline advertisements and other marketing materials;
- Provide an accounting of all profits from the service offerings that have made unauthorized use of our Client's intellectual property;
- Pay our Client compensation in the amount to make them whole for your unauthorized use of their intellectual property and unfair competition, the specific amount of which may be ascertained once we have an accounting from you as requested above (even a mere 8% royalty on WP Engine's \$400+ million in annual revenue equates to more than \$32 million in annual lost licensing revenue for our Client); and
- Refrain from any further offerings making unauthorized use of our Client's intellectual property.

#### <u>Legal Hold</u>

Given the nature of this matter and the failed attempts to reach an amicable resolution, please immediately put into place a legal hold for WP Engine to preserve (i.e., not delete, destroy or modify) all physical and electronically stored data, documents, software, information and things that relate in any way to the issues raised in this letter and the prior negotiations between WP Engine and our Client regarding those issues, including any discussions related to use of the

WORDPRESS, WOOCOMMERCE, and WOO trademarks. Data, documents, software, information and things to be preserved include but are not limited to the following, whether retained on WP Engine's or its employees' servers, work computers, home computers, tablets, phones, or any other devices:

- Emails and their attachments;
- Physical and electronic versions of documents, in any form, whether a draft, final or copy;
- Physical and electronic calendar entries, meeting notes, appointments, memorandums, letters, and meeting requests;
- Voice mails and other audio or visual recordings or files;
- Software, including application source files, software repositories, build files, and JIRA tickets;
- Websites and screenshots, including visible content and metadata; and
- Advertising materials, including social media posts, communications with advertisers, and advertisements placed via search engine sponsored ads.

Please preserve all such data, documents, software, information and things in exactly their present form until we or our Client have confirmed in writing that the duty to preserve is no longer necessary.

Please confirm your understanding of and compliance with our Client's requests by <u>October 3,</u> <u>2024</u>.

Our Client reserves all rights and remedies.

Sincerely,

/Jim Davis/

James R. Davis II

cc: Thomas L. Holt; Griffin Barnett

### **EXHIBIT** A

Int. Cls.: 9 and 42

Prior U.S. Cls.: 21, 23, 26, 36, 38, 100 and 101

United States Patent and Trademark Office Reg. No. 3,201,424 Registered Jan. 23, 2007

#### TRADEMARK SERVICE MARK PRINCIPAL REGISTER

### WordPress

AUTOMATTIC INC. (DELAWARE CORPORA-TION) 2757 GREEN STREET

SAN FRANCISCO, CA 94123

FOR: DOWNLOADABLE SOFTWARE PROGRAM FOR USE IN DESIGN AND MANAGING CONTENT ON A WEBSITE, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 3-28-2003; IN COMMERCE 3-28-2003.

FOR: SOFTWARE SOLUTIONS, NAMELY PRO-VIDING USE OF ON-LINE NON-DOWNLOADABLE SOFTWARE FOR USE IN ENABLING INTERNET PUBLISHING, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 3-28-2003; IN COMMERCE 3-28-2003.

THE MARK CONSISTS OF STANDARD CHAR-ACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 78-826,734, FILED 3-1-2006.

TRAVIS WHEATLEY, EXAMINING ATTORNEY



## WORDPRESS

Reg. No. 4,764,217WORDPRESS FOUNDATION (CALIFORNIA CORPORATION) 660 4TH STREET #119Registered June 30, 2015SAN FRANCISCO, CA 94107	
Int. Cl.: 25	FOR: CLOTHING, NAMELY, T-SHIRTS, HATS, SWEATSHIRTS, JACKETS, PULLOVERS, TANK TOPS AND SHORTS, IN CLASS 25 (U.S. CLS. 22 AND 39).
TRADEMARK	FIRST USE 7-0-2006; IN COMMERCE 7-0-2006.
PRINCIPAL REGISTER	THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR- TICULAR FONT, STYLE, SIZE, OR COLOR.
	SER. NO. 86-448,426, FILED 11-7-2014.
	JULIE GUTTADAURO, EXAMINING ATTORNEY



Michelle K. Len

Director of the United States Patent and Trademark Office

#### REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION

#### WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.

#### Requirements in the First Ten Years\* What and When to File:

*First Filing Deadline:* You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

*Second Filing Deadline:* You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.\* *See* 15 U.S.C. §1059.

