ESTTA Tracking number:	**ESTTA985013**
Filing date:	**07/02/2019**

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 ULC		
Entity	Corporation	Citizenship	Canada
Address	1959 Upper Water Street Suite 900 Halifax, NS B3J 2X2 CANADA		

Attorney information	Charles P. Bacall Verrill Dana, LLP One Portland Square Portland, ME 04101-4054 UNITED STATES trademarks@verrilldana.com, cbacall@verrilldana.com, mfuller@verrilldana.com 207-774-4000

Applicant Information

Application No	88194079	Publication date	06/04/2019
Opposition Filing Date	07/02/2019	Opposition Period Ends	07/04/2019
Applicant	Michael Transon 550 15th Street #31 San Francisco, CA 94103 UNITED STATES		

Goods/Services Affected by Opposition

Class 042. First Use: 0 First Use In Commerce: 0
All goods and services in the class are opposed, namely: Application service provider, namely, hosting, managing, developing, analyzing,and maintaining applications, software and web sites of others in the fields ofmarketing software for providing the ability to crawl and find link building opportunities on external domains

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
Dilution by blurring	Trademark Act Sections 2 and 43(c)
Deceptiveness	Trademark Act Section 2(a)
Other	Trademark Act Section 43(a), 15 U.S.C. Section 1125(a)

Mark Cited by Opposer as Basis for Opposition

U.S. Application No.	87002592	Application Date	04/15/2016
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	MAGELLAN		
Design Mark	MAGELLAN		
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 0 First Use In Commerce: 0		
	Computer operating software; software for use in the collection, integration, curation, evaluation, and analysis of data utilizing natural language processing,computational linguistics, information retrieval, data analytics, and machine learning; instruction manuals sold as a unit with computer programs; all of the foregoing relating specifically to cognitive computing technologies that provide multi-modal natural language processing,generation, reasoning and machine learning for contextual analysis and natural interaction; software for cognitive computing and data-driven analytics; software featuring data analytics and machine learning tools for acquiring, processing,sorting and analyzing information, dataand content; software for use in cognitive computing for retrieving, tracking, evaluating, integrating and analyzing data; software for sharing datasets for the purpose of delivering automated decision support, data modeling, machine learning, predictive analytics, automated reasoning, diagnostics, optimization and recommendation services; software for use in cognitive computing which utilizes digital information for information management over on-premises and off-premises networks for business-to-business integration, analytics, cloud services, archiveservices, business process management, content management, search, and messaging; software for use in connecting disparate computer networks and systems, servers and storage devices; software for cognitive computing technologies in the nature of computer hardware and software that provide multi-modal natural language processing, generation, reasoning and machine learning for contextual analysis and natural interaction; software for reporting, processing, online analytical processing, analytics, data mining, business performance management, benchmarking,text mining, cognitive computing, and predictive analytics all in the field of information management; software that provides real-time, integrated cognitive predictive analytics management intelligence by combining information and data and presenting it in an easy-to-understanduser interface; software to manage, analyze, retrieve, monitor, maintain, report on, structure, model, forecast, present and display data and information from computer databases, applications and theinternet; software to manage, monitor, track and organize data used in connection with predictive intelligence software; software for use in cognitive computing intelligence analytics, modeling, planning, forecasting, reporting, interactive visualization, and predictive analysis; software for data mining, data query, data analysis, and narrative generation used in the field of information, data and content management;		

software and tools in the nature of software development tools for building and deploying intelligent assistants, electronic advisors, and digital workers, in the field of cognitive computing; software for machine learning and statistical analysis; softwarefor data analysis, machine learning, data processing, analysis and storage, cognitive computing and predictive analytics related to structured and unstructureddata; cognitive computing technologies in the nature of computer hardware and software that provide for machine-to-machine (M2M) interactions, communications and collaborative cognition; cognitive computing technologies in the nature of computer hardware and software that provide for human-to-machine interactions, communications and collaborative cognition;cognitive computing technologies in thenature of computer hardware and software that provide for cognitive automation and cognitive automation systems for messaging; cognitive computing technologies, in the nature of computer hardware andsoftware to support machine-to-machine (M2M) interactions, communications, remote data collection and process control; cognitive computing technologies, in thenature of computer hardware and software to support natural user interface solutions; cognitive computing technologies in the nature of computer hardware and software to enhance the automation of infrastructure operations across computers,networks and storage devices; cognitivecomputing technologies in the nature ofcomputer hardware and software to support cognitive automation capabilities of IT infrastructure and services; cognitive computing technologies in the nature of computer hardware and software to support cognitive automation of production systems; cognitive computing, namely, software to automate and augment processes across a broad range of functions; cognitive computing technologies, in the nature of computer hardware, software and systems for accelerating and scaling operational and management expertise; cognitive computing technologies, in the natureof computer hardware and software that provide for cognitive enhancement in respect of experience and productivity, accelerating processes, automation and autonomy; cognitive computing technologies in the nature of computer hardware and software that support immersive cognitive systems; cognitive computing technologies, in the nature of computer hardware and software that provide for digital virtual agents, predictive systems, cognitive process automation, visual computing applications, knowledge virtualization, integrated robotic process automation, automated software development operations,automated testing, automated IT infrastructure management, and automated data center operations; cognitive computing technologies, in the nature of computer hardware and software which enable machinelearning, natural language processing, learning algorithms, semantic ontologies, pattern recognition and knowledge modelling technologies; software for developing and running portable, scalable cognitive systems; downloadable cloud-based computer software that collects, analyzes, stores, retrieves, filters, processes,reproduces and transmits machine-to-machine (M2M) data from connected devices and integrates machine-to-machine (M2M) data with web and mobile application software; software for developing, installing, configuring, monitoring and managing machine-to-machine (M2M) applications; software for machine-to-machine (M2M) networks for data connectivity and integration, device management, configuration, provisioning, management, and control; software for controlling, viewing, accessing, browsing and utilizing global computer and communication networks and for business-process optimization; software for supporting a natural user interface toan operating system relating to compilers, programming languages, databases, networking and communications, artificial intelligence, and brain and body characteristics; analytics software for collecting and analyzing information, data and content to facilitate information, data and content management; software that provides for predictive data analytics, data processing, analysis and visualization, and data mining from disparate data sources and for providing automated solutions to enable organizations to integrate disparate data; software for use in data analytics, namely, for storing, managing and analyzing structured, semi-structured and unstructured data and for performing advanced analysis and modeling ofdiverse multi-structured data, buildingdata software applications, and performing complex large scale analytics

