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ESTTA Tracking number: **ESTTA1039696**

Filing date: **03/03/2020**

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	NetScout Systems, Inc.
Granted to Date of previous extension	03/11/2020
Address	310 LITTLETON ROAD WESTFORD, MA 01866 UNITED STATES

Attorney information	AMANDA K. GREENSPON MUNCK WILSON MANDALA LLP P.O. DRAWER 800889 DOCKET CLERK DALLAS, TX 75380 UNITED STATES ttab@munckwilson.com, bsprang@munckwilson.com 9726283600

Applicant Information

Application No	88519707	Publication date	11/12/2019
Opposition Filing Date	03/03/2020	Opposition Period Ends	03/11/2020
Applicant	Skout Secure Intelligence LLC 270 South Service Road Melville, NY 11747 UNITED STATES		

Goods/Services Affected by Opposition

Class 035. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Monitoring of data for business purposes
Class 042. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Computer security threat analysis for protecting data; Design and development of electronic data security systems
Class 045. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Regulatory compliance consulting in thefield of data security

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1764154	Application Date	11/08/1991
Registration Date	04/13/1993	Foreign Priority Date	NONE
Word Mark	NETSCOUT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1991/10/07 First Use In Commerce: 1991/10/07 software for use on local area networksand wide area networks to analyze network information traffic for the purpose of measuring network performance and isolating and diagnosing errors, delays and faults		

U.S. Application No.	87630078	Application Date	10/02/2017
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NETSCOUT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1997/03/00 First Use In Commerce: 1997/03/00 Computer hardware; computer software, namely, computer software for monitoring and management of performance and availability of software applications; computer software, namely, computer software for analyzing wireless, cable, and wireline service performance; computer softwarefor analyzing computer network performance; Telecommunications hardware devices, namely, switches and servers and software for transporting voice, data and video communications across multiple network infrastructures and communications protocols; Telecommunications Network test equipment, namely, servers and switches and parts therefor and testing software relating thereto, for use in operation support systems for billing, fraud prevention, marketing, service quality assurance, network management, early warning and troubleshooting; Computer software forcollection, storage, analysis and re-assembly of data traffic over computer andcommunications networks; computer utility software; computer software for network intrusion detection applications; computer software for network management; and manuals provided together with each of the foregoing goods; Computer hardwareand software for collection, storage, analysis and re-assembly of data traffic over computer and communications networks; computer utility software and hardware for supporting the utility of the computer infrastructure; computer hardware and software for monitoring network and system activities for network intrusion activity; computer hardware and software for use in network management;		

	and manuals therewith sold as a unit; Computer hardware and software for managing computer networks, namely, hardware and software to monitor, analyze, identify, report,troubleshoot, and forecast the performance and efficiency of application and content delivery over network infrastructures; computer software that manages switches that direct packet flows used in network testing Class 037. First use: First Use: 1997/03/00 First Use In Commerce: 1997/03/00 Installation and repair of computer hardware; customizing computer hardware; maintenance of computer hardware Class 042. First use: First Use: 1997/03/00 First Use In Commerce: 1997/03/00 Software as a service (saas) services, namely, software as a service featuring software for monitoring and management of performance and availability of software applications; software as a services,namely, software as a service for analyzing wireless, cable, and wireline service performance; software as a service for analyzing computer network performance; design and development of computer hardware and computer software; consulting services in the field of application andnetwork performance management; computer software consulting; computer consultation; installation, repair and maintenance of computer software; technical support services, namely, troubleshooting computer software problems; technical support services, namely, monitoring technological functions of computer network systems

Related Proceedings	91246497, 91248844 and 91248845. Proceedings consolidated under 91246497.

Attachments	87630078#TMSN.png(bytes) Opposition Notice - SKOUT CYBERSECURITY Word - Final.pdf(2677050 bytes)

Signature	/ARV-aeh/
Name	Adam R. Villanueva
Date	03/03/2020

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

NetScout Systems, Inc.,	:	
	:	
Opposer,	:	**Opposition No.**
	:	**[not yet assigned]**
	:	
Skout Secure Intelligence LLC,	:	
	:	
Applicant.	:	

RE: U.S. Trademark Application Serial No. 88/519,707 (SKOUT CYBERSECURITY)
Filed on: July 17, 2019
Published: November 12, 2019
Extension of time to oppose opposition until: March 11, 2020

NOTICE OF OPPOSITION

Opposer, NetScout Systems, Inc., a Delaware corporation with a principal place of business at 310 Littleton Road, Westford, Massachusetts 01886 ("Opposer"), believes that it will be damaged by the registration of the SKOUT CYBERSECURITY trademark, Application Serial No. 88/519,707 in International Classes 035, 42 and 045 (the "Applicant's Mark") and hereby opposes registration thereof pursuant to Section 13 of the Lanham Act (15 U.S.C. §1063), alleging as grounds for opposing the registration of Applicant's Mark that:

1. Opposer is the current owner of the mark NETSCOUT, which is the whole or part of numerous trademarks, used on or in connection with computer network hardware and software products and computer- and software-related services ("Opposer's NETSCOUT Mark").

2. Opposer, itself or by its predecessors, has used and continues to use Opposer's NETSCOUT Mark in connection with computer network hardware and software products and computer- and software-related services since at least as early as 1991 in interstate commerce in the United States and has established common law rights from that time in Opposer's NETSCOUT Mark.

3. Opposer is the owner of the following U.S. trademark registration(s) that include or are comprised of Opposer's NETSCOUT Mark:

Trademark	Reg. No.	Full Goods/Services
NETSCOUT	U.S. Reg. 1,764,154	(Int'l Class: 009) software for use on local area networks and wide area networks to analyze network information traffic for the purpose of measuring network performance and isolating and diagnosing errors, delays and faults

("Opposer's Registered Mark").

4. Opposer's U.S. Trademark Registration No. 1,764,154 for Opposer's Registered Mark issued on April 13, 1993.

5. The records of the U.S. Patent and Trademark Office ("USPTO") indicate a Declaration of Incontestability of a Mark under Section 15 (15 U.S.C. §1065) was acknowledged for Opposer's Registered Mark on July 28, 1999.

6. Opposer is the owner of the following U.S. trademark application(s) that include or are comprised of Opposer's NETSCOUT Mark:

Trademark	U.S. App. Serial No.	Full Goods/Services
NETSCOUT	U.S. App. No. 87/630,078 (Filed Oct. 2, 2017)	(Int'l Class: 009) Computer hardware; computer software, namely, computer software for monitoring and management of performance and availability of software applications; computer software, namely, computer software for analyzing wireless, cable, and wireline service performance; computer software for analyzing computer network performance; Telecommunications hardware devices, namely, switches and servers and software for transporting voice, data and video communications across multiple network infrastructures and communications protocols; Telecommunications Network test equipment, namely, servers and switches and parts therefor and testing software relating thereto, for use in operation support systems for billing, fraud prevention, marketing, service quality assurance, network management, early warning and troubleshooting; Computer software for collection, storage, analysis and re-assembly of data traffic over computer and communications networks;

Trademark	U.S. App. Serial No.	Full Goods/Services
		computer utility software; computer software for network intrusion detection applications; computer software for network management; and manuals provided together with each of the foregoing goods; Computer hardware and software for collection, storage, analysis and re-assembly of data traffic over computer and communications networks; computer utility software and hardware for supporting the utility of the computer infrastructure; computer hardware and software for monitoring network and system activities for network intrusion activity; computer hardware and software for use in network management; and manuals therewith sold as a unit; Computer hardware and software for managing computer networks, namely, hardware and software to monitor, analyze, identify, report, troubleshoot, and forecast the performance and efficiency of application and content delivery over network infrastructures; computer software that manages switches that direct packet flows used in network testing (Int'l Class: 037) Installation and repair of computer hardware; customizing computer hardware; maintenance of computer hardware (Int'l Class: 042) Software as a service (saas) services, namely, software as a service featuring software for monitoring and management of performance and availability of software applications; software as a services, namely, software as a service for analyzing wireless, cable, and wireline service performance; software as a service for analyzing computer network performance; design and development of computer hardware and computer software; consulting services in the field of application and network performance management; computer software consulting; computer consultation; installation, repair and maintenance of computer software; technical support services, namely, troubleshooting computer software problems; technical support services, namely, monitoring technological functions of computer network systems.

("Opposer's Applied-For Mark", collectively with Opposer's Registered Mark, "Opposer's Mark"). Copies of the registration and application from the USPTO TSDR Database are attached collectively as Exhibit A and made of record in this proceeding pursuant to Trademark Rule 2.122(d).

7. Opposer's U.S. Trademark Application Serial No. 87/630,078 for Opposer's Mark was filed on October 2, 2017.

8. Opposer's Application Serial No. 87/630,078 was filed based on use in commerce (15 U.S.C. §1051(a)) in Intl. Classes 009, 037 and 042.

9. Opposer claims first use of Opposer's Mark in interstate commerce in March 1997 for the Class 009 goods in Application Serial No. 87/630,078.

10. Opposer claims first use of Opposer's Mark in interstate commerce in March 1997 for the Class 037 services in Application Serial No. 87/630,078.

11. Opposer claims first use of Opposer's Mark in interstate commerce in March 1997 for the Class 042 services in Application Serial No. 87/630,078.

