

ESTTA Tracking number: **ESTTA605057**

Filing date: **05/19/2014**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Content Guru Limited
Granted to Date of previous extension	05/18/2014
Address	Eastern Road, Radius Court Bracknell Berkshire, RG122UP UNITED KINGDOM
Attorney information	Lisabeth H. Coakley Harness, Dickey & Pierce, P.L.C. 5445 Corporate Drive, Ste. 200 Troy, MI 48098 UNITED STATES coakley@hdp.com, tjcomparoni@hdp.com Phone:(248) 641-1600

Applicant Information

Application No	86014475	Publication date	11/19/2013
Opposition Filing Date	05/19/2014	Opposition Period Ends	05/18/2014
Applicant	Ixia 26601 W. Agoura Road Calabasas, CA 91302 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. First Use: 2008/00/00 First Use In Commerce: 2008/00/00 All goods and services in the class are opposed, namely: Computer hardware and software for testing and monitoring networks, applications being run on those networks, and networking equipment; Computer hardware and software for setting up and configuring networks; Computer hardware and software for network impairment emulation; Computer hardware and software for testing and measuring network impairment levels; Computer hardware and software for providing security to networks; Computer hardware and software to improve the performance of networks; Computer hardware and software for troubleshooting issues on networks; Computer hardware and software to provide access to monitor networks

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Application No.	77544841	Application Date	08/12/2008
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Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	STORM		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 0 First Use In Commerce: 0 Computer hardware, middleware and software to enable the hosting and management of telecommunications services; computer software for telecommunications hosting and management systems; multiple caller processing and management software and systems, namely, computer software and hardware for managing and controlling call centre operations; customer relations management software and systems, namely, computer software and hardware for managing and controlling call centre operations; interactive voice response systems comprising computer hardware and operating and applications software for fixed and mobile communications; computerised telephony software; computer software and telecommunications apparatus to enable connection to databases and the Internet, namely, telecommunications exchange software and hardware</p> <p>Class 038. First use: First Use: 0 First Use In Commerce: 0 Telecommunications services, namely, transmission of webcasts and TV broadcasts; telecommunications gateway services, namely, provision of telecommunication links to TV and media entertainment broadcasts and internet broadcasts; network communication services, namely, transmission of voice, audio, and visual images and data by telecommunications networks, the Internet, information services networks and data networks; providing telecommunications and communications connections to multiple caller processing software and systems, multiple caller management software and systems, and customer relations management software and systems; hosting and management of telecommunications services, namely, call forwarding services; provision of unified electronic messaging services, audio conferencing and facsimile transmission</p>		

Attachments	77544841#TMSN.jpeg(bytes) 2014 05 19 - Notice of Opposition.PDF(152853 bytes)
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Certificate of Service

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

Signature	/lhc/
Name	Lisabeth H. Coakley

Date	05/19/2014
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Content Guru Limited)	
Opposer,)	
)	Opposition No. _____
v.)	Serial No. 86/014,475
)	Mark: STORM
Ixia)	Published: November 19, 2013
Applicant.)	
_____)		

NOTICE OF OPPOSITION

Opposer, Content Guru Limited, a United Kingdom corporation, with a (change of) business address of Eastern Road, Radius Court, Bracknell Berkshire, RG122UP, United Kingdom, hereby opposes registration of the mark STORM that is the subject of Application Serial No. 86/014,475 in International Class 9, published in the *Official Gazette* of November 19, 2013, and requests that registration to Applicant be refused.

As grounds in support of its Opposition, Opposer asserts as follows:

- Opposer has the bona-fide intent to use the mark “STORM” as a trademark for various goods and services and on August 12, 2008 filed United States trademark application Serial No. 77/544,841 which includes the following:

Mark	Serial No. / Filing Date	Goods / Services
STORM	77/544,841 August 12, 2008	Class 9: Computer hardware, middleware and software to enable the hosting and management of telecommunications services; computer software for telecommunications hosting and management systems; multiple caller processing and management software and systems, namely, computer software and hardware for managing and controlling call centre operations; customer relations management software and systems, namely, computer software and hardware for managing and controlling call centre operations; interactive voice response systems comprising computer hardware and operating and applications software for fixed and mobile

Mark	Serial No. / Filing Date	Goods / Services
		<p>communications; computerised telephony software; computer software and telecommunications apparatus to enable connection to databases and the Internet, namely, telecommunications exchange software and hardware.</p> <p>Class 38: Telecommunications services, namely, transmission of webcasts and TV broadcasts; telecommunications gateway services, namely, provision of telecommunication links to TV and media entertainment broadcasts and internet broadcasts; network communication services, namely, transmission of voice, audio, and visual images and data by telecommunications networks, the Internet, information services networks and data networks; providing telecommunications and communications connections to multiple caller processing software and systems, multiple caller management software and systems, and customer relations management software and systems; hosting and management of telecommunications services, namely, call forwarding services; provision of unified electronic messaging services, audio conferencing and facsimile transmission.</p>

("Opposer's Mark").

2. Opposer's Mark was examined, published, and a Notice of Allowance issued on November 5, 2013.

3. Applicant filed a use-based trademark application in the United States on July 18, 2013 for the identical mark "STORM" for various goods in trademark application Serial No 86/014,475 which includes the following:

Mark	Serial No. / Filing Date	Goods / Services
STORM	86/014,475 July 18, 2013	<p>Class 9: Computer hardware and software for testing and monitoring networks, applications being run on those networks, and networking equipment; Computer hardware and software for setting up and configuring networks; Computer hardware and software for network impairment emulation; Computer hardware and software for testing and measuring network impairment levels; Computer hardware and software for providing security to networks; Computer hardware and software to improve the performance of networks; Computer hardware and software for troubleshooting issues on networks; Computer hardware and</p>

Mark	Serial No. / Filing Date	Goods / Services
		software to provide access to monitor networks.

("Applicant's Mark").

4. Opposer timely filed an Extension of Time in which to possibly Oppose Applicant's Mark and the Board issued an Order setting the new deadline in which an Opposition must be filed as Saturday, May 17, 2014 or in view of the weekend, Monday, May 19, 2014.

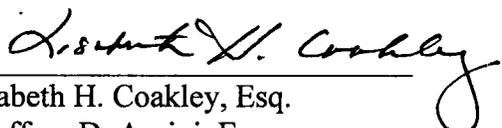
5. Applicant's Mark so resembles Opposer's Mark so as to be likely, when applied to the goods set forth in Applicant's application, to cause confusion, mistake, or deception within the meaning of Section 2(d) of the Trademark Act.

WHEREFORE, Opposer prays that this Opposition be sustained and that registration to Applicant be refused.

Respectfully Submitted,

CONTENT GURU LIMITED

Dated: May 19, 2014

By: 
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Attorney for Opposer, Content Guru Limited

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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Content Guru Limited)	
Opposer,)	
)	Opposition No. _____
v.)	Serial No. 86/014475
)	Mark: STORM
Ixia)	Published: November 19, 2013
Applicant.)	

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **Notice of Opposition** has been served on Applicant Ixia, by mailing said copy to the correspondent address of record with the United States Patent and Trademark Office and the Trademark Trial and Appeal Board, on May 19, 2014, via First Class Mail, postage prepaid, to:

Patricia L. Werner
Bryan Cave LLP
1290 Avenue of the Americas
New York, NY 10104-0101



Timothy J. Comparoni