

ESTTA Tracking number: **ESTTA715093**

Filing date: **12/16/2015**

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	Open Text SA
Granted to Date of previous extension	12/16/2015
Address	40 Avenue Monterey Luxembourg, L-2163 LUXEMBOURG

Correspondence information	Kate E. Hart Attorney Dentons US LLP 4520 Main Street, Suite 1100 Kansas City, MO 64111-7700 UNITED STATES kate.hart@dentons.com, frank.benjamin@dentons.com, mlaip@dentons.com Phone: 816-460-2456
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Applicant Information

Application No	86579021	Publication date	08/18/2015
Opposition Filing Date	12/16/2015	Opposition Period Ends	12/16/2015
Applicant	Tricca, Philip 1000 Escalon Ave #K1085 Sunnyvale, CA 94085 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. First Use: 2014/06/12 First Use In Commerce: 2014/06/12
All goods and services in the class are opposed, namely: Computer operating systems; Computer utility programs

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	4103524	Application Date	03/23/2010
Registration Date	02/28/2012	Foreign Priority Date	NONE

Word Mark	OPEN TEXT THE CONTENT EXPERTS
Design Mark	<p style="text-align: center;">OPEN TEXT THE CONTENT EXPERTS</p>
Description of Mark	NONE
Goods/Services	<p>Class 009. First use: First Use: 2007/11/01 First Use In Commerce: 2007/11/01 Computer software for use in document, records, data and content management and collaboration; computer software for use in document, records, data and content management and collaboration that may be downloaded from a global computer network; enterprise software in the nature of a database for non-transactional data and a search engine for database content; computer software for web content management and web site creation</p> <p>Class 042. First use: First Use: 2007/11/01 First Use In Commerce: 2007/11/01 Application service provider (ASP) featuring software for use in document, records, data and content management and collaboration; application service provider (ASP) featuring software for use in document, records, data and content management and collaboration that may be downloaded from a global computer network; application service provider (ASP) featuring enterprise software in the nature of a database for non-transactional data and a search engine for database content; application service provider (ASP) featuring software for web content management and web site creation</p>

U.S. Registration No.	4107240	Application Date	03/23/2010
Registration Date	03/06/2012	Foreign Priority Date	NONE
Word Mark	OPEN TEXT THE CONTENT EXPERTS		
Design Mark	<p style="text-align: center;">OPEN TEXT THE CONTENT EXPERTS</p>		
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 2007/11/01 First Use In Commerce: 2007/11/01 Computer software for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information; database management software; computer software to automate data warehousing; computer software for archiving databases, images and other electronic data; computer</p>		

	<p>software for business process management; computer software for digital asset management; computer software for e-mail management; computer software for document processing; computer software for organizing and viewing digital images and photographs; computer software for accessing, searching, indexing, and retrieving data from networked computers; computer software for sharing and distributing data, documents and information; computer software that facilitates collaboration through the sharing and distributing data, documents and information; computer software for use in providing a document retrieval system for businesses; computer software used by businesses to facilitate compliance with laws and regulations; and computer software used by businesses to facilitate compliance with internal governance requirements</p> <p>Class 042. First use: First Use: 2007/11/01 First Use In Commerce: 2007/11/01</p> <p>Computer software consultation; consultation services in the fields of selection, implementation and use of computer hardware and software systems for others; computer consultation; computer consultation in the field of computer security; Customization of computer hardware and software; design, development, implementation, updating and maintenance of software; technical support services, namely, troubleshooting of computer software problems; computer service, namely, acting as an application service provider in the field of knowledge management to host computer application software for creating searchable databases of information and data and for searching and retrieving information from databases and computer networks, and for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information; computer services, namely, remote management of computer applications for others; application service provider (ASP) featuring software for the collection, editing, organizing, modifying, bookmarking, transmission, storage and sharing of data and information; application service provider (ASP) featuring database management software; application service provider (ASP) featuring software to automate data warehousing; application service provider (ASP) featuring software for archiving databases, images and other electronic data, application service provider (ASP) featuring software for business process management; application service provider (ASP) featuring software for digital asset management; application service provider (ASP) featuring software for e-mail management; application service provider (ASP) featuring software for document processing; application service provider (ASP) featuring software for organizing and viewing digital images and photographs; application service provider (ASP) featuring software for accessing, searching, indexing, and retrieving data from networked computers; application service provider (ASP) featuring software for sharing and distributing data, documents and information; application service provider (ASP) featuring software that facilitates collaboration through the sharing and distributing data, documents and information; application service provider (ASP) featuring software for use in providing a document retrieval system for businesses; application service provider (ASP) featuring software used by businesses to facilitate compliance with laws and regulations; and application service provider (ASP) featuring software used by businesses to facilitate compliance with internal governance requirements</p>
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U.S. Registration No.	1773909	Application Date	10/25/1991
Registration Date	05/25/1993	Foreign Priority Date	NONE
Word Mark	OPENTEXT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1991/10/15 First Use In Commerce: 1991/10/15 computer software for use in providing a documentary retrieval system which		

	utilizes conversational terms to retrieve relevant information and which adheres to open systems interconnect standards
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U.S. Registration No.	2685043	Application Date	02/27/1997
Registration Date	02/11/2003	Foreign Priority Date	NONE
Word Mark	OPEN TEXT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1989/12/11 First Use In Commerce: 1989/12/11 computer software for accessing, searching, indexing, and retrieving data from networked computers, data management and distribution, collaboration, web-site creation		