12. The records of the USPTO indicate that Applicant is Skout Secure Intelligence LLC, a New York limited liability company having an address of 270 South Service Road, Melville, New York 11747 ("Applicant").

13. The records of the USPTO indicate that Applicant is the owner of U.S. Trademark Application Serial No. 88/519,707 on the following goods and services:

Monitoring of data for business purposes in Int'l Class 035,

Computer security threat analysis for protecting data; design and development of electronic data security systems, in Int'l Class 042, and

Regulatory compliance consulting in the field of data security, in Int'l Class 045

("Applicant's Application").

14. The records of the USPTO indicate that Applicant's Application was filed on July 17, 2019.

15. The records of the USPTO indicate that, on July 17, 2019, the time of filing, Applicant alleged it was entitled to registration based on a bona fide intent to use the Applicant's Mark (15 U.S.C. §1051(b)).

16. Applicant alleges a bona fide intent to use the Applicant's Mark in interstate commerce for the Class 035 services.

17. Applicant alleges a bona fide intent to use the Applicant's Mark in interstate commerce for the Class 042 services.

18. Applicant alleges a bona fide intent to use the Applicant's Mark in interstate commerce for the Class 045 services.

19. Opposer's rights to Opposer's Mark and its common law rights to Opposer's NETSCOUT Mark are senior in time to the filing date of Applicant's Application.

20. Opposer's U.S. Trademark Registration No. 1,764,154 for Opposer's Mark issued prior to the filing date of Applicant's Application.

21. Opposer's U.S. Application Serial No. 87/630,078 for Opposer's Mark was filed prior to the filing date of Applicant's Application.

22. The Applicant's Mark for the services under International Classes 035, 042 and 045 is confusingly similar, *inter alia*, in appearance, sound and overall commercial impression to the Opposer's NETSCOUT Mark and Opposer's Mark.

23. Both the Opposer's Mark and the Applicant's Mark contain the term "SCOUT" or "SKOUT", which two terms differ in appearance only by substitution of a letter "K" for the letter "C."

24. The appearance of the term "SKOUT" is substantially similar to the appearance of the term "SCOUT."

25. Both the Opposer's Mark and the Applicant's Mark contain the term "SCOUT" or "SKOUT" in the first word of the respective marks, which first word is the word initially encountered by customers when reading the respective marks.

26. The Applicant's Mark is substantially similar in appearance to the Opposer's Mark.

27. The term "SKOUT" is the phonetic equivalent of the term "SCOUT."

28. Both the Opposer's Mark and the Applicant's Mark contain the term "SCOUT" or "SKOUT" in the first word of the respective marks, which first word is the word initially heard by customers when hearing the respective marks.

29. The Applicant's Mark is substantially similar in sound to the Opposer's Mark.

30. The term "SKOUT" has no commonly accepted meaning in the English language.

31. Customers encountering the term "SKOUT" in Applicant's Mark will understand the term to be an alternative spelling of the term "SCOUT."

32. The term "SKOUT" has the same commercial impression as the term "SCOUT."

33. Both the Opposer's Mark and the Applicant's Mark contain the term "SCOUT" or "SKOUT" in the first word of the respective marks, which first word has an outsized influence on the commercial impression perceived by customers when encountering the respective marks.

34. The Applicant's Mark is substantially similar in commercial impression to the Opposer's Mark.

35. Applicant's Application identifies services in Class 035 of "Monitoring of data for business purposes," and providing such services to customers generally requires using computer hardware and software.

36. Applicant's services identified in Class 035 will be provided to customers using computer hardware and software.

37. Opposer's Mark identifies, inter alia, "[c]omputer hardware; computer software, namely, computer software for monitoring and management of performance and availability of software applications..." in Class 009 and "[s]oftware as a service (saas) services, namely, software as a service featuring software for monitoring and management of performance and availability of software applications..." in Class 042, which computer hardware and computer software goods and services will be perceived by customers as closely related to the Class 035 services of Applicant's Application.

38. Applicant's Application identifies services in Class 042 of "Computer security threat analysis for protecting data; Design and development of electronic data security systems," and providing such data-related services to customers generally requires using computer hardware and software.

39. Applicant's services identified in Class 042 will be provided to customers using computer hardware and software.

40. Opposer's Mark identifies, inter alia, "[c]omputer hardware and software for collection, storage, analysis and re-assembly of data traffic over computer and communications networks..." in Class 009 and "software as a service for analyzing computer network performance; design and development of computer hardware and computer software; consulting services in the field of application and network performance management..." in Class 042, which computer hardware and computer software goods and services will be perceived by customers as closely related to the Class 042 services identified in Applicant's Application.

41. Applicant's Application identifies services in Class 045 of "[r]egulatory compliance consulting in the field of data security," and providing such data-related services to customers generally requires using computer hardware and software.

42. Applicant's services identified in Class 045 will be provided to customers using computer hardware and software.

43. Opposer's Mark identifies, inter alia, "[c]omputer hardware and software for collection, storage, analysis and re-assembly of data traffic over computer and communications networks..." in Class 009 and "software as a service for analyzing computer network performance; design and development of computer hardware and computer software; consulting services in the field of application and network performance management..." in Class 042, which computer hardware and computer software goods and services will be perceived by customers as closely related to the Class 045 services identified in Applicant's Application.

44. Applicant's services identified in Class 035, 042 and 045 will include the installation of computer hardware, customizing computer hardware or maintenance of computer hardware for customers.

45. Opposer's Mark identifies, inter alia, "installation and repair of computer hardware; customizing computer hardware; maintenance of computer hardware" in Class 037,

which installation, customizing or maintenance services will be perceived by customers as closely related to the Class 035, 042 and Class 045 services of Applicant's Application.

46. In view of the similarities between Opposer's Mark and Applicant's Mark, and Opposer's goods and services and Applicant's services, there is a likelihood that Applicant's services are likely to be seen as being sponsored by or affiliated with Opposer.

47. Applicant's Mark so resembles Opposer's Mark as to be likely to cause confusion, or to cause mistake, or to deceive as to the source of the identified goods and services within the meaning of Section 2(d) of the Lanham Act. The marks are substantially similar and, moreover, the goods and services provided by the parties in connection with their respective marks are likely to be offered in the same channels of trade and to the same customers.

48. The use and registration of Applicant's Mark will damage Opposer by causing a likelihood of confusion as Applicant's Mark would be used in connection with goods and services that are closely related to those offered in interstate commerce by Opposer under Opposer's Mark and Opposer's NETSCOUT Mark.

49. For the reasons set forth herein, registration of Applicant's Mark would damage Opposer and should be refused.

WHEREFORE, Opposer respectfully prays that the Trademark Trial and Appeal Board deny registration to U.S. Trademark Application Serial No. 88/519,707 for the mark SKOUT CYBERSECURITY and otherwise sustain this opposition.

Payment in the amount of the required filing fee is submitted with this Notice of Opposition.

DATED this 3rd day of March 2020.

Respectfully submitted,

By: */s/ Adam R. Villanueva*
Amanda K. Greenspon
Adam R. Villanueva
MUNCK WILSON MANDALA, LLP
600 Banner Place Tower

12770 Coit Road
Dallas, Texas 75251
Telephone: 972.628.3600
Telecopier: 972.628.3616
Email: ttab@munckwilson.com

Attorneys for Opposer
NetScout Systems, Inc.

EXHIBIT A

Generated on: This page was generated by TSDR on 2019-06-14 16:54:59 EDT

Mark: NETSCOUT

US Serial Number: 74220917

Application Filing Date: Nov. 08, 1991

US Registration Number: 1764154

Registration Date: Apr. 13, 1993

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Jun. 14, 2013

Publication Date: Jan. 19, 1993

Mark Information

Mark Literal Elements: NETSCOUT

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Goods and Services

Note:
The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [..] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: software for use on local area networks and wide area networks to analyze network information traffic for the purpose of measuring network performance and isolating and diagnosing errors, delays and faults

International Class(es): 009 - Primary Class

U.S Class(es): 038

Class Status: ACTIVE

Basis: 1(a)

First Use: Oct. 07, 1991

Use in Commerce: Oct. 07, 1991

Basis Information (Case Level)

Filed Use:	Yes	**Currently Use:**	Yes	**Amended Use:**	No
Filed ITU:	No	**Currently ITU:**	No	**Amended ITU:**	No
Filed 44D:	No	**Currently 44D:**	No	**Amended 44D:**	No
Filed 44E:	No	**Currently 44E:**	No	**Amended 44E:**	No
Filed 66A:	No	**Currently 66A:**	No		
Filed No Basis:	No	**Currently No Basis:**	No		

Current Owner(s) Information

Owner Name: NETSCOUT SYSTEMS, INC.