#### Requirements in Successive Ten-Year Periods\* What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

#### **Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

\*ATTENTION MADRID PROTOCOL REGISTRANTS: The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see http://www.wipo.int/madrid/en/.

**NOTE:** Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at http://www.uspto.gov.

NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at http://www.uspto.gov.



## WORDPRESS

Reg. No. 4,865,558 Registered Dec. 8, 2015	WORDPRESS FOUNDATION (CALIFORNIA CORPORATION) 660 4TH STREET #119 SAN FRANCISCO, CA 94107		
Int. Cl.: 41 SERVICE MARK	FOR: ELECTRONIC PUBLISHING SERVICES, NAMELY, PUBLICATION OF VIDEO, TEXT AND GRAPHIC WORKS OF OTHERS VIA THE INTERNET, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).		
PRINCIPAL REGISTER	FIRST USE 3-28-2003; IN COMMERCE 3-28-2003. THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-		
	TICULAR FONT, STYLE, SIZE, OR COLOR. SER. NO. 86-448,439, FILED 11-7-2014.		
	JULIE GUTTADAURO, EXAMINING ATTORNEY		



Michelle K. Len

Director of the United States Patent and Trademark Office

#### REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION

#### WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.

#### Requirements in the First Ten Years\* What and When to File:

*First Filing Deadline:* You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

*Second Filing Deadline:* You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.\* *See* 15 U.S.C. §1059.

#### Requirements in Successive Ten-Year Periods\* What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

#### **Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

\*ATTENTION MADRID PROTOCOL REGISTRANTS: The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see http://www.wipo.int/madrid/en/.

**NOTE:** Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at http://www.uspto.gov.

NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at http://www.uspto.gov.



### WOOCOMMERCE

Reg. No. 5,561,427	Bubblestorm Management (Pty) Limited (SOUTH AFRICA proprietary limited company (p/l or pty. ltd.))				
Registered Sep. 11, 2018	60 29th Street #343 San Francisco, CALIFORNIA 94110				
Int. Cl.: 9, 42	CLASS 9: Website development software				
Service Mark	FIRST USE 9-27-2011; IN COMMERCE 9-27-2011				
Trademark	CLASS 42: Design of home pages, computer software and websites				
Principal Register	FIRST USE 9-27-2011; IN COMMERCE 9-27-2011				
	THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR				
	SER NO. 07 507 750 EN ED 10 22 2015				

SER. NO. 86-796,658, FILED 10-22-2015



ndrei /ar

Director of the United States Patent and Trademark Office

#### REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.

#### **Requirements in the First Ten Years\*** What and When to File:

- *First Filing Deadline:* You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.
- *Second Filing Deadline:* You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.\* See 15 U.S.C. §1059.

#### **Requirements in Successive Ten-Year Periods\*** What and When to File:

• You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

#### **Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

\*ATTENTION MADRID PROTOCOL REGISTRANTS: The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see http://www.wipo.int/madrid/en/.

**NOTE:** Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at h ttp://www.uspto.gov.

NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at http://www.uspto.gov.





Reg. No. 5,561,428	Bubblestorm Management (Pty) Limited (SOUTH AFRICA proprietary limited company (p/l or pty. ltd.))			
Registered Sep. 11, 2018				
Int. Cl.: 9, 42	CLASS 9: Website development software			
Service Mark	FIRST USE 9-27-2011; IN COMMERCE 9-27-2011			
Trademark	CLASS 42: Design of home pages, computer software and websites			
Principal Register	FIRST USE 9-27-2011; IN COMMERCE 9-27-2011			
	The mark consists of the word "WOO" contained within a word/thought bubble shape immediately followed by the word "COMMERCE".			
	No claim is made to the exclusive right to use the following apart from the mark as shown:			

No claim is made to the exclusive right to use the following apart from the mark as shown: "COMMERCE"

SER. NO. 86-796,666, FILED 10-22-2015



rdiei /ar

Director of the United States Patent and Trademark Office

#### REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.

#### **Requirements in the First Ten Years\*** What and When to File:

- *First Filing Deadline:* You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.
- *Second Filing Deadline:* You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.\* See 15 U.S.C. §1059.

#### **Requirements in Successive Ten-Year Periods\*** What and When to File:

• You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

#### **Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

\*ATTENTION MADRID PROTOCOL REGISTRANTS: The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see http://www.wipo.int/madrid/en/.