Attachments	77965779#TMSN.png(bytes) 77982368#TMSN.png(bytes) EXH A - OPEN TEXT, US Reg. No. 1,773,909.pdf(34837 bytes) EXH B - OPEN TEXT, US Reg. No. 2,685,043.pdf(38137 bytes) EXH C - OPEN TEXT THE CONTENT EXPERTS, US Reg. No. 4,107,240.pdf(288879 bytes) EXH D - OPEN TEXT THE CONTENT EXPERTS, US Reg. No. 4,103,524.pdf(188196 bytes) EXH E - opentext.com what we do.pdf(229588 bytes) EXH F - opentext catalog cover.pdf(422482 bytes) EXH G - OpenText Alstom.pdf(94819 bytes) EXH H - OpenText Bestop.pdf(92075 bytes) Open Text - Notice of Opposition OPENXT 86_579,021(85648676_2).pdf(55167 bytes)
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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	/Kate E. Hart/
Name	Kate E. Hart
Date	12/16/2015

Int. Cl.: 9

Prior U.S. Cl.: 38

United States Patent and Trademark Office **Reg. No. 1,773,909**
Registered May 25, 1993

**TRADEMARK
SUPPLEMENTAL REGISTER**

OPENTEXT

SIE-BASE TECHNOLOGY CORPORATION
(COLORADO CORPORATION)
1050 SEVENTEENTH STREET, SUITE 1450
DENVER, CO 80265

FOR: COMPUTER SOFTWARE FOR USE IN
PROVIDING A DOCUMENTARY RETRIEVAL
SYSTEM WHICH UTILIZES CONVERSATION-
AL TERMS TO RETRIEVE RELEVANT IN-
FORMATION AND WHICH ADHERES TO

OPEN SYSTEMS INTERCONNECT STAND-
ARDS, IN CLASS 9 (U.S. CL. 38).
FIRST USE 10-15-1991; IN COMMERCE
10-15-1991.

SER. NO. 74-215,326, FILED P.R. 10-25-1991;
AM. S.R. 2-12-1993.

ANNA W. MANVILLE, EXAMINING ATTOR-
NEY

Int. Cl.: 9

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

Reg. No. 2,685,043

United States Patent and Trademark Office

Registered Feb. 11, 2003

**TRADEMARK
PRINCIPAL REGISTER**

OPEN TEXT

OPEN TEXT CORPORATION (CANADA CORPORATION)
185 COLUMBIA STREET WEST
WATERLOO, ONTARIO N2L 3L3, CANADA

FOR: COMPUTER SOFTWARE FOR ACCESSING,
SEARCHING, INDEXING, AND RETRIEVING
DATA FROM NETWORKED COMPUTERS, DATA
MANAGEMENT AND DISTRIBUTION, COLLABORATION,
WEB-SITE CREATION, IN CLASS 9
(U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 12-11-1989; IN COMMERCE 12-11-1989.

OWNER OF U.S. REG. NO. 1,773,909.

SEC. 2(F).

SER. NO. 75-248,794, FILED 2-27-1997.