Owner Address: 310 LITTLETON ROAD
WESTFORD, MASSACHUSETTS 01886
UNITED STATES

Legal Entity Type: CORPORATION **State or Country Where Organized:** DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Amanda K. Greenspon **Docket Number:** TEKT05-00011

Attorney Primary Email Address: trademarks@munckwilson.com **Attorney Email Authorized:** Yes

Correspondent

Correspondent Name/Address: Amanda K. Greenspon
Munck Wilson Mandala LLP
P.O. Drawer 800889
Docket Clerk
Dallas, TEXAS 75380
UNITED STATES

Phone: 972-628-3600 **Fax:** 972-628-3616

Correspondent e-mail: trademarks@munckwilson.com **Correspondent e-mail Authorized:** Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jul. 12, 2016	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jul. 12, 2016	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Jul. 22, 2015	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jul. 15, 2015	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jun. 14, 2013	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Jun. 14, 2013	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	75184
Jun. 14, 2013	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	75184
Jun. 13, 2013	TEAS SECTION 8 & 9 RECEIVED	
Jun. 05, 2013	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Nov. 30, 2011	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Aug. 04, 2008	CASE FILE IN TICRS	
May 31, 2005	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jun. 13, 2003	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Jun. 13, 2003	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Apr. 09, 2003	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Apr. 09, 2003	TEAS SECTION 8 & 9 RECEIVED	
Jul. 28, 1999	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Mar. 12, 1999	POST REGISTRATION ACTION MAILED - SEC. 8 & 15	
Oct. 26, 1998	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Apr. 13, 1993	REGISTERED-PRINCIPAL REGISTER	
Jan. 19, 1993	PUBLISHED FOR OPPOSITION	
Dec. 18, 1992	NOTICE OF PUBLICATION	
Nov. 09, 1992	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 26, 1992	EXAMINER'S AMENDMENT MAILED	
Aug. 25, 1992	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Mar. 03, 1992	NON-FINAL ACTION MAILED	
Feb. 10, 1992	ASSIGNED TO EXAMINER	69940
Jan. 29, 1992	ASSIGNED TO EXAMINER	69930

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Apr. 13, 2013

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE **Date in Location:** Jun. 14, 2013

Assignment Abstract Of Title Information

Summary

Total Assignments: 11 **Registrant:** Frontier Software Development, Inc.

Assignment 1 of 11

Conveyance: MERGER

Reel/Frame: 1895/0036 **Pages:** 13

Date Recorded: May 07, 1999

Supporting Documents: assignment-tm-1895-0036.pdf

Assignor

Name: FRONTIER SOFTWARE DEVELOPMENT, INC. **Execution Date:** May 31, 1993

Legal Entity Type: CORPORATION **State or Country Where Organized:** MASSACHUSETTS

Assignee

Name: FRONTIER SOFTWARE DEVELOPMENT, INC.

Legal Entity Type: CORPORATION **State or Country Where Organized:** DELAWARE

Address: 1013 CENTRE ROAD
WILMINGTON, DELAWARE

Correspondent

Correspondent Name: TESTA, HURWITZ & THIBEAULT, LLP

Correspondent Address: DEBORAH J. PECKHAM
125 HIGH STREET
HIGH STREET TOWER
BOSTON, MASSACHUSETTS 02110

Domestic Representative - Not Found

Assignment 2 of 11

Conveyance: MERGER

Reel/Frame: 1900/0566 **Pages:** 13

Date Recorded: May 06, 1999

Supporting Documents: assignment-tm-1900-0566.pdf

Assignor

Name: FRONTIER SOFTWARE DEVELOPMENT, INC. **Execution Date:** May 31, 1993

Legal Entity Type: CORPORATION **State or Country Where Organized:** MASSACHUSETTS

Assignee

Name: FRONTIER SOFTWARE DEVELOPMENT, INC.

Legal Entity Type: CORPORATION **State or Country Where Organized:** DELAWARE

Address: 1013 CENTRE ROAD

WILMINGTON, DELAWARE

Correspondent

Correspondent Name: TESTA, HURWITZ & THIBEAULT, LLP

Correspondent Address: DEBORAH J. PECKHAM
125 HIGH STREET
HIGH STREET TOWER
BOSTON, MA 02110

Domestic Representative - Not Found

Assignment 3 of 11

Conveyance: CHANGE OF NAME

Reel/Frame: 1588/0968 **Pages:** 3

Date Recorded: May 15, 1997

Supporting Documents: No Supporting Documents Available

Assignor

Name: FRONTIER SOFTWARE DEVELOPMENT, INC. **Execution Date:** Mar. 31, 1997

Legal Entity Type: UNKNOWN **State or Country Where Organized:** No Place Where Organized Found

Assignee

Name: NETSCOUT SYSTEMS, INC.

Legal Entity Type: CORPORATION **State or Country Where Organized:** DELAWARE

Address: 321 BILLERICA ROAD
CHELMSFORD, MASSACHUSETTS 01824

Correspondent

Correspondent Name: TESTA, HURWITZ & THIBEAULT

Correspondent Address: TRADMARK ADMINISTRATOR
HIGH STREET TOWER
125 HIGH STREET
BOSTON, MA 02110

Domestic Representative - Not Found

Assignment 4 of 11

Conveyance: SECURITY INTEREST

Reel/Frame: 3652/0310 **Pages:** 9

Date Recorded: Nov. 01, 2007

Supporting Documents: assignment-tm-3652-0310.pdf

Assignor

Name: NETSCOUT SYSTEMS, INC. **Execution Date:** Nov. 01, 2007

Legal Entity Type: CORPORATION **State or Country Where Organized:** DELAWARE

Assignee

Name: WELLS FARGO BANK, NATIONAL ASSOCIATION

Legal Entity Type: NATIONAL ASSOCIATION **State or Country Where Organized:** UNITED STATES

Address: 625 MARQUETTE AVENUE SOUTH
MAC N9311-110
MINNEAPOLIS, MINNESOTA 55479

Correspondent

Correspondent Name: MARCELA ROBLEDO

Correspondent Address: 2550 HANOVER STREET
PALO ALTO, CA 94304

Domestic Representative - Not Found

Assignment 5 of 11

Conveyance: SECURITY INTEREST

Reel/Frame: 3720/0410 **Pages:** 16

Date Recorded: Feb. 15, 2008

Supporting Documents: assignment-tm-3720-0410.pdf

Assignor

Name: NETSCOUT SYSTEMS, INC. **Execution Date:** Dec. 21, 2007

Legal Entity Type: CORPORATION **State or Country Where Organized:** DELAWARE

Assignee

Name: KEYBANK NATIONAL ASSOCIATION

Legal Entity Type: NATIONAL BANKING ASSOCIATION **State or Country Where Organized:** UNITED STATES

Address: 127 PUBLIC SQUARE
ATTN: COMMUNITY BANK
CLEVELAND, OHIO 44114

Correspondent

Correspondent Name: THOMPSON HINE LLP

Correspondent Address: 127 PUBLIC SQUARE
NATHAN L. WIEDEMANN, ESQ.
CLEVELAND, OH 44114

Domestic Representative - Not Found

Assignment 6 of 11

Conveyance: INTELLECTUAL PROPERTY SECURITY AGREEMENT

Reel/Frame: 4666/0416 **Pages:** 18

Date Recorded: Nov. 28, 2011

Supporting Documents: assignment-tm-4666-0416.pdf

Assignor

Name: NETSCOUT SYSTEMS, INC. **Execution Date:** Nov. 22, 2011

Legal Entity Type: CORPORATION **State or Country Where Organized:** DELAWARE

Assignee

Name: KEYBANK NATIONAL ASSOCIATION AS ADMINISTRATIVE AGENT

Legal Entity Type: NATIONAL BANKING ASSOCIATION **State or Country Where Organized:** OHIO

Address: 127 PUBLIC SQUARE
ATTN: INSTITUTIONAL BANKING
CLEVELAND, OHIO 44114

Correspondent

Correspondent Name: THOMAS R. BUTCHKO, ESQ.

Correspondent Address: 127 PUBLIC SQUARE
3900 KEY CENTER
CLEVELAND, OH 44114

Domestic Representative - Not Found

Assignment 7 of 11

Conveyance: SECURITY INTEREST

Reel/Frame: 5569/0836 **Pages:** 3

Date Recorded: Jul. 06, 2015

Supporting Documents: assignment-tm-5569-0836.pdf

Assignor

Name: WELLS FARGO BANK, NATIONAL ASSOCIATION
Execution Date: Jul. 01, 2015
Legal Entity Type: NATIONAL ASSOCIATION
State or Country Where Organized: UNITED STATES

Assignee

Name: NETSCOUT SYSTEMS INC
Legal Entity Type: CORPORATION
State or Country Where Organized: DELAWARE
Address: 310 LITTLETON ROAD
WESTFORD, MASSACHUSETTS 01886-4105

Correspondent

Correspondent Name: DEBBIE ESCAMILLA
Correspondent Address: MAC # C3700-043
1700 LINCOLN STREET, 4TH FLOOR
DENVER, CO 80203

Domestic Representative - Not Found

Assignment 8 of 11

Conveyance: SECURITY INTEREST
Reel/Frame: 5576/0528
Pages: 7
Date Recorded: Jul. 14, 2015
Supporting Documents: assignment-tm-5576-0528.pdf

Assignor

Name: NETSCOUT SYSTEMS, INC.
Execution Date: Jul. 14, 2015
Legal Entity Type: CORPORATION
State or Country Where Organized: DELAWARE

Name: SIMENA, LLC
Execution Date: Jul. 14, 2015
Legal Entity Type: LIMITED LIABILITY COMPANY
State or Country Where Organized: VIRGINIA

Assignee

Name: JPMORGAN CHASE BANK, N.A.
Legal Entity Type: NATIONAL ASSOCIATION
State or Country Where Organized: DELAWARE
Address: 270 PARK AVE, 43RD
NEW YORK, NEW YORK 10017

Correspondent

Correspondent Name: SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP
Correspondent Address: FOUR TIMES SQUARE
REBECCA RODAL
NEW YORK, NY 10036

Domestic Representative - Not Found

Assignment 9 of 11

Conveyance: RELEASE OF SECURITY INTEREST
Reel/Frame: 5576/0547
Pages: 5
Date Recorded: Jul. 14, 2015
Supporting Documents: assignment-tm-5576-0547.pdf

Assignor

Name: KEYBANK NATIONAL ASSOCIATION
Execution Date: Jul. 14, 2015
Legal Entity Type: NATIONAL BANKING ASSOCIATION
State or Country Where Organized: No Place Where Organized Found

Assignee

Name: NETSCOUT SYSTEMS, INC.