on data; software for searching, identifying, collecting, aggregating, filtering, ranking, processing, merging, visualizing, storing, sharing, managing, reporting andanalyzing data in batch mode or real time, and for enabling users to access, view, analyze, share and report data from multiple sources; software for storing, querying, and sharing functionality for management of multi-dimensional data sets, machine learning algorithms, predictive models, facts and dimensions, and digital traces; software for managing machine-to-machine (M2M) and internet of things (IoT) communications and interactions;software for providing machine-to-machine (M2M) and internet of things (IoT) communication integration services, namely, the integration of disparate computersystems, networks, hardware and software through the application of wireless communication technology to facilitate M2Mand IoT communication via web based browsers, personal digital assistants, mobile phones, embedded microprocessors, sensors and other electronic devices

Class 035. First use: First Use: 0 First Use In Commerce: 0

Business management consultancy services; business consulting services for businesses and institutions relating to cognitive computing and data-driven analytics; business development services for others; market research studies; data processing services; commercial consultancy and analysis relating to business management; all of the foregoing relating specifically to cognitive computing

Class 042. First use: First Use: 0 First Use In Commerce: 0

Cloud computing services, namely, managed cloud services in the nature of remote management of cloud computing systems and applications of others, cloud strategy in the nature of technical consultingservices in the field of cloud computing, public cloud hosting, private cloud hosting, and hybrid cloud hosting; IT consulting services; installing, testing, updating and maintaining of software for others; software design and computer programming services for others; cloud computing featuring software for use in the collection, integration, curation, evaluation, and analysis of data utilizing natural language processing, computationallinguistics, information retrieval, data analytics, and machine learning; all of the foregoing relating specifically tocognitive computing technologies that provide multi-modal natural language processing, generation, reasoning and machine learning for contextual analysis and natural interaction; cloud computing featuring software for cognitive computing and data-driven analytics; cloud computing featuring software for use in data analytics and machine learning tools for acquiring, processing, sorting and analyzing information, data and content; cloud computing featuring software for use in cognitive computing for retrieving, tracking, evaluating, integrating and analyzing data; cloud computing featuring software for sharing datasets for the purpose of delivering automated decision support, data modeling, machine learning, predictive analytics, automated reasoning, diagnostics, optimization and recommendation services; cloud computing featuringsoftware for use in cognitive computingwhich utilizes digital information for information management over on-premises and off-premises networks for business-to-business integration, analytics, cloudservices, archive services, business process management, content management, search, and messaging; cloud computing featuring software for use in connecting disparate computer networks and systems, servers and storage devices; cloud computing featuring software for cognitive computing technologies that provide multi-modal natural language processing, generation, reasoning and machine learning forcontextual analysis and natural interaction; cloud computing featuring softwarefor reporting, processing, online analytical processing, analytics, data mining, business performance management, benchmarking, text mining, cognitive computing, and predictive analytics all in the field of information management; cloud computing featuring software that providesreal-time, integrated cognitive predictive analytics management intelligence bycombining information and data and presenting it in an easy-to-understand user interface; cloud computing featuring software to manage, analyze, retrieve, monitor, maintain, report on, structure, model, forecast, present and display data and information from computer databases, applications and the internet; cloud computing featuring software to manage, monitor,