REBECCA GILBERT, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office

OPEN TEXT THE CONTENT EXPERTS

Reg. No. 4,107,240

Registered Mar. 6, 2012

Int. Cls.: 9 and 42

TRADEMARK

SERVICE MARK

PRINCIPAL REGISTER

OPEN TEXT SA (LUXEMBOURG PUBLIC LIMITED LIABILITY COMPANY)
26, BOULEVARD ROYAL
L-2449, LUXEMBOURG

FOR: COMPUTER SOFTWARE FOR THE COLLECTION, EDITING, ORGANIZING, MODIFYING, BOOK MARKING, TRANSMISSION, STORAGE AND SHARING OF DATA AND INFORMATION; DATABASE MANAGEMENT SOFTWARE; COMPUTER SOFTWARE TO AUTOMATE DATA WAREHOUSING; COMPUTER SOFTWARE FOR ARCHIVING DATABASES, IMAGES AND OTHER ELECTRONIC DATA; COMPUTER SOFTWARE FOR BUSINESS PROCESS MANAGEMENT; COMPUTER SOFTWARE FOR DIGITAL ASSET MANAGEMENT; COMPUTER SOFTWARE FOR E-MAIL MANAGEMENT; COMPUTER SOFTWARE FOR DOCUMENT PROCESSING; COMPUTER SOFTWARE FOR ORGANIZING AND VIEWING DIGITAL IMAGES AND PHOTOGRAPHS; COMPUTER SOFTWARE FOR ACCESSING, SEARCHING, INDEXING, AND RETRIEVING DATA FROM NETWORKED COMPUTERS; COMPUTER SOFTWARE FOR SHARING AND DISTRIBUTING DATA, DOCUMENTS AND INFORMATION; COMPUTER SOFTWARE THAT FACILITATES COLLABORATION THROUGH THE SHARING AND DISTRIBUTING DATA, DOCUMENTS AND INFORMATION; COMPUTER SOFTWARE FOR USE IN PROVIDING A DOCUMENT RETRIEVAL SYSTEM FOR BUSINESSES; COMPUTER SOFTWARE USED BY BUSINESSES TO FACILITATE COMPLIANCE WITH LAWS AND REGULATIONS; AND COMPUTER SOFTWARE USED BY BUSINESSES TO FACILITATE COMPLIANCE WITH INTERNAL GOVERNANCE REQUIREMENTS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 11-1-2007; IN COMMERCE 11-1-2007.



David J. Kyros

Director of the United States Patent and Trademark Office

FOR: COMPUTER SOFTWARE CONSULTATION; CONSULTATION SERVICES IN THE FIELDS OF SELECTION, IMPLEMENTATION AND USE OF COMPUTER HARDWARE AND SOFTWARE SYSTEMS FOR OTHERS; COMPUTER CONSULTATION; COMPUTER CONSULTATION IN THE FIELD OF COMPUTER SECURITY; CUSTOMIZATION OF COMPUTER HARDWARE AND SOFTWARE; DESIGN, DEVELOPMENT, IMPLEMENTATION, UPDATING AND MAINTENANCE OF SOFTWARE; TECHNICAL SUPPORT SERVICES, NAMELY, TROUBLESHOOTING OF COMPUTER SOFTWARE PROBLEMS; COMPUTER SERVICE, NAMELY, ACTING AS AN APPLICATION SERVICE PROVIDER IN THE FIELD OF KNOWLEDGE MANAGEMENT TO HOST COMPUTER APPLICATION SOFTWARE FOR CREATING SEARCHABLE DATABASES OF INFORMATION AND DATA AND FOR SEARCHING AND RETRIEVING INFORMATION FROM DATABASES AND COMPUTER NETWORKS, AND FOR THE COLLECTION, EDITING, ORGANIZING, MODIFYING, BOOK

Reg. No. 4,107,240 MARKING, TRANSMISSION, STORAGE AND SHARING OF DATA AND INFORMATION; COMPUTER SERVICES, NAMELY, REMOTE MANAGEMENT OF COMPUTER APPLICATIONS FOR OTHERS; APPLICATION SERVICE PROVIDER (ASP) FEATURING SOFTWARE FOR THE COLLECTION, EDITING, ORGANIZING, MODIFYING, BOOKMARKING, TRANSMISSION, STORAGE AND SHARING OF DATA AND INFORMATION; APPLICATION SERVICE PROVIDER (ASP) FEATURING DATABASE MANAGEMENT SOFTWARE; APPLICATION SERVICE PROVIDER (ASP) FEATURING SOFTWARE TO AUTOMATE DATA WAREHOUSING; APPLICATION SERVICE PROVIDER (ASP) FEATURING SOFTWARE FOR ARCHIVING DATABASES, IMAGES AND OTHER ELECTRONIC DATA, APPLICATION SERVICE PROVIDER (ASP) FEATURING SOFTWARE FOR BUSINESS PROCESS MANAGEMENT; APPLICATION SERVICE PROVIDER (ASP) FEATURING SOFTWARE FOR DIGITAL ASSET MANAGEMENT; APPLICATION SERVICE PROVIDER (ASP) FEATURING SOFTWARE FOR E-MAIL MANAGEMENT; APPLICATION SERVICE PROVIDER (ASP) FEATURING SOFTWARE FOR DOCUMENT PROCESSING; APPLICATION SERVICE PROVIDER (ASP) FEATURING SOFTWARE FOR ORGANIZING AND VIEWING DIGITAL IMAGES AND PHOTOGRAPHS; APPLICATION SERVICE PROVIDER (ASP) FEATURING SOFTWARE FOR ACCESSING, SEARCHING, INDEXING, AND RETRIEVING DATA FROM NETWORKED COMPUTERS; APPLICATION SERVICE PROVIDER (ASP) FEATURING SOFTWARE FOR SHARING AND DISTRIBUTING DATA, DOCUMENTS AND INFORMATION; APPLICATION SERVICE PROVIDER (ASP) FEATURING SOFTWARE THAT FACILITATES COLLABORATION THROUGH THE SHARING AND DISTRIBUTING DATA, DOCUMENTS AND INFORMATION; APPLICATION SERVICE PROVIDER (ASP) FEATURING SOFTWARE FOR USE IN PROVIDING A DOCUMENT RETRIEVAL SYSTEM FOR BUSINESSES; APPLICATION SERVICE PROVIDER (ASP) FEATURING SOFTWARE USED BY BUSINESSES TO FACILITATE COMPLIANCE WITH LAWS AND REGULATIONS; AND APPLICATION SERVICE PROVIDER (ASP) FEATURING SOFTWARE USED BY BUSINESSES TO FACILITATE COMPLIANCE WITH INTERNAL GOVERNANCE REQUIREMENTS, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 11-1-2007; IN COMMERCE 11-1-2007.