Legal Entity Type:	CORPORATION	**State or Country Where Organized:**	DELAWARE
Address:	310 LITTLETON ROAD WESTFORD, MASSACHUSETTS 01886		

Correspondent

Correspondent Name:	SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP
Correspondent Address:	FOUR TIMES SQUARE REBECCA RODAL NEW YORK, NY 10036

Domestic Representative - Not Found

Assignment 10 of 11

Conveyance:	RELEASE OF SECURITY INTEREST		
Reel/Frame:	5576/0552	**Pages:**	6
Date Recorded:	Jul. 14, 2015		
Supporting Documents:	assignment-tm-5576-0552.pdf		

Assignor

Name:	KEYBANK NATIONAL ASSOCIATION	**Execution Date:**	Jul. 14, 2015
Legal Entity Type:	NATIONAL BANKING ASSOCIATION	**State or Country Where Organized:**	No Place Where Organized Found

Assignee

Name:	NETSCOUT SYSTEMS, INC.		
Legal Entity Type:	CORPORATION	**State or Country Where Organized:**	DELAWARE
Address:	310 LITTLETON ROAD WESTFORD, MASSACHUSETTS 01886		

Correspondent

Correspondent Name:	SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP
Correspondent Address:	FOUR TIMES SQUARE REBECCA RODAL NEW YORK, NY 10036

Domestic Representative - Not Found

Assignment 11 of 11

Conveyance:	RELEASE OF SECURITY INTEREST		
Reel/Frame:	5576/0558	**Pages:**	6
Date Recorded:	Jul. 14, 2015		
Supporting Documents:	assignment-tm-5576-0558.pdf		

Assignor

Name:	KEYBANK NATIONAL ASSOCIATION	**Execution Date:**	Jul. 14, 2015
Legal Entity Type:	NATIONAL BANKING ASSOCIATION	**State or Country Where Organized:**	No Place Where Organized Found

Assignee

Name:	NETSCOUT SYSTEMS, INC.		
Legal Entity Type:	CORPORATION	**State or Country Where Organized:**	DELAWARE
Address:	310 LITTLETON ROAD WESTFORD, MASSACHUSETTS 01886		

Correspondent

Correspondent Name:	SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP
Correspondent Address:	FOUR TIMES SQUARE REBECCA RODAL NEW YORK, NY 10036

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 4

Type of Proceeding: Cancellation

Proceeding Number: 92041874 **Filing Date:** Mar 31, 2003

Status: Terminated **Status Date:** Apr 22, 2005

Interlocutory Attorney: LINDA M SKORO

Defendant

Name: GAP SOFTWARE PTY LTD

Correspondent Address: SCOTT W. JOHNSTON
MERCHANT & GOULD, P.C.
PO BOX 2910
MINNEAPOLIS MN , 55402-9944
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
STATSCOUT	Cancelled - Section 8	75480073	2444740

Plaintiff(s)

Name: NETSCOUT SYSTEMS, INC.

Correspondent Address: Elizabeth A. Walker
Kirkpatrick & Lockhart Nicholson Graham LLP
75 State Street
BOSTON MA , 02109-1808
UNITED STATES

Correspondent e-mail: tmboston@klng.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
NETSCOUT	REGISTERED AND RENEWED	74220917	1764154

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 31, 2003	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 16, 2003	May 26, 2003
3	PENDING, INSTITUTED	Apr 16, 2003	
4	PL'S MOTION FOR DEFAULT JUDGMENT	Jul 31, 2003	
5	DEF'S RESPONSE TO P'S MOTION FOR DEFAULT	Aug 11, 2003	
6	UNDELIVERABLE MAIL/DEF	Aug 14, 2003	
7	ANSWER/MOTION TO ACCEPT LATE FILED ANSWER	Aug 22, 2003	
8	Pls mtn for default judgment denied; late answer accepted; dates remain	Dec 02, 2003	
9	PL'S MOT TO REOPEN DISC.P.D.	Jan 08, 2004	
10	DEF'S OPP. TO PL'S MOT TO REOPEN DISC. P.D.	Jan 30, 2004	
11	Pls reply in support of motion to reopen discovery	Feb 19, 2004	
12	PROCEED. SUSP. PENDING DISP. OF PL'S MOT TO REOPEN DISC.	Mar 11, 2004	
13	PL'S MOT TO REOPEN DISC. DENIED;MOT TO EXT GRNTD;ALL DATES RESET	Apr 28, 2004	
14	PL'S MOT TO EXT GRNTD; ALL DATES RESET	Jun 05, 2004	
15	CORRECTION TO REBUTTAL PD	Jul 28, 2004	
16	D's obj to depo on written Q's	Aug 02, 2004	
17	P's mtn to suspend	Jul 29, 2004	
18	PROCEED. SUSPENDED	Aug 17, 2004	
19	RESPONSE DUE 30 DAYS (DUE DATE)	Apr 12, 2005	May 12, 2005

20	CHANGE OF CORRESPONDENCE ADDRESS	Apr 15, 2005
21	OTHER FILING	Apr 15, 2005
22	BOARD'S DECISION: DISMISSED W/O PREJ	Apr 22, 2005
23	TERMINATED	Apr 22, 2005

Type of Proceeding: Opposition

Proceeding Number: 91158578 **Filing Date:** Mar 14, 2003

Status: Terminated **Status Date:** Sep 27, 2006

Interlocutory Attorney: THOMAS W WELLINGTON

Defendant

Name: ForeScout Technologies, Inc.

Correspondent Address: RONALD D. COLEMAN, ESQ.
COLEMAN & WEINSTEIN
410 PARK AVENUE - 15TH FLOOR
NEW YORK NY , 10022
UNITED STATES

Correspondent e-mail: dstein@coleman-firm.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
ACTIVESCOUT	Cancelled - Section 8	78126968	3137792
FORESCOUT	REGISTERED AND RENEWED	78126971	3137793

Plaintiff(s)

Name: NETSCOUT SYSTEMS, INC.

Correspondent Address: Elizabeth A. Walker
Kirkpatrick & Lockhart Nicholson Graham LLP
State Street Financial CenterOne Lincoln Street
BOSTON MA , 02111-2950
UNITED STATES

Correspondent e-mail: tmboston@klng.com , ewalker@klng.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
ACTIVESCOUT and FORESCOLT	REGISTERED AND RENEWED	74220917	1764154

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 14, 2003	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Nov 25, 2003	Jan 04, 2004
3	PENDING, INSTITUTED	Nov 25, 2003	
4	STIPULATION FOR AN EXTENSION OF TIME	Feb 03, 2004	
5	DEFENDANT'S MOTION GRANTED; ANSWER DUE 20 DAYS; TRIAL DATES REMAIN AS SET ON 11/25/03	Apr 10, 2004	
6	PLAINTIFF'S MOTION TO SUSPEND DISCOVERY & TESTIMONY & IF NECESSARY RESET ALL OTHER DATES	Jun 17, 2004	
7	P'S MOTION FOR DEFAULT JUDGEMENT	Jun 21, 2004	
8	D'S OPPOSITION/RESPONSE TO MOTION	Jul 15, 2004	
9	PL'S RESPONSE TO MOT TO SET ASIDE DEFAULT JUDGMENT	Aug 06, 2004	
10	OTHER FILING	Aug 18, 2004	
11	PROCEEDINGS RESUMED; TRIAL DATES RESET; ANSWER DUE 30 DAYS	Nov 17, 2004	
12	ANSWER	Dec 14, 2004	
13	STIP TO SUSPEND PEND DISP CIV ACTION	Jun 01, 2005	
14	SUSPENDED	Jun 01, 2005	
15	CHANGE OF CORRESPONDENCE ADDRESS	Jul 07, 2006	
16	WITHDRAWAL OF OPPOSITION	Jul 10, 2006	
17	BD'S DECISION: DISMISSED W/ PREJUDICE	Jul 20, 2006	

18	TERMINATED	Jul 20, 2006
19	PAPER RECEIVED AT TTAB	Aug 08, 2006

Type of Proceeding: Extension of Time

Proceeding Number: 78126968 **Filing Date:** Dec 20, 2002

Status: Terminated **Status Date:** Dec 20, 2002

Interlocutory Attorney:

Defendant

Name: ForeScout Technologies, Inc.