track and organize data used in connection with predictive intelligence software; cloud computing featuring software for use in cognitive computing intelligence analytics, modeling, planning, forecasting, reporting, interactive visualization, and predictive analysis; cloud computing featuring software for data mining, data query, data analysis, and narrative generation used in the field of information, data and content management;cloud computing featuring software and tools in the nature of online software development tools for building and deploying intelligent assistants, electronic advisors, and digital workers, in the field of cognitive computing; cloud computing featuring software for machine learning and statistical analysis; cloud computing featuring software for data analysis, machine learning, data processing, analysis and storage, cognitive computing and predictive analytics related to structured and unstructured data; cloud computing featuring software for cognitive computing technologies that provide for machine-to-machine (M2M) interactions, communications and collaborative cognition; cloud computing featuring software forcognitive computing technologies that provide for human-to-machine interactions, communications and collaborative cognition; cloud computing featuring softwarefor cognitive computing technologies that provide for cognitive automation and cognitive automation systems for messaging; cloud computing featuring software for cognitive computing technologies and systems to support machine-to-machine (M2M) interactions, communications, remotedata collection and process control; cloud computing featuring software for cognitive computing technologies and systems to support natural user interface solutions; cloud computing featuring software for cognitive computing technologies to enhance the automation of infrastructure operations across computers, networksand storage devices; cloud computing featuring software for cognitive computingtechnologies to support cognitive automation capabilities of IT infrastructure and services; cloud computing featuring software for cognitive computing technologies to support cognitive automation ofproduction systems; cloud computing featuring software for cognitive computing to automate and augment processes acrossa broad range of functions; cloud computing featuring software for cognitive computing technologies and systems for accelerating and scaling operational and management expertise; cloud computing featuring software for cognitive computing technologies and systems that provide forcognitive enhancement in respect of experience and productivity, accelerating processes, automation and autonomy; cloudcomputing featuring software for cognitive computing technologies that support immersive cognitive systems; cloud computing featuring software for cognitive computing technologies and systems that provide for digital virtual agents, predictive systems, cognitive process automation, visual computing applications, knowledge virtualization, integrated robotic process automation, automated software development operations, automated testing, automated IT infrastructure management, and automated data center operations; cloud computing featuring software for cognitive computing technologies and systems which enable machine learning, natural language processing, learning algorithms, semantic ontologies, pattern recognition and knowledge modelling technologies; cloud computing featuring software for developing and running portable, scalable cognitive systems; cloud computing featuring software that collects, analyzes, stores, retrieves, filters, processes, reproduces and transmits machine-to-machine (M2M) data from connected devicesand integrates machine-to-machine (M2M)data with web and mobile application software; cloud computing featuring software for developing, installing, configuring, monitoring and managing machine-to-machine (M2M) applications; cloud computing featuring software for machine-to-machine (M2M) networks for data connectivity and integration, device management, configuration, provisioning, management, and control; cloud computing featuring software for controlling, viewing, accessing, browsing and utilizing global computer and communication networks and for business-process optimization; cloud computing featuring software for supporting anatural user interface to an operating system relating to compilers, programming languages, databases, networking and communications, artificial intelligence, and brain and body characteristics; cloud computing featuring analytics softwarefor collecting and analyzing information,

	data and content to facilitate information, data and content management; cloud computing featuring software that provides for predictive data analytics, dataprocessing, analysis and visualization,and data mining from disparate data sources, and for providing automated solutions to enable organizations to integratedisparate data; cloud computing featuring software for use in data analytics, namely, for storing, managing and analyzing structured, semi-structured and unstructured data and for performing advancedanalysis and modeling of diverse multi-structured data, building data software applications, and performing complex large scale analytics on data; cloud computing featuring software for searching, identifying, collecting, aggregating, filtering, ranking, processing, merging, visualizing, storing, sharing, managing, reporting and analyzing data in batch mode-or real time, and for enabling users toaccess, view, analyze, share and re-portdata from multiple sources; cloud computing featuring software for storing, querying, and sharing functionality for management of multi-dimensional data sets, machine learning algorithms, predictive models, facts and dimensions, and digital traces; cloud computing featuring software for managing machine-to-machine (M2M) and internet of things (IoT) communications and interactions; cloud computingfeaturing software for providing machine-to-machine (M2M) and internet of things (IoT) communication integration services, namely, the integration of disparatecomputer systems, networks, hardware and software through the application of wireless communication technology to facilitate M2M and IoT communication via web based browsers, personal digital assistants, mobile phones, embedded microprocessors, sensors and other electronic devices; development and implementation of software and technology solutions for all the foregoing services; information, advisory and consultancy services in respect of all the foregoing services; Providing machine-to-machine (M2M) and internetof things (IoT) communication integration services, namely, the integration of disparate computer systems, networks, hardware and software through the application of wireless communication technologyto facilitate M2M and IoT communicationvia web based browsers, personal digital assistants, mobile phones, embedded microprocessors, sensors and other electronic devices

Attachments	87002592#TMSN.png(bytes) MAGELLAN 88194079 Notice Opposition 070219.pdf(1265569 bytes)

Signature	/charles p. bacall/
Name	Charles P. Bacall
Date	07/02/2019

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

Applicant:	Michael Transon	)
		)
Serial No.:	88/194,079	)
		)
Filing Date:	November 14, 2018	)
		)
Mark:	MAGELLAN	)
		)
Published:	June 4, 2019	)
		)

Open Text SA ULC, Opposer

v.

Michael Transon, Applicant

Opposition No. _____

NOTICE OF OPPOSITION

Opposer: Open Text SA ULC
a Canadian corporation
1959 Upper Water Street, Suite 900,
Halifax NS B3J 2X2
CANADA

The above-identified Opposer believes that it and its affiliate(s), licensee(s), successor(s) and/or assign(s) will be damaged by registration of the mark shown in the above-identified application, and hereby opposes the same.

The grounds for the opposition are as follows:

1.   This is an opposition by Open Text SA ULC ("Open Text"), a provider of Enterprise Information Management ("EIM") computer software, systems and services, to stop another from registering the trademark "MAGELLAN," which is confusingly similar to Open Text's common law rights and pending Federal trademark application for "MAGELLAN."

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2.　　　Open Text, by itself and/or through its affiliate(s) and/or licensee(s), uses the

MAGELLAN mark in connection with and on materials promoting its goods and services to the

public, throughout the United States and worldwide.