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

OWNER OF U.S. REG. NOS. 1,773,909 AND 2,685,043.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CONTENT" AS TO THE CLASS 9 GOODS, AND "THE CONTENT EXPERTS" AS TO THE CLASS 42 SERVICES, APART FROM THE MARK AS SHOWN.

SEC. 2(F).

SER. NO. 77-982,368, FILED 3-23-2010.

LAURA KOVALSKY, EXAMINING ATTORNEY

**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.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***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 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>.

United States of America

United States Patent and Trademark Office

OPEN TEXT THE CONTENT EXPERTS

Reg. No. 4,103,524

Registered Feb. 28, 2012

Int. Cls.: 9 and 42

TRADEMARK

SERVICE MARK

PRINCIPAL REGISTER

OPEN TEXT SA (LUXEMBOURG PUBLIC LIMITED LIABILITY COMPANY)
26, BOULEVARD ROYAL
L-2449, LUXEMBOURG

FOR: COMPUTER SOFTWARE FOR USE IN DOCUMENT, RECORDS, DATA AND CONTENT MANAGEMENT AND COLLABORATION; COMPUTER SOFTWARE FOR USE IN DOCUMENT, RECORDS, DATA AND CONTENT MANAGEMENT AND COLLABORATION THAT MAY BE DOWNLOADED FROM A GLOBAL COMPUTER NETWORK; ENTERPRISE SOFTWARE IN THE NATURE OF A DATABASE FOR NON-TRANSACTIONAL DATA AND A SEARCH ENGINE FOR DATABASE CONTENT; COMPUTER SOFTWARE FOR WEB CONTENT MANAGEMENT AND WEB SITE CREATION, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 11-1-2007; IN COMMERCE 11-1-2007.

FOR: APPLICATION SERVICE PROVIDER (ASP) FEATURING SOFTWARE FOR USE IN DOCUMENT, RECORDS, DATA AND CONTENT MANAGEMENT AND COLLABORATION; APPLICATION SERVICE PROVIDER (ASP) FEATURING SOFTWARE FOR USE IN DOCUMENT, RECORDS, DATA AND CONTENT MANAGEMENT AND COLLABORATION THAT MAY BE DOWNLOADED FROM A GLOBAL COMPUTER NETWORK; APPLICATION SERVICE PROVIDER (ASP) FEATURING ENTERPRISE SOFTWARE IN THE NATURE OF A DATABASE FOR NON-TRANSACTIONAL DATA AND A SEARCH ENGINE FOR DATABASE CONTENT; APPLICATION SERVICE PROVIDER (ASP) FEATURING SOFTWARE FOR WEB CONTENT MANAGEMENT AND WEB SITE CREATION, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 11-1-2007; IN COMMERCE 11-1-2007.

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

OWNER OF U.S. REG. NOS. 1,773,909 AND 2,685,043.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CONTENT", APART FROM THE MARK AS SHOWN.

SEC. 2(F).



David J. Kyros

Director of the United States Patent and Trademark Office

Reg. No. 4,103,524 SER. NO. 77-965,779, FILED 3-23-2010.

LAURA KOVALSKY, EXAMINING ATTORNEY

**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.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***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 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>.

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- > Europe, Middle East and Africa (EMEA)
- > Latin America
- > USA

[History](#)

- > 2012-Present
- > 2007-2011: The Content Experts
- > 2003-2006: The ECM Solutions Leader
- > 1999-2002: The World Stage

Alstom Selects The OpenText Cloud To Deliver B2B Managed Services

Expanded Partnership with OpenText Streamlines Supply Chain Data Exchange and SAP Integration

WATERLOO, ON – 2015-12-8 – OpenText™ (NASDAQ: OTEX, TSX: OTC), a global leader in [Enterprise Information Management \(EIM\)](#), today announced that Alstom has selected OpenText to integrate major B2B suppliers as part of the company's ASCOT (Alstom Suppliers **CO**llaborative **T**eamwork) program to transform its supply chain.