Correspondent Address: Amanda Pecchoni Thompson
Barnes & Thornburg
11 South Meridian Street
Indianapolis IN , 46204
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
ACTIVESCOUT	Cancelled - Section 8	78126968	3137792

Potential Opposer(s)

Name: NetScout Systems, Inc

Correspondent Address: TODD E. JOHNSON, ESQ.
NETSCOUT SYSTEMS, INC.
310 LITTLETON ROAD
WESTFORD MA , 01886
UNITED STATES

Name: NETSCOUT SYSTEMS, INC.

Correspondent Address: JENNIFER K. LAWSON
TESTA HURWITZ & THIBEAULT LLP
HIGH STREET TOWER, 125 HIGH STREET
BOSTON MA , 02110
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
ACTIVESCOUT and FORESCOLT	REGISTERED AND RENEWED	74220917	1764154

Prosecution History

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Dec 09, 2002	
2	EXTENSION OF TIME GRANTED	Dec 20, 2002	
3	INCOMING - EXT TIME TO OPPOSE FILED	Feb 05, 2003	
4	EXTENSION OF TIME GRANTED	Feb 11, 2003	
5	INCOMING - EXT TIME TO OPPOSE FILED	Feb 05, 2003	
6	EXTENSION OF TIME GRANTED	Feb 12, 2003	

Type of Proceeding: Extension of Time

Proceeding Number: 78126971 **Filing Date:** Dec 17, 2002

Status: Terminated **Status Date:** Dec 17, 2002

Interlocutory Attorney:

Defendant

Name: ForeScout Technologies, Inc.

Correspondent Address: Amanda Pecchioni Thompson
Barnes & Thornburg
11 South Meridian Street
Indianapolis IN , 46204
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
FORESCOUT	REGISTERED AND RENEWED	78126971	3137793

Potential Opposer(s)

Name: NetScout Systems, Inc

Correspondent Address: Todd E. Johnson
NetScout Systems, Inc.
310 Littleton Road
Westford MA , 01886
UNITED STATES

Name: NETSCOUT SYSTEMS, INC.

Correspondent Address: JENNIFER K. LAWSON
TESTA HURWITZ & THIBEAULT LLP
HIGH STREET TOWER, 125 HIGH STREET
BOSTON MA , 02110
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
ACTIVESCOUT and FORESCOLT	REGISTERED AND RENEWED	74220917	1764154

Prosecution History

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Dec 09, 2002	
2	EXTENSION OF TIME GRANTED	Dec 17, 2002	
3	INCOMING - EXT TIME TO OPPOSE FILED	Feb 05, 2003	
4	EXTENSION OF TIME GRANTED	Feb 11, 2003	
5	TERMINATED	May 12, 2003	
6	LETTER	Aug 14, 2003	

Int. Cl.: 9

Prior U.S. Cl.: 38

Reg. No. 1,764,154

United States Patent and Trademark Office

Registered Apr. 13, 1993

TRADEMARK
PRINCIPAL REGISTER

NETSCOUT

FRONTIER SOFTWARE DEVELOPMENT, INC. (MASSACHUSETTS CORPORATION)
1501 MAIN STREET, SUITE 39-40
TEWKSBURY, MA 01876

FOR: SOFTWARE FOR USE ON LOCAL AREA NETWORKS AND WIDE AREA NETWORKS TO ANALYZE NETWORK INFORMATION TRAFFIC FOR THE PURPOSE OF MEASURING NETWORK PERFORMANCE AND ISOLATING AND DIAGNOSING ERRORS, DELAYS AND FAULTS , IN CLASS 9 (U.S. CL. 38).

FIRST USE 10-7-1991; IN COMMERCE 10-7-1991.

SER. NO. 74-220,917, FILED 11-8-1991.

DOMINIC J. FERRAIUOLO, EXAMINING ATTORNEY

Generated on: This page was generated by TSDR on 2019-06-14 15:04:32 EDT

Mark: NETSCOUT

NETSCOUT

US Serial Number: 87630078

Application Filing Date: Oct. 02, 2017

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Trademark, Service Mark

Status: An opposition after publication is pending at the Trademark Trial and Appeal Board. For further information, see TTABVUE on the Trademark Trial and Appeal Board web page.

Status Date: Feb. 20, 2019

Publication Date: Aug. 21, 2018

Mark Information

Mark Literal Elements: NETSCOUT

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

Claimed Ownership of US Registrations: 1764154

Goods and Services

Note:
The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [..] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Computer hardware; computer software, namely, computer software for monitoring and management of performance and availability of software applications; computer software, namely, computer software for analyzing wireless, cable, and wireline service performance; computer software for analyzing computer network performance; Telecommunications hardware devices, namely, switches and servers and software for transporting voice, data and video communications across multiple network infrastructures and communications protocols; Telecommunications Network test equipment, namely, servers and switches and parts therefor and testing software relating thereto, for use in operation support systems for billing, fraud prevention, marketing, service quality assurance, network management, early warning and troubleshooting; Computer software for collection, storage, analysis and re-assembly of data traffic over computer and communications networks; computer utility software; computer software for network intrusion detection applications; computer software for network management; and manuals provided together with each of the foregoing goods; Computer hardware and software for collection, storage, analysis and re-assembly of data traffic over computer and communications networks; computer utility software and hardware for supporting the utility of the computer infrastructure; computer hardware and software for monitoring network and system activities for network intrusion activity; computer hardware and software for use in network management; and manuals therewith sold as a unit; Computer hardware and software for managing computer networks, namely, hardware and software to monitor, analyze, identify, report, troubleshoot, and forecast the performance and efficiency of application and content delivery over network infrastructures; computer software that manages switches that direct packet flows used in network testing

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 1(a)

First Use: Mar. 1997

Use in Commerce: Mar. 1997

For: Installation and repair of computer hardware; customizing computer hardware; maintenance of computer hardware

International 037 - Primary Class

U.S Class(es): 100, 103, 106

Class(es):

Class Status: ACTIVE

Basis: 1(a)

First Use: Mar. 1997 **Use in Commerce:** Mar. 1997

For: Software as a service (saas) services, namely, software as a service featuring software for monitoring and management of performance and availability of software applications; software as a services, namely, software as a service for analyzing wireless, cable, and wireline service performance; software as a service for analyzing computer network performance; design and development of computer hardware and computer software; consulting services in the field of application and network performance management; computer software consulting; computer consultation; installation, repair and maintenance of computer software; technical support services, namely, troubleshooting computer software problems; technical support services, namely, monitoring technological functions of computer network systems

International Class(es): 042 - Primary Class **U.S Class(es):** 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Mar. 1997 **Use in Commerce:** Mar. 1997

Basis Information (Case Level)

Filed Use:	Yes	**Currently Use:**	Yes	**Amended Use:**	No
Filed ITU:	No	**Currently ITU:**	No	**Amended ITU:**	No
Filed 44D:	No	**Currently 44D:**	No	**Amended 44D:**	No
Filed 44E:	No	**Currently 44E:**	No	**Amended 44E:**	No
Filed 66A:	No	**Currently 66A:**	No		
Filed No Basis:	No	**Currently No Basis:**	No		

Current Owner(s) Information

Owner Name: NetScout Systems, Inc.

Owner Address: 310 Littleton Road
Westford, MASSACHUSETTS 01886
UNITED STATES

Legal Entity Type: CORPORATION **State or Country Where Organized:** DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Amanda K. Greenspon **Docket Number:** TEKT05-00138

Attorney Primary Email Address: trademarks@munckwilson.com **Attorney Email Authorized:** Yes

Correspondent

Correspondent Name/Address: AMANDA K GREENSPON
MUNCK WILSON MANDALA LLP
PO DRAWER 800889
DALLAS, TEXAS 75380
UNITED STATES

Phone: 972-628-3600 **Fax:** 972-628-3616

Correspondent e-mail: trademarks@munckwilson.com **Correspondent e-mail Authorized:** Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Feb. 20, 2019	OPPOSITION INSTITUTED NO. 999999	246497
Aug. 21, 2018	EXTENSION OF TIME TO OPPOSE RECEIVED	
Aug. 21, 2018	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	

Aug. 21, 2018	PUBLISHED FOR OPPOSITION	
Aug. 01, 2018	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jul. 10, 2018	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 10, 2018	EXAMINER'S AMENDMENT ENTERED	88888
Jul. 10, 2018	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Jul. 10, 2018	EXAMINERS AMENDMENT E-MAILED	6328
Jul. 10, 2018	EXAMINERS AMENDMENT -WRITTEN	93643
Jun. 05, 2018	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jun. 04, 2018	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jun. 04, 2018	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Dec. 05, 2017	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Dec. 05, 2017	NON-FINAL ACTION E-MAILED	6325
Dec. 05, 2017	NON-FINAL ACTION WRITTEN	93643
Dec. 05, 2017	ASSIGNED TO EXAMINER	93643
Oct. 06, 2017	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Oct. 05, 2017	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: AVENT, TEAGUE A
Law Office Assigned: LAW OFFICE 125

File Location

Current Location: PUBLICATION AND ISSUE SECTION
Date in Location: Jul. 16, 2018

Assignment Abstract Of Title Information

Summary

Total Assignments: 1
Applicant: NetScout Systems, Inc.