3.　　　Open Text owns United States Trademark Application Serial No. 87/002,592, filed

April 15, 2016, for the mark "MAGELLAN" for:

> "Computer operating software; software for use in the collection, integration,
> curation, evaluation, and analysis of data utilizing natural language processing,
> computational linguistics, information retrieval, data analytics, and machine learning;
> instruction manuals sold as a unit with computer programs; all of the foregoing relating
> specifically to cognitive computing technologies that provide multi-modal natural
> language processing, generation, reasoning and machine learning for contextual analysis
> and natural interaction; software for cognitive computing and data-driven analytics;
> software featuring data analytics and machine learning tools for acquiring, processing,
> sorting and analyzing information, data and content; software for use in cognitive
> computing for retrieving, tracking, evaluating, integrating and analyzing data; software
> for sharing datasets for the purpose of delivering automated decision support, data
> modeling, machine learning, predictive analytics, automated reasoning, diagnostics,
> optimization and recommendation services; software for use in cognitive computing
> which utilizes digital information for information management over on-premises and off-
> premises networks for business-to-business integration, analytics, cloud services, archive
> services, business process management, content management, search, and messaging;
> software for use in connecting disparate computer networks and systems, servers and
> storage devices; software for cognitive computing technologies in the nature of computer
> hardware and software that provide multi-modal natural language processing, generation,
> reasoning and machine learning for contextual analysis and natural interaction; software
> for reporting, processing, online analytical processing, analytics, data mining, business
> performance management, benchmarking, text mining, cognitive computing, and
> predictive analytics all in the field of information management; software that provides
> real-time, integrated cognitive predictive analytics management intelligence by
> combining information and data and presenting it in an easy-to-understand user interface;
> software to manage, analyze, retrieve, monitor, maintain, report on, structure, model,
> forecast, present and display data and information from computer databases, applications
> and the internet; software to manage, monitor, track and organize data used in connection
> with predictive intelligence software; software for use in cognitive computing
> intelligence analytics, modeling, planning, forecasting, reporting, interactive
> visualization, and predictive analysis; software for data mining, data query, data analysis,
> and narrative generation used in the field of information, data and content management;
> software and tools in the nature of software development tools for building and deploying
> intelligent assistants, electronic advisors, and digital workers, in the field of cognitive
> computing; software for machine learning and statistical analysis; software for data
> analysis, machine learning, data processing, analysis and storage, cognitive computing
> and predictive analytics related to structured and unstructured data; cognitive computing

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technologies in the nature of computer hardware and software that provide for machine-to-machine (M2M) interactions, communications and collaborative cognition; cognitive computing technologies in the nature of computer hardware and software that provide for human-to-machine interactions, communications and collaborative cognition; cognitive computing technologies in the nature of computer hardware and software that provide for cognitive automation and cognitive automation systems for messaging; cognitive computing technologies, in the nature of computer hardware and software to support machine-to-machine (M2M) interactions, communications, remote data collection and process control; cognitive computing technologies, in the nature of computer hardware and software to support natural user interface solutions; cognitive computing technologies in the nature of computer hardware and software to enhance the automation of infrastructure operations across computers, networks and storage devices; cognitive computing technologies in the nature of computer hardware and software to support cognitive automation capabilities of IT infrastructure and services; cognitive computing technologies in the nature of computer hardware and software to support cognitive automation of production systems; cognitive computing, namely, software to automate and augment processes across a broad range of functions; cognitive computing technologies, in the nature of computer hardware, software and systems for accelerating and scaling operational and management expertise; cognitive computing technologies, in the nature of computer hardware and software that provide for cognitive enhancement in respect of experience and productivity, accelerating processes, automation and autonomy; cognitive computing technologies in the nature of computer hardware and software that support immersive cognitive systems; cognitive computing technologies, in the nature of computer hardware and software that provide for digital virtual agents, predictive systems, cognitive process automation, visual computing applications, knowledge virtualization, integrated robotic process automation, automated software development operations, automated testing, automated IT infrastructure management, and automated data center operations; cognitive computing technologies, in the nature of computer hardware and software which enable machine learning, natural language processing, learning algorithms, semantic ontologies, pattern recognition and knowledge modelling technologies; software for developing and running portable, scalable cognitive systems; downloadable cloud-based computer software that collects, analyzes, stores, retrieves, filters, processes, reproduces and transmits machine-to-machine (M2M) data from connected devices and integrates machine-to-machine (M2M) data with web and mobile application software; software for developing, installing, configuring, monitoring and managing machine-to-machine (M2M) applications; software for machine-to-machine (M2M) networks for data connectivity and integration, device management, configuration, provisioning, management, and control; software for controlling, viewing, accessing, browsing and utilizing global computer and communication networks and for business-process optimization; software for supporting a natural user interface to an operating system relating to compilers, programming languages, databases, networking and communications, artificial intelligence, and brain and body characteristics; analytics software for collecting and analyzing information, data and content to facilitate information, data and content management; software that provides for predictive data analytics, data processing, analysis and visualization, and data mining from disparate data sources and for providing automated solutions to enable organizations to integrate

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disparate data; software for use in data analytics, namely, for storing, managing and analyzing structured, semi-structured and unstructured data and for performing advanced analysis and modeling of diverse multi-structured data, building data software applications, and performing complex large scale analytics on data; software for searching, identifying, collecting, aggregating, filtering, ranking, processing, merging, visualizing, storing, sharing, managing, reporting and analyzing data in batch mode or real time, and for enabling users to access, view, analyze, share and report data from multiple sources; software for storing, querying, and sharing functionality for management of multi-dimensional data sets, machine learning algorithms, predictive models, facts and dimensions, and digital traces; software for managing machine-to-machine (M2M) and internet of things (IoT) communications and interactions; software for providing machine-to-machine (M2M) and internet of things (IoT) communication integration services, namely, the integration of disparate computer systems, networks, hardware and software through the application of wireless communication technology to facilitate M2M and IoT communication via web based browsers, personal digital assistants, mobile phones, embedded microprocessors, sensors and other electronic devices" in International Class 009;

for:

"Business management consultancy services; business consulting services for businesses and institutions relating to cognitive computing and data-driven analytics; business development services for others; market research studies; data processing services; commercial consultancy and analysis relating to business management; all of the foregoing relating specifically to cognitive computing" in International Class 035;

and for:

"Cloud computing services, namely, managed cloud services in the nature of remote management of cloud computing systems and applications of others, cloud strategy in the nature of technical consulting services in the field of cloud computing, public cloud hosting, private cloud hosting, and hybrid cloud hosting; IT consulting services; installing, testing, updating and maintaining of software for others; software design and computer programming services for others; cloud computing featuring software for use in the collection, integration, curation, evaluation, and analysis of data utilizing natural language processing, computational linguistics, information retrieval, data analytics, and machine learning; all of the foregoing relating specifically to cognitive computing technologies that provide multi-modal natural language processing, generation, reasoning and machine learning for contextual analysis and natural interaction; cloud computing featuring software for cognitive computing and data-driven analytics; cloud computing featuring software for use in data analytics and machine learning tools for acquiring, processing, sorting and analyzing information, data and content; cloud computing featuring software for use in cognitive computing for retrieving, tracking, evaluating, integrating and analyzing data; cloud computing featuring software for sharing datasets for the purpose of delivering automated decision support, data modeling, machine learning, predictive analytics, automated reasoning,

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diagnostics, optimization and recommendation services; cloud computing featuring software for use in cognitive computing which utilizes digital information for information management over on-premises and off-premises networks for business-to-business integration, analytics, cloud services, archive services, business process management, content management, search, and messaging; cloud computing featuring software for use in connecting disparate computer networks and systems, servers and storage devices; cloud computing featuring software for cognitive computing technologies that provide multi-modal natural language processing, generation, reasoning and machine learning for contextual analysis and natural interaction; cloud computing featuring software for reporting, processing, online analytical processing, analytics, data mining, business performance management, benchmarking, text mining, cognitive computing, and predictive analytics all in the field of information management; cloud computing featuring software that provides real-time, integrated cognitive predictive analytics management intelligence by combining information and data and presenting it in an easy-to-understand user interface; cloud computing featuring software to manage, analyze, retrieve, monitor, maintain, report on, structure, model, forecast, present and display data and information from computer databases, applications and the internet; cloud computing featuring software to manage, monitor, track and organize data used in connection with predictive intelligence software; cloud computing featuring software for use in cognitive computing intelligence analytics, modeling, planning, forecasting, reporting, interactive visualization, and predictive analysis; cloud computing featuring software for data mining, data query, data analysis, and narrative generation used in the field of information, data and content management; cloud computing featuring software and tools in the nature of online software development tools for building and deploying intelligent assistants, electronic advisors, and digital workers, in the field of cognitive computing; cloud computing featuring software for machine learning and statistical analysis; cloud computing featuring software for data analysis, machine learning, data processing, analysis and storage, cognitive computing and predictive analytics related to structured and unstructured data; cloud computing featuring software for cognitive computing technologies that provide for machine-to-machine (M2M) interactions, communications and collaborative cognition; cloud computing featuring software for cognitive computing technologies that provide for human-to-machine interactions, communications and collaborative cognition; cloud computing featuring software for cognitive computing technologies that provide for cognitive automation and cognitive automation systems for messaging; cloud computing featuring software for cognitive computing technologies and systems to support machine-to-machine (M2M) interactions, communications, remote data collection and process control; cloud computing featuring software for cognitive computing technologies and systems to support natural user interface solutions; cloud computing featuring software for cognitive computing technologies to enhance the automation of infrastructure operations across computers, networks and storage devices; cloud computing featuring software for cognitive computing technologies to support cognitive automation capabilities of IT infrastructure and services; cloud computing featuring software for cognitive computing technologies to support cognitive automation of production systems; cloud computing featuring software for cognitive computing to automate and augment processes across a broad range of functions; cloud computing featuring software for cognitive computing technologies and systems for accelerating and

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scaling operational and management expertise; cloud computing featuring software for cognitive computing technologies and systems that provide for cognitive enhancement in respect of experience and productivity, accelerating processes, automation and autonomy; cloud computing featuring software for cognitive computing technologies that support immersive cognitive systems; cloud computing featuring software for cognitive computing technologies and systems that provide for digital virtual agents, predictive systems, cognitive process automation, visual computing applications, knowledge virtualization, integrated robotic process automation, automated software development operations, automated testing, automated IT infrastructure management, and automated data center operations; cloud computing featuring software for cognitive computing technologies and systems which enable machine learning, natural language processing, learning algorithms, semantic ontologies, pattern recognition and knowledge modelling technologies; cloud computing featuring software for developing and running portable, scalable cognitive systems; cloud computing featuring software that collects, analyzes, stores, retrieves, filters, processes, reproduces and transmits machine-to-machine (M2M) data from connected devices and integrates machine-to-machine (M2M) data with web and mobile application software; cloud computing featuring software for developing, installing, configuring, monitoring and managing machine-to-machine (M2M) applications; cloud computing featuring software for machine-to-machine (M2M) networks for data connectivity and integration, device management, configuration, provisioning, management, and control; cloud computing featuring software for controlling, viewing, accessing, browsing and utilizing global computer and communication networks and for business-process optimization; cloud computing featuring software for supporting a natural user interface to an operating system relating to compilers, programming languages, databases, networking and communications, artificial intelligence, and brain and body characteristics; cloud computing featuring analytics software for collecting and analyzing information, data and content to facilitate information, data and content management; cloud computing featuring software that provides for predictive data analytics, data processing, analysis and visualization, and data mining from disparate data sources, and for providing automated solutions to enable organizations to integrate disparate data; cloud computing featuring software for use in data analytics, namely, for storing, managing and analyzing structured, semi-structured and unstructured data and for performing advanced analysis and modeling of diverse multi-structured data, building data software applications, and performing complex large scale analytics on data; cloud computing featuring software for searching, identifying, collecting, aggregating, filtering, ranking, processing, merging, visualizing, storing, sharing, managing, reporting and analyzing data in batch mode or real time, and for enabling users to access, view, analyze, share and report data from multiple sources; cloud computing featuring software for storing, querying, and sharing functionality for management of multi-dimensional data sets, machine learning algorithms, predictive models, facts and dimensions, and digital traces; cloud computing featuring software for managing machine-to-machine (M2M) and internet of things (IoT) communications and interactions; cloud computing featuring software for providing machine-to-machine (M2M) and internet of things (IoT) communication integration services, namely, the integration of disparate computer systems, networks, hardware and software through the application of wireless communication technology to facilitate M2M and IoT