Alstom (Euronext: ALO), is a world-leader in sustainable mobility and transport solutions for the railway sector. Alstom currently has an annual turnover in excess of €6 billion, and more than 32,000 employees worldwide.

Following Alstom Transport's divestiture from Alstom Power, the company had to rebuild its supply chain and business networks infrastructure. Alstom looked to OpenText to provide its B2B Managed Services solution to ensure 100% quality and visibility of the supply chain automation process. The solution incorporates the OpenText Active Intelligence application, allowing for real-time control of the electronic data exchange. The OpenText solution met

<ul style="list-style-type: none"> > 1995-1998: Harnessing the Power of the Internet 	<p>the stringent compliance regulations imposed by Alstom's Information Technology (IT) department, and by selecting OpenText's scalable and open B2B platform, Alstom was able to connect its suppliers in a secure and reliable way, while integrating supply chain document</p>
<ul style="list-style-type: none"> > 1991-1994: The Pre-Web Years 	<p>flows across multiple SAP systems.</p>
<hr/> <p>Careers</p>	<p>“OpenText is a trusted partner of Alstom, and worked with us to develop an actionable plan to ensure the secure onboarding of over 50</p>
<ul style="list-style-type: none"> > About OpenText 	<p>of Alstom's major suppliers as part of ASCOT Project,” commented</p>
<ul style="list-style-type: none"> > Working at OpenText 	<p>Laurent Vignaga, Supply Chain & Operations Project Director of Alstom. “It was critical for us to build a B2B platform that allowed for close collaboration with our suppliers, an essential requirement to ensure high-levels of quality and reliability to our customers”.</p>
<ul style="list-style-type: none"> > Professional Opportunities 	<p>A key requirement of the solution was the ability to ensure seamless collaboration between Alstom and its trading suppliers by automating supply chain data exchanges and avoiding process disruption by using a set of flexible, business-rule based services and alerts. Alstom also required control and increased visibility over the data and documents being exchanged.</p>
<ul style="list-style-type: none"> > Students Opportunities 	<p>Application Process</p>
<ul style="list-style-type: none"> > Contact Us 	<p>being exchanged.</p>
<hr/> <p>Board of Directors</p>	<p>“With OpenText, we could transform our B2B integration services, allowing us to securely share information flows on a worldwide basis, while reducing our total cost of ownership,” added Laurent Vignaga, Supply Chain & Operations Project Director of Alstom.</p>
<hr/> <p>Board and Committee Mandates</p>	<p>With a comprehensive suite of business applications to enable the supply chain, OpenText Trading Grid offers messaging and B2B Integration services on-premises and via the cloud, enabling any-to-</p>
<hr/> <p>Executive Leadership Team</p>	<p>any transactions for small to large trading partners. OpenText Trading Grid is powered by the OpenText Cloud, which processes more than 18 billion transactions per year, representing \$6.5 trillion in commerce and more than 64,000 customers around the globe.</p>
<p>Awards</p> <ul style="list-style-type: none"> > Awards Prior to 2012 	<p>About OpenText OpenText enables the digital world, creating a better way for organizations to work with information, on premises or in the cloud. For more information about OpenText (NASDAQ: OTEX, TSX: OTC)</p>
<hr/> <p>OpenText Corporate Giving Program</p>	<p></p>

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- > [2012-Present](#)
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- > [2003-2006: The ECM Solutions Leader](#)
- > [1999-2002: The World Stage](#)

Bestop Chooses OpenText B2B Managed Services for Digital Supply Chain Success

Bestop Connects Trading Partners through OpenText Trading Grid to Build and Grow its Business Network

Waterloo, ON – 2015-12-15 – OpenText™ (NASDAQ: OTEX, TSX: OTC), a global leader in [Enterprise Information Management \(EIM\)](#), today announced that Bestop, a manufacturer of soft tops and accessories for Jeep Wrangler and other sport utility vehicles, has selected OpenText to manage its digital supply chain. Using OpenText B2B Managed Services, Bestop will be able to connect all of its customers through the [OpenText Trading Grid](#) in order to build and grow its business network for enhanced supply chain visibility.