**NOTE:** Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at h ttp://www.uspto.gov.

NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at http://www.uspto.gov.





Reg. No. 5,561,425	Bubblestorm Management (Pty) Limited (SOUTH AFRICA proprietary limited company (p/l or pty. ltd.))				
Registered Sep. 11, 2018					
Int. Cl.: 9, 42	CLASS 9: Website development software				
Service Mark	FIRST USE 7-9-2008; IN COMMERCE 7-9-2008				
Trademark	CLASS 42: Design of home pages, computer software and websites				
Principal Register	FIRST USE 7-9-2008; IN COMMERCE 7-9-2008				
	THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR				
	SED NO. 97 707 771 EN ED 10 22 2017				

SER. NO. 86-796,651, FILED 10-22-2015



ndrei and

Director of the United States Patent and Trademark Office

#### REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.

#### **Requirements in the First Ten Years\*** What and When to File:

- *First Filing Deadline:* You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.
- *Second Filing Deadline:* You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.\* See 15 U.S.C. §1059.

#### **Requirements in Successive Ten-Year Periods\*** What and When to File:

• You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

#### **Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

\*ATTENTION MADRID PROTOCOL REGISTRANTS: The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see http://www.wipo.int/madrid/en/.

**NOTE:** Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at h ttp://www.uspto.gov.

NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at http://www.uspto.gov.





Reg. No. 5,561,426	Bubblestorm Management (Pty) Limited (SOUTH AFRICA proprietary limited company (p/l or pty. ltd.))		
Registered Sep. 11, 2018	60 29th Street #343 San Francisco, CALIFORNIA 94110		
Int. Cl.: 9, 42	CLASS 9: Website development software		
Service Mark	FIRST USE 7-9-2008; IN COMMERCE 7-9-2008		
Trademark	CLASS 42: Design of home pages, computer software and websites		
Principal Register	FIRST USE 7-9-2008; IN COMMERCE 7-9-2008		
	The mark consists of the word "WOO" contained within a word/thought bubble shape.		

SER. NO. 86-796,654, FILED 10-22-2015



Andrei Jar

Director of the United States Patent and Trademark Office

#### REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.

#### **Requirements in the First Ten Years\*** What and When to File:

- *First Filing Deadline:* You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.
- *Second Filing Deadline:* You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.\* See 15 U.S.C. §1059.

#### **Requirements in Successive Ten-Year Periods\*** What and When to File:

• You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

#### **Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

\*ATTENTION MADRID PROTOCOL REGISTRANTS: The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see http://www.wipo.int/madrid/en/.

**NOTE:** Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at h ttp://www.uspto.gov.

NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at http://www.uspto.gov.

## EXHIBIT B



#### HEADLESS WORDPRESS

## Headless WordPress: the allin-one headless platform for radically fast sites

Try Now for Free	Request Pricing	

- Single, end-to-end optimized headless platform
- Incredible performance up to 10x classic WordPress
- Flexible Node.js frontend, including Next & React
- Diverse plans for any size project
- Free, feature-complete sandbox environments
- Rich resources, communities, and learning tools

60 day money-back guarantee

Q 24/7 WordPress expert support





WORDPRESS HOSTING FOR SMALL BUSINESS

# Power your business with the WordPress experts

Case Studies

FAST WORDPRESS HOSTING

# Increase website speed with the fastest WordPress hosting

Create a better experience by improving your website speed up to 40% after migrating to WP Engine. Faster page speeds will increase your Google rankings and will drive more traffic to your site.



**Plans & Pricing** 

Test Your Speed

## WORDPRESS SPEED What makes WP Engine the fastest?

We used 3<sup>rd</sup> party data to determine who has the fastest platform and found that WP Engine has the highest percentage of <u>top WordPress hosts' sites</u> that load under 200ms. Our proprietary EverCache® caching technology is built with WordPress-specific rules designed to move hundreds of millions of hits per day—your site will run faster with less strain on resources. We offer free CDN and global data centers to provide a fast experience to globally.

#### MANAGED WORDPRESS HOSTING

# Finally, a fully managed WordPress hosting service

Take the complexity out of website maintenance with a managed WordPress hosting platform that gives you industryleading speed, security, and support.