Assignment 1 of 1

Conveyance: SECURITY INTEREST
Reel/Frame: 6254/0286
Pages: 8
Date Recorded: Jan. 19, 2018
Supporting Documents: assignment-tm-6254-0286.pdf

Assignor

Name: NETSCOUT SYSTEMS, INC.
Execution Date: Jan. 16, 2018
Legal Entity Type: CORPORATION
State or Country Where Organized: DELAWARE

Name: AIRMAGNET, INC.
Execution Date: Jan. 16, 2018
Legal Entity Type: CORPORATION
State or Country Where Organized: CALIFORNIA

Name: ARBOR NETWORKS, INC.
Execution Date: Jan. 16, 2018
Legal Entity Type: CORPORATION
State or Country Where Organized: DELAWARE

Name: NETSCOUT SYSTEMS TEXAS, LLC
Execution Date: Jan. 16, 2018
Legal Entity Type: LIMITED LIABILITY COMPANY
State or Country Where Organized: DELAWARE

Assignee

Name: JPMORGAN CHASE BANK, N.A., AS ADMINISTRATIVE AGENT
Legal Entity Type: NATIONAL BANKING ASSOCIATION
State or Country Where Organized: UNITED STATES
Address: 270 PARK AVENUE
NEW YORK, NEW YORK 10017

Correspondent

Correspondent Name: STEWART WALSH

Correspondent Address: 1025 VERMONT AVE NW, SUITE 1130
COGENCY GLOBAL INC.
WASHINGTON, DC 20005

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 2

Type of Proceeding: Opposition

Proceeding Number: 91246497 **Filing Date:** Feb 19, 2019

Status: Suspended **Status Date:** Mar 07, 2019

Interlocutory Attorney: KATIE W MCKNIGHT

Defendant

Name: NetScout Systems, Inc.

Correspondent Address: AMANDA K GREENSPON
MUNCK WILSON MANDALA LLP
PO DRAWER 800889
DALLAS TX , 75380
UNITED STATES

Correspondent e-mail: trademarks@munckwilson.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
NETSCOUT	Opposition Pending	87630078	

Plaintiff(s)

Name: Skout Secure Intelligence LLC

Correspondent Address: BEN NATTER
HAUG PARTNERS LLP
745 FIFTH AVENUE
NEW YORK NY , 10151
UNITED STATES

Correspondent e-mail: bnatter@haugpartners.com , docket@haugpartners.com , JSblendorio@haugpartners.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SKOUT MOLEFINDER	Request For Extension of Time to File Opposition	88242594	
SKOUT RESCUE	Request For Extension of Time to File Opposition	88242593	
SKOUT CYBER INTELLIGENCE	Request For Extension of Time to File Opposition	88242591	
SKOUT FAILSAFE	Request For Extension of Time to File Opposition	88242588	
SKOUT SONAR	Request For Extension of Time to File Opposition	88242587	
SKOUT NEVERBLINK	Request For Extension of Time to File Opposition	88242584	
SKOUT COMPLY NOW	Request For Extension of Time to File Opposition	88242582	
SKOUT ACADEMY	Request For Extension of Time to File Opposition	88242581	
SKOUT RISK REPORT	Request For Extension of Time to File Opposition	88242578	
SKOUT SECURE INTELLIGENCE	Request For Extension of Time to File Opposition	87978616	
SKOUT SECURE INTELLIGENCE	Suspension Letter - Mailed	87767919	
SKOUT SECURE INTELLIGENCE	Suspension Letter - Mailed	87762673	
SKOUT SECURE INTELLIGENCE	Request For Extension of Time to File Opposition	87978615	

Prosecution History

Entry Number	History Text	Date	Due Date

1	FILED AND FEE	Feb 19, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 20, 2019	Apr 01, 2019
3	INSTITUTED	Feb 20, 2019	
4	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Mar 07, 2019	
5	SUSPENDED	Mar 07, 2019	
6	D MOT TO SET ASIDE DEFAULT/ACCEPT LATE ANSWER	Jun 04, 2019	

Type of Proceeding: Extension of Time

Proceeding Number: 87630078 **Filing Date:** Aug 21, 2018

Status: Terminated **Status Date:** Feb 20, 2019

Interlocutory Attorney:

Defendant

Name: NetScout Systems, Inc.

Correspondent Address: AMANDA K. GREENSPON
MUNCK WILSON MANDALA LLP
P.O. DRAWER 800889 DOCKET CLERK
DALLAS TX , 75380
UNITED STATES

Correspondent e-mail: trademarks@munckwilson.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
NETSCOUT	Opposition Pending	87630078	

Potential Opposer(s)

Name: Oxford Solutions LLC

Correspondent Address: Ben Natter
Haug Partners, LLP
745 Fifth Avenue
New York NY , 10151
UNITED STATES

Correspondent e-mail: bnatter@haugpartners.com , docket@haugpartners.com , vnicolau@haugpartners.com , JSblendorio@haugpartners.com

Prosecution History

Entry Number	History Text	Date	Due Date
1	FIRST 90-DAY REQUEST TO EXT TIME TO OPPOSE	Aug 21, 2018	
2	EXT GRANTED	Aug 21, 2018	
3	FINAL 60-DAY REQUEST TO EXT TIME TO OPPOSE	Dec 13, 2018	
4	EXT GRANTED	Dec 13, 2018	

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number.
PTO Form 1478 (Rev 09/2006)
OMB No. 0651-0009 (Exp 02/28/2018)

Trademark/Service Mark Application, Principal Register

Serial Number: 87630078
Filing Date: 10/02/2017

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	87630078
MARK INFORMATION	
***MARK**	NETSCOUT
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	NETSCOUT
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
***OWNER OF MARK**	NetScout Systems, Inc.
***STREET**	310 Littleton Road
***CITY**	Westford
***STATE** **(Required for U.S. applicants)**	Massachusetts
***COUNTRY**	United States
***ZIP/POSTAL CODE** **(Required for U.S. and certain international addresses)**	01886
LEGAL ENTITY INFORMATION	
TYPE	corporation
STATE/COUNTRY OF INCORPORATION	Delaware
GOODS AND/OR SERVICES AND BASIS INFORMATION	
INTERNATIONAL CLASS	009
	Computer hardware; computer software, namely, computer software for monitoring and management of performance and availability of software applications; computer software, namely, computer software for analyzing wireless, cable, and wireline service performance; computer software for analyzing computer network performance; Telecommunications hardware devices and software for transporting voice, data and video communications across multiple network infrastructures and communications protocols; Telecommunications test equipment and parts therefor, and software relating thereto, for use in operation support systems for billing, fraud, marketing, service quality assurance, network management, early warning and troubleshooting; Computer software for collection, storage, analysis and re-assembly of data traffic over computer and communications networks; computer utility software; computer software for network intrusion detection

*IDENTIFICATION	applications; computer software for network management; and manuals provided together with each of the foregoing goods; Computer hardware and software for collection, storage, analysis and re-assembly of data traffic over computer and communications networks; computer utility software and hardware for supporting the utility of the computer infrastructure; computer hardware and software for monitoring network and system activities for network intrusion activity; computer hardware and software for use in network management; and manuals therewith sold as a unit; Computer hardware and software for managing computer networks, namely hardware and software to monitor, analyze, identify, report, troubleshoot, and forecast the performance and efficiency of application and content delivery over network infrastructures; Computer hardware; computer software that manages switches that direct packet flows used in network testing
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 03/00/1997
FIRST USE IN COMMERCE DATE	At least as early as 03/00/1997
SPECIMEN FILE NAME(S)	
JPG FILE(S)	\\TICRS\EXPORT17\IMAGEOUT 17\876\300\87630078\xml1\ RFA0003.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\876\300\87630078\xml1\RFA0004.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\876\300\87630078\xml1\RFA0009.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\876\300\87630078\xml1\RFA0010.JPG
ORIGINAL PDF FILE	SPE0-3810437218-20170928140706229413_._3.pdf
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ORIGINAL PDF FILE	SPE0-3810437218-20170928140706229413_._4.pdf
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SPECIMEN DESCRIPTION	images of products, screen shot of same website for products and screen shot of software program
INTERNATIONAL CLASS	037
*IDENTIFICATION	Installation and repair of computer hardware; customizing computer hardware; maintenance of computer hardware

FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 03/00/1997
FIRST USE IN COMMERCE DATE	At least as early as 03/00/1997
SPECIMEN FILE NAME(S)	
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	\\TICRS\EXPORT17\IMAGEOUT17\876\300\87630078\xml1\RFA0018.JPG
SPECIMEN DESCRIPTION	screen shots of website for services
INTERNATIONAL CLASS	042
***IDENTIFICATION**	Software as a service (saas) services, namely, software as a service featuring software for monitoring and management of performance and availability of software applications; software as a services, namely, software as a service for analyzing wireless, cable, and wireline service performance; software as a service for analyzing computer network performance; design and development of computer hardware and computer software; consulting services in the field of application and network performance management; computer software consulting; computer consultation; design and development of computer hardware and computer software; installation, repair and maintenance of computer software; technical support services, namely, troubleshooting computer software problems; technical support services, namely, monitoring technological functions of computer network systems
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 03/00/1997
FIRST USE IN COMMERCE DATE	At least as early as 03/00/1997
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT17\IMAGEOUT 17\876\300\87630078\xml1\ RFA0020.JPG
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SPECIMEN DESCRIPTION	screen shot of non-downloadable software sign-in page and screen shots of website
ADDITIONAL STATEMENTS SECTION	
ACTIVE PRIOR REGISTRATION(S)	The applicant claims ownership of active prior U.S. Registration Number(s) 1764154.
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ATTORNEY DOCKET NUMBER	TEKT05-00138

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***EMAIL ADDRESS**	trademarks@munckwilson.com
***AUTHORIZED TO COMMUNICATE VIA EMAIL**	Yes
FEE INFORMATION	
APPLICATION FILING OPTION	TEAS RF
NUMBER OF CLASSES	3
APPLICATION FOR REGISTRATION PER CLASS	275
***TOTAL FEE DUE**	825
***TOTAL FEE PAID**	825
SIGNATURE INFORMATION	
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SIGNATORY'S NAME	Evan Bundis
SIGNATORY'S POSITION	Chief IP Counsel

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OMB No. 0651-0009 (Exp 02/28/2018)

Trademark/Service Mark Application, Principal Register

Serial Number: 87630078
Filing Date: 10/02/2017

To the Commissioner for Trademarks:

MARK: NETSCOUT (Standard Characters, see below)

The literal element of the mark consists of NETSCOUT.
The mark consists of standard characters, without claim to any particular font style, size, or color.