Founded in 1954 as a small trim shop, today, Bestop Inc designs and manufactures automotive soft tops and accessories for small sport utility vehicles, such as the Jeep Wrangler and several other automobiles, selling to original equipment manufacturers and in the automotive aftermarket. Recently, Bestop underwent a change in ownership when controlling interest in the company was sold to private equity firm Kinderhook Industries. Having previously relied on B2B integration services from its parent company, after the divestiture Bestop, Inc needed to implement a new solution quickly to connect its trading partner network. “We knew we needed a solution

<ul style="list-style-type: none"> > 1995-1998: Harnessing the Power of the Internet 	<p>that would allow us to continue to interact with our trading partners and not disrupt our current supply chain,” said Darren Pastore, IT director at Bestop. “With a proven track record in the automotive industry and past business experience with OpenText, we knew the company could offer exactly what we needed to stay on track.”</p>
<ul style="list-style-type: none"> > 1991-1994: The Pre-Web Years 	
<hr/> <p>Careers</p>	<p>The OpenText team worked closely with Bestop and became valued advisors to the company. The team guided Bestop through its B2B</p>
<ul style="list-style-type: none"> > About OpenText 	<p>integration process, concentrating on meeting the key service and performance factors.</p>
<ul style="list-style-type: none"> > Working at OpenText 	
<ul style="list-style-type: none"> > Professional Opportunities 	<p>Pastore noted, “Our relationship and rating with our customers is critical to the success of our organization. With OpenText, we anticipate a seamless transition from our current provider with zero business disruption. OpenText also offers several services that may provide value to our organization going forward.”</p>
<ul style="list-style-type: none"> > Students Opportunities 	
<ul style="list-style-type: none"> > Application Process 	<p>In addition to OpenText B2B Managed Services, Bestop will leverage OpenText Active Documents, an application for the OpenText Trading Grid, to track the status of all of the EDI and XML documents</p>
<ul style="list-style-type: none"> > Contact Us 	<p>exchanged with business partners. Active Documents tracks and records each step in a document’s lifecycle, eliminating the “black hole” often associated with B2B integration.</p>
<hr/> <p>Board of Directors</p>	
<p>Board and Committee Mandates</p>	<p>Pastore concluded, "Although we are just getting started, the project team has been proactive, responsive and friendly as we prepare for project kick off. We look forward to a successful implementation and go live."</p>
<p>Executive Leadership Team</p>	
<p>Awards</p> <ul style="list-style-type: none"> > Awards Prior to 2012 	<p>OpenText Managed Services leverage OpenText™ Trading Grid™, a powerful cloud-based B2B integration network for enterprises to connect to their business partners quickly, securely and efficiently. OpenText Trading Grid is highly scalable and can manage the digital business for an entire multi-national B2B ecosystem or handle a smaller subset of selected projects, regions, or trading partner relationships. Part of the OpenText Cloud, OpenText Trading Grid allows companies to exchange documents using EDI, XML, fax, and email to automate purchase-to-pay business processes. The OpenText</p>
<p>OpenText Corporate Giving Program</p>	

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Cloud processes over 18 billion transactions per year for more than 64,000 customers around the world.

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The OpenText Cloud is a key element of the OpenText EIM strategy, enabling organizations to discover and manage information to spur growth and innovation and decrease time to competitive advantage.

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The platform consists of comprehensive and integrated product suites including Content Suite, Process Suite, Experience Suite, Discovery Suite, Information Exchange, and Analytics.

> Accessibility

About OpenText

OpenText enables the digital world, creating a better way for organizations to work with information, on premises or in the cloud. For more information about OpenText (NASDAQ: OTEX, TSX: OTC) visit opentext.com.

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

In the Matter of Application Serial No. **86/579,021**
For the mark:

OpenXT

Filed: March 27, 2015
Published: August 18, 2015

Open Text SA)
)
Opposer,)
)
v.)
)
Tricca, Philip)
)
Applicant.)

Opposition No.

NOTICE OF OPPOSITION

Open Text SA (“Opposer”), a société anonyme organized and existing under the laws of the country of Luxembourg with a principal place of business at 40 Avenue Monterey, Luxembourg, L-2163, Luxembourg, believes that it is being damaged by the application for, and will in the future be damaged by, the registration of Serial No. 86/579,021 for the mark: OPENXT (the “Pending Mark”), and hereby opposes the registration of same. As grounds for this Notice of Opposition, Opposer alleges as follows, with knowledge as to its own acts, and on information and belief as to all other matters:

1. Opposer, Open Text SA, is the owner of registered marks and common law marks that include some version of its famous and distinctive OPEN TEXT name. Discussed herein are several examples of such marks, which examples are referred to collectively as the "Marks".

2. Opposer is the owner of the following registered marks, in connection with International Classes 9, 16 and 42, as follows:

a. OPEN TEXT

US Registration No. 1,773,909 issued May 25, 1993, with date of first use in commerce of October 15, 1991 and filing date of October 25, 1991, in connection with the following goods in International Class 9:

"computer software for use in providing a documentary retrieval system which utilizes conversational terms to retrieve relevant information and which adheres to open systems interconnect standards."