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communication via web based browsers, personal digital assistants, mobile phones, embedded microprocessors, sensors and other electronic devices; development and implementation of software and technology solutions for all the foregoing services; information, advisory and consultancy services in respect of all the foregoing services; Providing machine-to-machine (M2M) and internet of things (IoT) communication integration services, namely, the integration of disparate computer systems, networks, hardware and software through the application of wireless communication technology to facilitate M2M and IoT communication via web based browsers, personal digital assistants, mobile phones, embedded microprocessors, sensors and other electronic devices" in International Class 042.

A copy of the TESS electronic database of the USPTO for Application Serial No. 87/002,592 is attached as Exhibit 1.

4.   Open Text's MAGELLAN application was filed on an intent-to-use basis, prior to Applicant's filing of the above-identified application and, based upon information and belief, before any alleged date of first use by Applicant or any other date on which Applicant can rely for priority in relation to its application for registration of the MAGELLAN mark.

5.   Open Text also owns nationwide common law trademark rights in the MAGELLAN mark in connection with the goods and services in the MAGELLAN application by virtue of its use of the mark by itself and/or through its affiliate(s) and/or licensee(s) throughout the United States. Upon information and belief, Open Text established such common law rights prior to Applicant's filing date or any alleged date of first use or any other date upon which Applicant can rely for priority in relation to the mark MAGELLAN.

6.   On November 14, 2018, Michael Transon ("Applicant") filed the instant application to register the trademark MAGELLAN. The application requests registration for "Application service provider, namely, hosting, managing, developing, analyzing, and maintaining applications, software and web sites of others in the fields of marketing software for providing the ability to crawl and find link building opportunities on external domains" in International Class 042. The application is based on the Applicant's intent to use the mark for the services.

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7.   Open Text's rights in the MAGELLAN mark predate the Applicant's rights (if any) in the MAGELLAN mark.

8.   The MAGELLAN mark so closely resembles Open Text's MAGELLAN mark when applied to the services covered by the Application as to cause confusion, mistake or deception as to the source of Applicant's services. The mark MAGELLAN, as set forth in the Application, is identical to Open Text's MAGELLAN mark. There is a strong likelihood that the consuming public will believe that the Applicant's services offered under the MAGELLAN mark emanate from, are associated with, are connected to or are sponsored by Open Text.

9.   Applicant's use of the MAGELLAN mark will infringe and/or dilute Open Text's prior rights in the MAGELLAN mark.

10.   Applicant's registration and/or use of "MAGELLAN" will interfere with Open Text's use of its MAGELLAN mark and will harm Open Text.

Therefore, Open Text respectfully requests that the Board refuse registration of the MAGELLAN mark.

The filing fee of $400 for this Notice of Opposition is filed herewith.

Respectfully submitted,

VERRILL DANA, LLP

Dated: July 2, 2019   By:___/Charles P. Bacall/_____
                                              Charles P. Bacall
                                              Attorney for Opposer
                                              One Portland Square
                                              P.O. Box 586
                                              Portland, ME 04101-4057
                                              (207) 774-4000

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MAGELLAN

Word Mark MAGELLAN

Goods and Services IC 009. US 021 023 026 036 038. G & S: Computer operating software; software for use in the collection, integration, curation, evaluation, and analysis of data utilizing natural language processing, computational linguistics, information retrieval, data analytics, and machine learning; instruction manuals sold as a unit with computer programs; all of the foregoing relating specifically to cognitive computing technologies that provide multi-modal natural language processing, generation, reasoning and machine learning for contextual analysis and natural interaction; software for cognitive computing and data-driven analytics; software featuring data analytics and machine learning tools for acquiring, processing, sorting and analyzing information, data and content; software for use in cognitive computing for retrieving, tracking, evaluating, integrating and analyzing data; software for sharing datasets for the purpose of delivering automated decision support, data modeling, machine learning, predictive analytics, automated reasoning, diagnostics, optimization and recommendation services; software for use in cognitive computing which utilizes digital information for information management over on-premises and off-premises networks for business-to-business integration, analytics, cloud services, archive services, business process management, content management, search, and messaging; software for use in connecting disparate computer networks and systems, servers and storage devices; software for cognitive computing technologies in the nature of computer hardware and software that provide multi-modal natural language processing, generation, reasoning and machine learning for contextual analysis and natural interaction; software for reporting, processing, online analytical processing, analytics, data mining, business performance management, benchmarking, text mining, cognitive computing, and predictive analytics all in the field of information management; software that provides real-time, integrated cognitive predictive analytics management intelligence by combining information and data and presenting it in an easy-to-understand user interface; software to manage, analyze, retrieve, monitor, maintain, report on, structure, model, forecast, present and display data and information from computer databases, applications and the internet; software to manage, monitor, track and organize data used in connection with predictive intelligence software; software for use in cognitive computing intelligence analytics, modeling, planning, forecasting, reporting, interactive visualization, and predictive analysis; software for data mining, data query, data analysis, and narrative generation used in the field of information, data and content management; software and tools in the nature of software development tools for building and

