

ESTTA Tracking number: **ESTTA1210349**

Filing date: **05/19/2022**

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

Proceeding No.	91276071
Filing Party	Defendant Lineate LLC
Other Party	Plaintiff INTEROPERABILITY BIDCO, INC.
Pending Motion	There is no motion currently pending and no other motion is being filed concurrent with this consent motion.
Attachments	Lineate v Interoperability Complaint.pdf(1165663 bytes )

### Consent Motion for Suspension in View of Civil Proceeding

The parties are engaged in a civil action which may have a bearing on this proceeding. Accordingly, Lineate LLC hereby requests suspension of this proceeding pending a final determination of the civil action. Trademark Rule 2.117.

Lineate LLC has secured the express consent of all other parties to this proceeding for the suspension requested herein.

### Certificate of Service

The undersigned hereby certifies that a copy of this submission has been served upon all parties, at their address of record by Email on this date.

Respectfully submitted,

/Thomas J. Gohn/

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05/19/2022

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

LINEATE LLC,

Plaintiff,

v.

INTEROPERABILITY BIDCO, INC. d/b/a  
LYNIATE,

Defendant.

Case No. 1:21-cv-11332

Jury Trial Demanded

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**PLAINTIFF'S COMPLAINT**

Plaintiff Lineate LLC (“Lineate”), by counsel, hereby alleges as follows against Defendant Interoperability Bidco, Inc. d/b/a Lyniate (“Defendant Lyniate”):

**Introduction**

1. Lineate is a world-class software solutions provider that prides itself on helping customers and potential customers address a wide variety of business needs, including, among other things, “big data” challenges they face in day-to-day operations.

2. Originally founded in 2005 as Thumbtack Technology, Lineate adopted the unique, distinctive LINEATE mark in or around 2017 as its corporate name and flagship brand.

3. Ever since, Lineate has heavily promoted the LINEATE brand nationwide in tandem with the high-quality software design, development, and implementation services it offers customers.

4. Due to Lineate’s dedication of extensive time and resources in providing top-tier software solutions, the LINEATE brand has quickly gained attention across the country.

5. Lineate’s customer base includes companies from many different industries.

6. In fact, Lineate shines amongst its competitors at least in part due to its versatility: Lineate is able to tackle whatever software need a customer has with ease and efficiency.

7. The LINEATE brand has therefore quickly become synonymous with excellence and it embodies significant goodwill as one of the most cutting-edge software solutions brands in the United States.

8. Defendant Interoperability Bidco, Inc., on the other hand, is a new software company incorporated in 2018 after a merger between two pre-existing companies.

9. Although it adopted the name Interoperability Bidco, Inc. as its name for purposes of incorporation, Defendant later began offering, selling, marketing, and promoting its business under the d/b/a Lyniate, and it adopted and began using a LYNIATE mark in connection with its software-related goods and services, including a mark that copied the several stylistic features contained in Lineate's senior LINEATE marks as shown below:



**(Lineate's design mark)**



**(Defendant's Infringing LYNIATE mark)**

10. Upon discovering Defendant Lyniate's adoption of a virtually identical mark, Lineate sent Defendant Lyniate a cease and desist letter, requesting that Defendant Lyniate abandon the LYNIATE brand in light of the fact that use of that brand in the United States with goods and services identical and/or closely related to Lyniate's goods and services would create a substantial likelihood of confusion with Lineate's senior LINEATE marks.

11. Defendant Lyniate, however, refused that request.

12. Lineate renewed its requests, providing additional explanations for its concerns, but Defendant Lyniate again responded in a cursory fashion, confirming its intent to continue infringing upon Lineate's senior rights in the LINEATE mark.

13. Lineate therefore had no choice but to file this lawsuit in order to stop Defendant Lyniate's willful trademark infringement, unfair competition, and false designation of origin in violation of the Lanham Act, 15 U.S.C. §§ 1051, *et seq.*, and Massachusetts common law; as well as Defendant Lyniate's unfair and deceptive trade practices in violation of Mass. Gen. Laws Chapter 93A.

### **The Parties**

14. Plaintiff Lineate LLC is a corporation organized under the laws of the State of Delaware. Lineate's headquarters is located at 26 Broadway, Fl. 24, New York, NY 10004.

15. Upon information and belief, Interoperability Bidco, Inc. d/b/a Lyniate is a corporation organized under the laws of Delaware. Interoperability Bidco, Inc. d/b/a Lyniate maintains a place of business at 100 High Street, Suite 1560, Boston, MA 02110.

### **Jurisdiction and Venue**

16. This Court has original jurisdiction over this Complaint for trademark infringement, unfair competition, and false designation of origin, pursuant to 15 U.S.C. § 1121(a), as well as 28 U.S.C. § 1331 (Federal Question Jurisdiction); 28 U.S.C. § 1337(a) (Commerce Regulations); and 28 U.S.C. § 1338(b) (Trademark and Unfair Competition).

17. This Court has jurisdiction over all pendant state law claims pursuant to 28 U.S.C. § 1367(a) (Supplemental Jurisdiction) because all such claims are based upon the same or substantially the same conduct by Defendant.

18. Defendant is subject to personal jurisdiction of this Court as Defendant has sufficient minimum contacts with the state of Massachusetts through its operations in the state.

For example, as outlined above and more fully below, Defendant maintains a place of business within Massachusetts and this judicial forum, and it is engaged in the promotion and sale of its infringing services in and around Boston, Massachusetts. *See Our Offices*, <https://www.lyniate.com/about-us/contact-us/our-offices/> (last visited August 4, 2021).

19. For the same reasons, the District of Massachusetts is the proper venue for this action pursuant to 28 U.S.C. § 1391(b).

### **Lineate and the Lineate Brand and Family of Marks**

20. Lineate and its LINEATE brand are well-known across the United States for providing a broad spectrum of high-quality software related goods and services that meet the needs of customers across industries.

21. Lineate has used its LINEATE brand to serve the needs of companies that provide a wide array of products and services.

22. In other words, Lineate is—and has been for many years—a national, full-service software company that works with clients across industries to design, develop, and implement software applications under its LINEATE brand.

23. For example, Lineate’s nationwide customer-base includes companies such as (a) PlaceIQ—a leading data and technology company that helps businesses harness location-based data—for whom Lineate worked to, among other things, build end-user facing tools, such as advanced taxonomy mapping that allows PlaceIQ’s customers to create relationships between their own data and the information gleaned from the PlaceIQ platform; (b) Telenav—a market leader in cloud-based navigation and location-based services for automobiles—for whom Lineate worked to develop real-time dashboards, navigation solutions, and data exchange for connected cars; and (c) LinearFT—a financial services company that simplifies the borrowing and account opening

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