A copy of Opposer's registration certificate for this mark is attached hereto as Exhibit A.

b. OPEN TEXT

US Registration No. 2,685,043 issued February 11, 2003, with date of first use in commerce of December 11, 1989 and filing date of February 27, 1997, in connection with the following goods in International Class 9:

"computer software for accessing, searching, indexing, and retrieving data from networked computers, data management and distribution, collaboration, web-site creation."

A copy of Opposer's registration certificate for this mark is attached hereto as Exhibit B.

c. OPEN TEXT THE CONTENT EXPERTS

US Registration No. 4,107,240 issued March 6, 2012, with date of first use in commerce of November 1, 2007 and filing date of March 23, 2010, in connection with the following goods in International Class 9:

"computer software for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information; database management software; computer software to automate data

warehousing; computer software for archiving databases, images and other electronic data; computer software for business process management; computer software for digital asset management; computer software for e-mail management; computer software for document processing; computer software for organizing and viewing digital images and photographs; computer software for accessing, searching, indexing, and retrieving data from networked computers; computer software for sharing and distributing data, documents and information; computer software that facilitates collaboration through the sharing and distributing data, documents and information; computer software for use in providing a document retrieval system for businesses; computer software used by businesses to facilitate compliance with laws and regulations; and computer software used by businesses to facilitate compliance with internal governance requirements."

and in connection with the following services in International Class 42:

"computer software consultation; consultation services in the fields of selection, implementation and use of computer hardware and software systems for others; computer consultation; computer consultation in the field of computer security; Customization of computer hardware and software; design, development, implementation, updating and maintenance of software; technical support services, namely, troubleshooting of computer software problems; computer service, namely, acting as an application service provider in the field of knowledge management to host computer application software for creating searchable databases of information and data and for searching and retrieving information from databases and computer networks, and for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information; computer services, namely, remote management of computer applications for others; application service provider (ASP) featuring software for the collection, editing, organizing, modifying, bookmarking, transmission, storage and sharing of data and information; application service provider (ASP) featuring database management software; application service provider (ASP) featuring software to automate data warehousing; application service provider (ASP) featuring software for archiving databases, images and other electronic data, application service provider (ASP) featuring software for business process management; application service provider (ASP) featuring software for digital asset management; application service provider (ASP) featuring software for e-mail management; application service provider (ASP) featuring software for document processing; application service provider (ASP) featuring software for organizing and viewing digital images and photographs; application service provider (ASP) featuring software for accessing, searching, indexing, and retrieving data from networked computers. application service provider (ASP) featuring software for sharing and distributing data, documents and information; application service

provider (ASP) featuring software that facilitates collaboration through the sharing and distributing data, documents and information; application service provider (ASP) featuring software for use in providing a document retrieval system for businesses; application service provider (ASP) featuring software used by businesses to facilitate compliance with laws and regulations; and application service provider (ASP) featuring software used by businesses to facilitate compliance with internal governance requirements."

A copy of Opposer's registration certificate for this mark is attached hereto as Exhibit C.

d. OPEN TEXT THE CONTENT EXPERTS

US Registration No. 4,103,524 issued February 28, 2012, with date of first use in commerce of November 1, 2007 and filing date of March 23, 2010, in connection with the following goods in International Class 9:

"computer software for use in document, records, data and content management and collaboration; computer software for use in document, records, data and content management and collaboration that may be downloaded from a global computer network; enterprise software in the nature of a database for non-transactional data and a search engine for database content; computer software for web content management and web site creation."

and in connection with the following services in International Class 42:

"application service provider (ASP) featuring software for use in document, records, data and content management and collaboration; application service provider (ASP) featuring software for use in document, records, data and content management and collaboration that may be downloaded from a global computer network; application service provider (ASP) featuring enterprise software in the nature of a database for non-transactional data and a search engine for database content; application service provider (ASP) featuring software for web content management and web site creation."

A copy of Opposer's registration certificate for this mark is attached hereto as Exhibit D.

3. Opposer has, itself directly and/or through predecessors-in-interest and affiliated companies, offered and sold the aforesaid goods as well as services related to the foregoing,

under the aforesaid Marks in interstate commerce since at least as early as December 1989, and such use has not been abandoned and has been valid and continuous to the present day.

4. In addition to the trademark protection rights afforded to Opposer by virtue of its registered marks discussed above, Opposer's broad common law rights also extend to cover its "OPEN TEXT" name in various iterations, for services including the goods listed on the registration certificates, as well as related goods and services. Opposer has registered its marks and used the "OPEN TEXT" name in commerce, well prior to Applicant's June 12, 2014 claimed first use date and filing date of March 27, 2015, and such use has not been abandoned and has been valid and continuous to the present day. Copies of examples of Opposer's "OPEN TEXT" name as used in commerce are attached hereto as Exhibits E, F, G, and H.