deploying intelligent assistants, electronic advisors, and digital workers, in the field of cognitive computing; software for machine learning and statistical analysis; software for data analysis, machine learning, data processing, analysis and storage, cognitive computing and predictive analytics related to structured and unstructured data; cognitive computing technologies in the nature of computer hardware and software that provide for machine-to-machine (M2M) interactions, communications and collaborative cognition; cognitive computing technologies in the nature of computer hardware and software that provide for human-to-machine interactions, communications and collaborative cognition; cognitive computing technologies in the nature of computer hardware and software that provide for cognitive automation and cognitive automation systems for messaging; cognitive computing technologies, in the nature of computer hardware and software to support machine-to-machine (M2M) interactions, communications, remote data collection and process control; cognitive computing technologies, in the nature of computer hardware and software to support natural user interface solutions; cognitive computing technologies in the nature of computer hardware and software to enhance the automation of infrastructure operations across computers, networks and storage devices; cognitive computing technologies in the nature of computer hardware and software to support cognitive automation capabilities of IT infrastructure and services; cognitive computing technologies in the nature of computer hardware and software to support cognitive automation of production systems; cognitive computing, namely, software to automate and augment processes across a broad range of functions; cognitive computing technologies, in the nature of computer hardware, software and systems for accelerating and scaling operational and management expertise; cognitive computing technologies, in the nature of computer hardware and software that provide for cognitive enhancement in respect of experience and productivity, accelerating processes, automation and autonomy; cognitive computing technologies in the nature of computer hardware and software that support immersive cognitive systems; cognitive computing technologies, in the nature of computer hardware and software that provide for digital virtual agents, predictive systems, cognitive process automation, visual computing applications, knowledge virtualization, integrated robotic process automation, automated software development operations, automated testing, automated IT infrastructure management, and automated data center operations; cognitive computing technologies, in the nature of computer hardware and software which enable machine learning, natural language processing, learning algorithms, semantic ontologies, pattern recognition and knowledge modelling technologies; software for developing and running portable, scalable cognitive systems; downloadable cloud-based computer software that collects, analyzes, stores, retrieves, filters, processes, reproduces and transmits machine-to-machine (M2M) data from connected devices and integrates machine-to-machine (M2M) data with web and mobile application software; software for developing, installing, configuring, monitoring and managing machine-to-machine (M2M) applications; software for machine-to-machine (M2M) networks for data connectivity and integration, device management, configuration, provisioning, management, and control; software for controlling, viewing, accessing, browsing and utilizing global computer and communication networks and for business-process optimization; software for supporting a natural user interface to an operating system relating to compilers, programming languages, databases, networking and communications, artificial intelligence, and brain and body characteristics; analytics software for collecting and analyzing information, data and content to facilitate information, data and content management; software that provides for predictive data analytics, data processing, analysis and visualization, and data mining from disparate data sources and for providing automated solutions to enable organizations to integrate disparate data; software for use in data analytics, namely, for storing, managing and analyzing structured, semi-structured and unstructured data and for performing advanced analysis and modeling of diverse multi-structured data, building data software applications, and performing complex large scale analytics on data; software for searching, identifying, collecting, aggregating, filtering, ranking, processing, merging, visualizing, storing, sharing, managing, reporting and analyzing data in batch mode or real time, and for enabling users to access, view, analyze, share and report data from multiple sources; software for storing, querying, and sharing functionality for management of multi-dimensional data sets, machine learning algorithms, predictive models, facts and dimensions, and digital traces; software for managing machine-to-machine (M2M) and internet of things (IoT) communications and interactions; software for providing machine-to-machine (M2M) and internet of things (IoT) communication integration services, namely, the integration of disparate computer systems, networks, hardware and software through the application of wireless communication technology to facilitate M2M and IoT communication via web based browsers, personal digital assistants, mobile phones, embedded microprocessors, sensors and other electronic devices

IC 035. US 100 101 102. G & S: Business management consultancy services; business consulting services for businesses and institutions relating to cognitive computing and data-driven analytics; business development services for others; market research studies; data processing services;

commercial consultancy and analysis relating to business management; all of the foregoing relating specifically to cognitive computing