The applicant, NetScout Systems, Inc., a corporation of Delaware, having an address of
310 Littleton Road
Westford, Massachusetts 01886
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 009: Computer hardware; computer software, namely, computer software for monitoring and management of performance and availability of software applications; computer software, namely, computer software for analyzing wireless, cable, and wireline service performance; computer software for analyzing computer network performance; Telecommunications hardware devices and software for transporting voice, data and video communications across multiple network infrastructures and communications protocols; Telecommunications test equipment and parts therefor, and software relating thereto, for use in operation support systems for billing, fraud, marketing, service quality assurance, network management, early warning and troubleshooting; Computer software for collection, storage, analysis and re-assembly of data traffic over computer and communications networks; computer utility software; computer software for network intrusion detection applications; computer software for network management; and manuals provided together with each of the foregoing goods; Computer hardware and software for collection, storage, analysis and re-assembly of data traffic over computer and communications networks; computer utility software and hardware for supporting the utility of the computer infrastructure; computer hardware and software for monitoring network and system activities for network intrusion activity; computer hardware and software for use in network management; and manuals therewith sold as a unit; Computer hardware and software for managing computer networks, namely hardware and software to monitor, analyze, identify, report, troubleshoot, and forecast the performance and efficiency of application and content delivery over network infrastructures; Computer hardware; computer software that manages switches that direct packet flows used in network testing

In International Class 009, the mark was first used by the applicant or the applicant's related company or licensee or predecessor in interest at least as early as 03/00/1997, and first used in commerce at least as early as 03/00/1997, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, consisting of a(n) images of products, screen shot of same website for products and screen shot of software program.
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Specimen File4
Original PDF file:
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Converted PDF file(s) (4 pages)
Specimen File1
Specimen File2
Specimen File3
Specimen File4

International Class 037: Installation and repair of computer hardware; customizing computer hardware; maintenance of computer hardware

In International Class 037, the mark was first used by the applicant or the applicant's related company or licensee or predecessor in interest at least as early as 03/00/1997, and first used in commerce at least as early as 03/00/1997, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, consisting of a(n) screen shots of website for services.
JPG file(s):
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Specimen File2
Original PDF file:
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Converted PDF file(s) (3 pages)
Specimen File1
Specimen File2
Specimen File3

International Class 042: Software as a service (saas) services, namely, software as a service featuring software for monitoring and management of performance and availability of software applications; software as a services, namely, software as a service for analyzing wireless, cable, and wireline service performance; software as a service for analyzing computer network performance; design and development of computer hardware and computer software; consulting services in the field of application and network performance management; computer software consulting; computer consultation; design and development of computer hardware and computer software; installation, repair and maintenance of computer software; technical support services, namely, troubleshooting computer software problems; technical support services, namely, monitoring technological functions of computer network systems

In International Class 042, the mark was first used by the applicant or the applicant's related company or licensee or predecessor in interest at least as early as 03/00/1997, and first used in commerce at least as early as 03/00/1997, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, consisting of a(n) screen shot of non-downloadable software sign-in page and screen shots of website.
Specimen File1
Specimen File2
Specimen File3
Specimen File4

Claim of Active Prior Registration(s)
The applicant claims ownership of active prior U.S. Registration Number(s) 1764154.

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The attorney docket/reference number is TEKT05-00138.

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E-mail Authorization: I authorize the USPTO to send e-mail correspondence concerning the application to the applicant, the applicant's attorney, or the applicant's domestic representative at the e-mail address provided in this application. I understand that a valid e-mail address must be maintained and that the applicant or the applicant's attorney must file the relevant subsequent application-related submissions via the Trademark Electronic Application System (TEAS). Failure to do so will result in the loss of TEAS Reduced Fee status and a requirement to submit an additional processing fee of $125 per international class of goods/services.

A fee payment in the amount of $825 has been submitted with the application, representing payment for 3 class(es).

Declaration

Declaration Signature
The attached signature image file:
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Signatory's Name: Evan Bundis
Signatory's Position: Chief IP Counsel
Payment Sale Number: 87630078
Payment Accounting Date: 10/02/2017

Serial Number: 87630078
Internet Transmission Date: Mon Oct 02 12:11:32 EDT 2017
TEAS Stamp: USPTO/BAS-XX.XXX.XX.XXX-2017100212113290
2819-87630078-51093253ccce5298249ca10439
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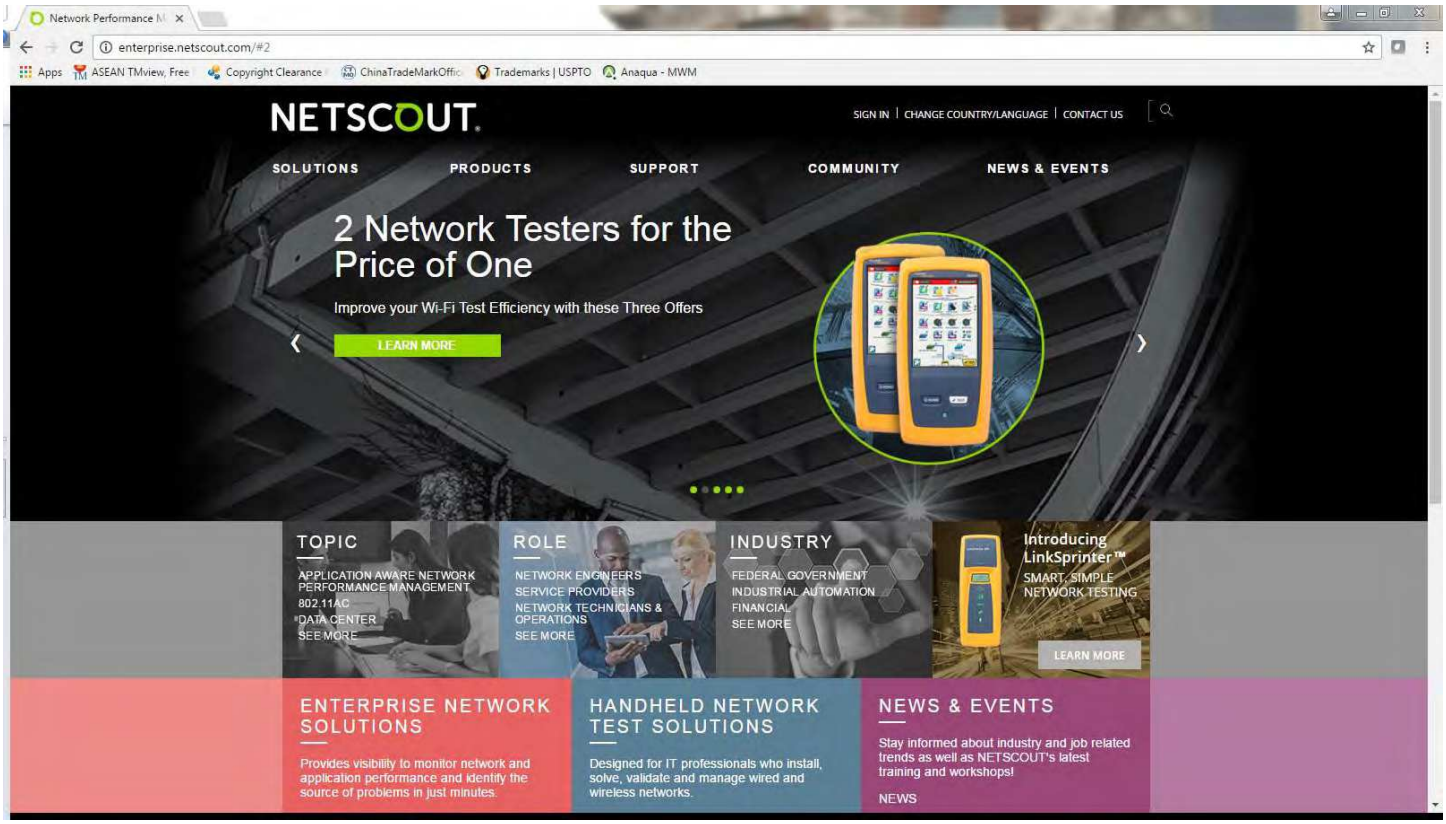
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GOLD PRODUCT SUPPORT WEBCASTS

