

SENT VIA EMAIL ONLY [REDACTED]

August 7, 2020

Daniel Nazer
Mozilla Corporation
331 East Evelyn Avenue
Mountain View, CA 94041

Re: LEANDATA

Dear Mr. Nazer,

Thank you for your August 6, 2020 letter in response to our July 24, 2020 letter. If you choose to post your response publicly, we ask that you include this letter as well to provide full context for any reader and corrections for some of the assertions in your letter.

We disagree with your position that “lean data” is a descriptive term as used by our client LeanData, Inc. for use in connection with revenue operations software. Indeed, after eight years, LeanData has been recognized as a market leader in this field, has generated tens of millions of dollars in revenue in connection with the LEANDATA mark, has received numerous awards and extensive media recognition, is consistently recognized as the source of its software next to the likes of Oracle and Marketo, among others, and is well-known for hosting the successful annual OpsStars Conference. We are confident that LeanData’s pending application will proceed to registration.

With respect to the various applications and registration you cite and describe in your letter, we provide some additional context below.

U.S. Registration No. 4447403 for LD LEANDATA & Design: As you note, LeanData elected not to maintain this registration only because it no longer supports the check box logo design that appeared in that registration, not because it discontinued the mark LEANDATA. Not renewing a single registration because of a design element does not change the fact that the Trademark Office allowed this registration of LEANDATA without requiring LeanData to disclaim “LEANDATA,” and it was valid and subsisting for several years. Accordingly, we do not agree with your characterization that LeanData has been engaged in a “years-long, yet unsuccessful effort to claim trademark rights over the term ‘lean data.’” This registration shows the opposite, namely that for the majority of LeanData’s existence, it possessed a registered trademark on LEANDATA that the Trademark Office did not find descriptive and did not require to be disclaimed. As many companies do, Leandata updated its logo and decided to move to a different look. There is nothing negative that can be inferred from this decision. Moreover, we are not required to disclose privileged communications around whether our client



will or will not renew a particular registration, and we could not have predicted the timing of the Trademark Office's actions. At the time we wrote your letter, it was registered, and it demonstrates year of registered rights in the mark, so we see nothing improper about telling you of this registration in our letter.

Application Serial No. 88109633 for LEANDATA, INC.: Our firm did not handle this application, and, while we cannot reveal privileged attorney-client communications, we can confirm that LeanData determined it was not going to pursue using the exact applied for mark with the addition of "INC." as a trademark, so the application was allowed to lapse. There is no negative inference to be made from this decision.

Application Serial No. 88109632 for LD LEANDATA & Design: Again, our firm did not handle this application as it was with prior counsel. However, there is no legal requirement that an applicant complete every stage of prosecution of a single application, all rights are still available including re-application, all common law rights are still valid, and no negative inference to be made from LeanData's decision not to pursue this one application. We thank you for noting and alerting us to the inadvertent use of the ® symbol on the LeanData website. We will address that with our client.

We appreciate you taking the time to respond to our letter with Mozilla's position, and we respect Mozilla's right to argue its position. You are correct that we are not seeking court intervention, and we are and will continue to prosecute our client's pending application to register its trademark, LEANDATA, in connection with its software as a service. Please do not hesitate to contact me at slonardo@prangerlaw.com or (415) 885-9800 if you would like to discuss this matter further. Nothing contained in this letter is intended to waive any rights or remedies that my client may possess, all of which are expressly reserved.

Sincerely,

/s/Scott Lonardo