Plans & Pricing Get in Touch



## What makes WP Engine the best managed WordPress host?

Think of a managed WordPress host as a dedicated technical assistant that powers your website. This includes threat detection and blocking, daily backups, regular WordPress updates, caching to boost page speeds, and more. WP Engine additionally equips you with premium tools to design, build, and launch your website with ease and 24/7 live support should you need it.









4 months free saves \$300!



Billed at \$900 \$600\* First year pricing for new customers only.

60 day money-back guarantee

Excellent 🛨 🛨 🛨 🛨 1,386 reviews on 📩 Trustpilot

nce online with	WP Engine. Get	4 months f	iree!	Plans & Pricing
ng	Resources ∨	Log In	⊕	Contact Us

### The path to WooCommerce success



#### WORDPRESS SUPPORT

# WordPress technical experts at your service

Our award winning team of WordPress experts receive continuous training on the latest WordPress trends, WP Engine technology, and industry best practices. They're available to you 24/7.

Plans & Pricing

Migrate Your Website



### The most trusted WordPress platform













## 24/7/365 GLOBAL SUPPORT WordPress support, when you need it most

When you need help, customer support is everything. WP Engine's trusted WordPress experts act as an extension of your business and are committed to your success. From pre-launch to go live and beyond, we're here for you.

### **EXHIBIT C**



Weegine Communication ACF Elementation	Experience confidence online with Wi	P Engine. Get 4 months free! Plans & Pricing
₩P CNGINC Products ~ Solutions ~ Why WP Engine? ~ WordPress H	osting 🗸 Pricing F	tesources 🗸 Log in 💮 Contact Us
PREFERRED PARTNER	Contact	this Agency Partner
A	First name*	Last name*
axelerant		
	Email*	Phone number*
Axelerant Technologies, Inc.	-	
kelerant is your go-to WordPress Engine Partner Our digital experience agency helps	Company name*	
angemakers like other agencies, enterprises, and organizations make change.		
e're a Great Place To Work® certified firm with uniquely empowered workforce of 0+ global team members.	Tell us about your project	() ()
tegrated services: Drupal, Acquia, DevOps, Frontend, Quality Engineering, and onsulting.		
hy Choose Axelerant As Your WP Engine Partner?		4
dicated center of excellence for best implementation standards and holistic success		
perience-centric service suite to optimize your business potential		Submit
e-case oriented value offering to achieve organization-specific goals	*Indicates required fields. E	By clicking submit, I acknowledge receipt of the WP Engine Privacy Policy.
pen collaboration via leading project management approaches/tools		
actical solutions for resolving business pains/creating gains		

#### Featured portfolio items

Design & Development, Website Maintenance

Ø Boston, Massachusetts, United States

\$ Greater than \$100,000

Ø Application Development, eCommerce, Migration Support, Headless, Web



#### A Website to Mobilize Community Awareness around Health and Wellness.

Integrative Wellness required a flexible and easy-touse hosting platform, which also offered interactive features and support.

The ideal choice was WordPress. Through WordPress contributed plugins, the customer could manage:

Blogs

Podcasts

Forums

Contact Forms

Additionally, we built a custom WordPress plugin to enable Guest Blogging on the site.



https://x.com/onemoreprince/status/1837710648744006061

#### Timestamp



₽, ≈

https://x.com/onemoreprince/status/1837710648744006061

#### Timestamp



https://x.com/onemoreprince/status/1837710648744006061

#### Timestamp

Source	ed from across		ringe Sep 00		
9.	This blog is	<b>mar</b> @onemorep s a gem.	nnce · Sep 22		
	🌍 Ánge	<b>el</b> @angelfplaza	· Sep 22		
	his own p @automa From a m	personal field to attic. nember of WordP com/wordpress-	get more custome Press.org	att using WordPres rs into their busine	
	Q 1	tl	♡ 3	ılıı 269	

https://x.com/onemoreprince/status/1837710648744006061

#### Timestamp



#### **Don't miss what's happening** People on X are the first to know.



Google Chrome

August 27, 2024 at 4:51:29 PM

127.0.6533.120 (6533.120)

macOS 14.6.1



#### 10web.io/wordpress-glossary/what-is-wordpress-engine/



It powers more than 1.5 million websites in over 150 countries. You'll find its features ideal for scaling and maintaining your sites without hassle. This makes it an appealing choice for anyone serious about their website's performance.