5. Philip Tricca ("Applicant"), an individual listing his address as 1000 Escalon Ave #K1085, Sunnyvale, California 94085, is the owner of a pending trademark application for the Pending Mark, filed on March 27, 2015, in connection with the following services in International Classes 9:

"computer operating systems; Computer utility programs."

6. Applicant's Pending Mark consists of the word mark OPENXT.

LIKELIHOOD OF CONFUSION

7. The relatedness of Opposer's and Applicant's goods, as well as the similarity between the marks themselves, is likely to cause marketplace confusion.

8. Applicant's first use of the Pending Mark, dated in his application as June 12, 2014, as well as his application filing date, is subsequent to Opposer's aforesaid use in commerce and filing dates for its registration of its Marks and its common law trademark usage.

9. As a result of the aforesaid prior and extensive usage of Opposer's Marks, they have become associated with Opposer's goods in the marketplace and have become symbolic of

extensive good will and purchaser recognition, built up through substantial amounts of time and effort expended in the promotion of Opposer's business and marks. Furthermore, due to Opposer's widespread marketing and advertising efforts over several decades and high quality goods and services, Opposer enjoys an excellent reputation which is threatened by Applicant's confusingly similar Pending Mark.

10. In view of the similarity of the respective marks of the parties hereto, and the related nature of the goods of the respective parties, Applicant's Pending Mark so resembles Opposer's Marks as to be likely to cause confusion, or to cause mistake or to deceive.

DILUTION

11. Opposer has sold its services to many millions of customers, and engaged in extensive and substantial advertising, sales and marketing of its mark and associated goods and services. As a result of these substantial efforts and this investment over a long period of time, Opposer's mark is famous and well known to actual and prospective purchasers and the relevant consumers who recognize the mark as indicating the source of the goods as Opposer.

12. Because of the high degree of distinctiveness of Opposer's Marks, the length of time and extent to which Opposer has used its Marks, the extensive advertising and publicity Opposer's Marks have received, the nationwide trading area in which the Opposer's Marks are used, and the high degree of customer recognition of the Opposer's Marks, these Marks are considered famous trademarks pursuant to 15 U.S.C. § 1125(c)(1). Opposer's reputation for high quality goods and services would be tarnished by Applicant's use and registration of the Pending Mark.

13. Registration of the Pending Mark would also lessen the capacity of Opposer's famous Marks to identify and distinguish Opposer's goods sold thereunder and, as such, would cause dilution of the Marks in violation of 15 U.S.C. § 1125(c) and 1127.

14. For the reasons set forth herein, the use and/or registration of Applicant's Pending Mark is likely to cause dilution of Opposer's famous Marks, thereby damaging Opposer's goodwill in its Marks, diluting the value thereof, and resulting in irreparable harm to Opposer's business and reputation, all to the detriment of Opposer who has extended considerable sums and effort in promoting its Marks, and to the detriment of the consuming public.

CONCLUSION

15. Based upon the foregoing, including Opposer's prior use and registration of its Marks, Opposer has been and will continue to be harmed and damaged if the aforesaid registration of Applicant's Pending Mark is granted. Such registration would be a source of damage and injury to Opposer and the consuming public.

16. Applicant herewith submits the payment of the appropriate filing fees in the amount of \$300 in connection with the instant Notice of Opposition. Such Notice of Opposition is timely filed.

17. Based upon the foregoing, Applicant's application for the Pending Mark should be denied registration as requested by Opposer herein.

WHEREFORE, Opposer respectfully prays that the Notice of Opposition be sustained in favor of Opposer and that Application Serial Number 86/579,021 be denied registration. Opposer hereby appoints the undersigned law firm to act as attorneys for Opposer herein, with full power to prosecute said proceeding, to transact all relevant business with the PTO and in the United States Courts and to receive all official communications in connection with this Notice of Opposition.

Dated: December 16, 2015

Respectfully submitted,

/Frank S. Benjamin/
Frank S. Benjamin
Attorney for Opposer

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EXHIBIT A

Registration Certificate for Mark No. 1,773,909

See attached.

EXHIBIT B

Registration Certification for Mark No. 2,685,043

See attached.

EXHIBIT C

Registration Certification for Mark No. 4,107,240

See attached.

EXHIBIT D

Registration Certification for Mark No. 4,103,524

See attached.

EXHIBIT E

First Example of “OPEN TEXT” name as Used in Commerce

See attached.

EXHIBIT F

Second Example of “OPEN TEXT” name as Used in Commerce

See attached.

EXHIBIT G

Third Example of "OPEN TEXT" name as Used in Commerce

See attached.

EXHIBIT H

Fourth Example of “OPEN TEXT” name as Used in Commerce

See attached.

In re Opposition to Serial No. 86/579,021
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