IC 042. US 100 101. G & S: Cloud computing services, namely, managed cloud services in the nature of remote management of cloud computing systems and applications of others, cloud strategy in the nature of technical consulting services in the field of cloud computing, public cloud hosting, private cloud hosting, and hybrid cloud hosting; IT consulting services; installing, testing, updating and maintaining of software for others; software design and computer programming services for others; cloud computing featuring software for use in the collection, integration, curation, evaluation, and analysis of data utilizing natural language processing, computational linguistics, information retrieval, data analytics, and machine learning; all of the foregoing relating specifically to cognitive computing technologies that provide multi-modal natural language processing, generation, reasoning and machine learning for contextual analysis and natural interaction; cloud computing featuring software for cognitive computing and data-driven analytics; cloud computing featuring software for use in data analytics and machine learning tools for acquiring, processing, sorting and analyzing information, data and content; cloud computing featuring software for use in cognitive computing for retrieving, tracking, evaluating, integrating and analyzing data; cloud computing featuring software for sharing datasets for the purpose of delivering automated decision support, data modeling, machine learning, predictive analytics, automated reasoning, diagnostics, optimization and recommendation services; cloud computing featuring software for use in cognitive computing which utilizes digital information for information management over on-premises and off-premises networks for business-to-business integration, analytics, cloud services, archive services, business process management, content management, search, and messaging; cloud computing featuring software for use in connecting disparate computer networks and systems, servers and storage devices; cloud computing featuring software for cognitive computing technologies that provide multi-modal natural language processing, generation, reasoning and machine learning for contextual analysis and natural interaction; cloud computing featuring software for reporting, processing, online analytical processing, analytics, data mining, business performance management, benchmarking, text mining, cognitive computing, and predictive analytics all in the field of information management; cloud computing featuring software that provides real-time, integrated cognitive predictive analytics management intelligence by combining information and data and presenting it in an easy-to-understand user interface; cloud computing featuring software to manage, analyze, retrieve, monitor, maintain, report on, structure, model, forecast, present and display data and information from computer databases, applications and the internet; cloud computing featuring software to manage, monitor, track and organize data used in connection with predictive intelligence software; cloud computing featuring software for use in cognitive computing intelligence analytics, modeling, planning, forecasting, reporting, interactive visualization, and predictive analysis; cloud computing featuring software for data mining, data query, data analysis, and narrative generation used in the field of information, data and content management; cloud computing featuring software and tools in the nature of online software development tools for building and deploying intelligent assistants, electronic advisors, and digital workers, in the field of cognitive computing; cloud computing featuring software for machine learning and statistical analysis; cloud computing featuring software for data analysis, machine learning, data processing, analysis and storage, cognitive computing and predictive analytics related to structured and unstructured data; cloud computing featuring software for cognitive computing technologies that provide for machine-to-machine (M2M) interactions, communications and collaborative cognition; cloud computing featuring software for cognitive computing technologies that provide for human-to-machine interactions, communications and collaborative cognition; cloud computing featuring software for cognitive computing technologies that provide for cognitive automation and cognitive automation systems for messaging; cloud computing featuring software for cognitive computing technologies and systems to support machine-to-machine (M2M) interactions, communications, remote data collection and process control; cloud computing featuring software for cognitive computing technologies and systems to support natural user interface solutions; cloud computing featuring software for cognitive computing technologies to enhance the automation of infrastructure operations across computers, networks and storage devices; cloud computing featuring software for cognitive computing technologies to support cognitive automation capabilities of IT infrastructure and services; cloud computing featuring software for cognitive computing technologies to support cognitive automation of production systems; cloud computing featuring software for cognitive computing to automate and augment processes across a broad range of functions; cloud computing featuring software for cognitive computing technologies and systems for accelerating and scaling operational and management expertise; cloud computing featuring software for cognitive computing technologies and systems that provide for cognitive enhancement in respect of experience and productivity, accelerating processes, automation and autonomy; cloud computing featuring software for cognitive computing technologies that support

immersive cognitive systems; cloud computing featuring software for cognitive computing technologies and systems that provide for digital virtual agents, predictive systems, cognitive process automation, visual computing applications, knowledge virtualization, integrated robotic process automation, automated software development operations, automated testing, automated IT infrastructure management, and automated data center operations; cloud computing featuring software for cognitive computing technologies and systems which enable machine learning, natural language processing, learning algorithms, semantic ontologies, pattern recognition and knowledge modelling technologies; cloud computing featuring software for developing and running portable, scalable cognitive systems; cloud computing featuring software that collects, analyzes, stores, retrieves, filters, processes, reproduces and transmits machine-to-machine (M2M) data from connected devices and integrates machine-to-machine (M2M) data with web and mobile application software; cloud computing featuring software for developing, installing, configuring, monitoring and managing machine-to-machine (M2M) applications; cloud computing featuring software for machine-to-machine (M2M) networks for data connectivity and integration, device management, configuration, provisioning, management, and control; cloud computing featuring software for controlling, viewing, accessing, browsing and utilizing global computer and communication networks and for business-process optimization; cloud computing featuring software for supporting a natural user interface to an operating system relating to compilers, programming languages, databases, networking and communications, artificial intelligence, and brain and body characteristics; cloud computing featuring analytics software for collecting and analyzing information, data and content to facilitate information, data and content management; cloud computing featuring software that provides for predictive data analytics, data processing, analysis and visualization, and data mining from disparate data sources, and for providing automated solutions to enable organizations to integrate disparate data; cloud computing featuring software for use in data analytics, namely, for storing, managing and analyzing structured, semi-structured and unstructured data and for performing advanced analysis and modeling of diverse multi-structured data, building data software applications, and performing complex large scale analytics on data; cloud computing featuring software for searching, identifying, collecting, aggregating, filtering, ranking, processing, merging, visualizing, storing, sharing, managing, reporting and analyzing data in batch mode or real time, and for enabling users to access, view, analyze, share and report data from multiple sources; cloud computing featuring software for storing, querying, and sharing functionality for management of multi-dimensional data sets, machine learning algorithms, predictive models, facts and dimensions, and digital traces; cloud computing featuring software for managing machine-to-machine (M2M) and internet of things (IoT) communications and interactions; cloud computing featuring software for providing machine-to-machine (M2M) and internet of things (IoT) communication integration services, namely, the integration of disparate computer systems, networks, hardware and software through the application of wireless communication technology to facilitate M2M and IoT communication via web based browsers, personal digital assistants, mobile phones, embedded microprocessors, sensors and other electronic devices; development and implementation of software and technology solutions for all the foregoing services; information, advisory and consultancy services in respect of all the foregoing services; Providing machine-to-machine (M2M) and internet of things (IoT) communication integration services, namely, the integration of disparate computer systems, networks, hardware and software through the application of wireless communication technology to facilitate M2M and IoT communication via web based browsers, personal digital assistants, mobile phones, embedded microprocessors, sensors and other electronic devices

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Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Charles P. Bacall
Type of Mark	TRADEMARK. SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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