OneTouch AT Network Assistant

The OneTouch AT network assistant is an automated network troubleshooting tool that empowers IT professional teams to effectively validate, and troubleshoot Ethernet and Wi-Fi access networks

- **All-in-one:** a network troubleshooting tool combining infrastructure, network service and end-to-end path performance test in one tool
- **Versatile:** The OneTouch AT has a modular design: select the G2 module that has dual 10/100/1G copper/fiber optic Ethernet test ports and 802.11a/b/g/n/ac Wi-Fi radio, or the 10G module that has 100M/1/10G copper and fiber Ethernet test ports
- **Standardize:** Network engineers can pre-program AutoTest profiles for field technician that automatically run a suite of tests with the press of a button, enabling identification of the most common problems in about a minute
- **VoIP ready:** the G2 Module troubleshoots desktop SIP/SCCP based VoIP problems in real-time with inline call monitoring, logging, and scoring
- **Centralized Management:** the Link-Live.com cloud portal offer visibility to all of test results and project progress from any NETSCOUT handheld network troubleshooting tools: LinkSprinter, LinkRunner AT, AirCheck G2 and OneTouch AT

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NETSCOUT

NETSCOUT TAP Family

Flexible TAPs Enable Seamless Access to Network Links

HIGHLIGHTS

- Full and Transparent Access to Network Traffic
- Conserves Switch/Router Ports
- Deployment Versatility with Multiple Densities
- 10/100/1000 Copper Support
- 1, 10, 40, and 100Gbps Fiber Support
- Supports Service Delivery Management, Performance Management, Security, and Forensics Deployments
- Redundant Power Supplies*

* Copper TAP models only.

Product Overview

The NETSCOUT TAP family provides network monitoring devices with full and reliable access to network traffic. With the versatility of offering multiple options for link types and speeds, NETSCOUT TAPs can be placed on any strategic network link for comprehensive, always-on monitoring of the IT infrastructure.

A NETSCOUT TAP provides transparent access to network traffic. The TAP is invisible to devices on both ends of the link causing no disruption to data flows or protocol transactions – down to the lowest link level control protocols.

NETSCOUT TAPs provide monitoring devices with an exact view of all packets on the monitored link, thereby enabling accurate packet analysis and capture. Compared to the use of a network device's traffic mirroring capabilities, a NETSCOUT TAP avoids any potential limitations in the device's architecture that might cause packet header loss/alteration or packet loss under heavy load.

Finally, NETSCOUT TAPs provide the most accurate view of application transaction times since there is minimal latency or latency variation added that might be introduced by a network device's mirroring process. This improves the accuracy of performance evaluation and modeling.

Conserves Switch and Router Ports

NETSCOUT TAPs allow the systems architect to keep network device ports to actual service usage, thereby extending the longevity of network devices at a given location, and simplifying capacity planning for future growth.

Fiber Optic Multi-Mode TAPs	HD, 1-Link, 1, 1/10, 40/100, 100 Gbps
Fiber Optic Single-Mode TAPs	HD, 1-Link, 1/10/40/100 Gbps
Fiber Optic BiDi TAP	HD, 1-Link, 40 Gbps BiDi
Copper TAPs	1, 8-Link, 10/100/1000 Ethernet

Deployment Flexibility

NETSCOUT TAPs offer multiple form factors, monitored link densities, and media support for optimal versatility. The 1-link fiber and 1-link copper TAPs can be deployed in densities from 1 TAP up to 3 TAPs in a single rack unit (RU) – using the rackmount adapter kit. The 8-link copper TAP supports tapping of 8 full-duplex copper links in a single RU without the need for a rackmount kit.

The HD Fiber TAP chassis supports all HD fiber TAP module options in a single chassis. With up to 24 TAPs in a single rack unit, IT can mix and match variable TAP modules at high densities. This flexibility supports evolving optical network conditions, from collections of homogenous links to those with various speeds and feeds. As networks upgrade, TAP modules can be easily added or swapped out.

Resilience to Power Failure

NETSCOUT fiber optic TAPs require no power, and hence, are unaffected by power outages. NETSCOUT copper TAPs are powered by redundant power supplies with non- disruptive, automatic failover in case of power loss or power supply failure. In case of total power loss, the copper TAPs feature rapid failover to passive, pass-through mode in order to minimize disruption to the monitored link. For maximizing availability, system architects can also utilize copper TAPs with built-in battery backup, which maintain active operation and avoids disruptions to the monitored link until TAP power is restored.

Sample Deployment Scenarios

Inside the data center, the HD (high density) fiber TAPs can be ideally utilized for providing access to network flows traversing the high-density 10 Gbps uplinks from the edge to the aggregation layers, while also providing access to legacy 1 Gbps uplinks, and the new 40 Gbps (or 100 Gbps) backbone in one chassis. The capability to incrementally add monitored links over time, with up to 24 links per rack unit, allows for scaling the packet-flow access solution while conserving rack space – a vital resource in data center environments. For high-speed connectivity of aggregation-to-core or core-to-core devices, the 40 Gbps fiber TAPS can be utilized with densities matching the target deployment. Furthermore, at the border of the data center where link density is low, 1-link fiber TAPs can be used.

In enterprise networks where there is a prevalence of 10/100/1000 Ethernet copper links, NETSCOUT copper TAPs may be deployed in a variety of locations to complement fiber TAPs. For instance, at the enterprise border where Internet/WAN connectivity speeds and link densities are lower than those in the aggregation/core, the 1-/8-link 10/100/1000

Ethernet copper TAP can be used. With densities up to 3 or 8 links per rack unit, the NETSCOUT copper TAPs are an ideal fit for monitoring flows crossing the enterprise border.

Enhancing Monitoring with Intelligent Packet Flow Switching

NETSCOUT TAPs associate monitored links to monitoring devices in a one-to-one mapping, thereby supporting basic load distribution. For advanced monitoring scenarios, a NETSCOUT TAP can be used in conjunction with the nGenius® Packet Flow Switch which provides intelligent flow filtering, aggregation, and distribution to multiple service delivery management devices, like the InfiniStream® appliances, as well as to other monitoring devices like intrusion detection/prevention systems (IDS/IPS), malware protection systems (MPS), and forensic devices.

Figure 1: Sample NETSCOUT TAP deployment scenarios in enterprise campus and data center.

SPECIFICATIONS

Fiber Optic TAPs

	1-Link TAP	HD Fiber TAP
TAP Technology	Passive optical splitter	
Split Ratio[1]	60/40	
Connector Type	LC	
Fiber Support	Multi-Mode: 50 µm (laser optimized[2]), 62.5 µm, Single-Mode: 9 µm	
Max. Insertion Loss[3] (dB)	Multi-Mode: 3.0 / 5.0, Single-Mode 2.7 / 4.7	
Density (Monitored Links / RU)	3	24
Rackmount	Requires rackmount kit. Up to 3 TAPs per kit.	Requires rackmount kit. Up to 24 TAPs per kit.
Dimensions	4.45" W x 1.18" H x 3.46" D (in) 11.30 W x 3.00 H x 8.79 D (cm)	0.71" W x 1.61" H x 10.03" D (in) 1.80 W x 1.94 H x 25.48 D (cm)
Weight	0.53lbs (0.24kg)	0.18lbs (0.08kg)
Operating Temperature	32°F - 122°F (0°C - 50°C)	
Storage Temperature	14°F - 176°F (-10°C - 80°C)	
Operating Relative Humidity	10% - 90%, non-condensing	
Storage Relative Humidity	10% - 90%, non-condensing	
Max. Power Consumption (W)	n/a	
Cables Included	One fiber optic Y-cable	No cables provided

Fiber Optic 40 Gbps TAPs

	1-Link TAP	HD FIber TAP	HD Fiber BiDi TAP	1-Link BiDi TAP
TAP Technology	Passive optical splitter			
Split Ratio[1]	50/50			
Connector Type	MTP/MPO		LC	
Fiber Support	Multi-Mode: 50 µm			
Max. Insertion Loss[3] (dB)	Multi-Mode: 4.2 / 4.2		Multi-Mode: 3.8 / 3.8	
Density (Monitored Links / RU)	3	16	16	3
Rackmount	Requires rackmount kit. Up to 3 TAPs per kit.	Requires rackmount kit. Up to 16 TAPs per kit.	Requires rackmount kit. Up to 16 TAPs per kit.	Requires rackmount kit. Up to 3 TAPs per kit.
Dimensions	4.45" W x 1.18" H x 3.46" D (in) 11.30 W x 3.00 H x 8.79 D (cm)	1.06" W x 1.61" H x 10.03" D (in) 2.69 W x 4.09 H x 25.47 D (cm)	1.06" W x 1.61" H x 10.03" D (in) 2.69 W x 4.09 H x 25.47 D (cm)	4.45" W x 1.18" H x 5.03" D (in) 11.30 W x 3.00 H x 12.8 D (cm)
Weight	0.53lbs (0.24kg)	0.26lbs (0.12kg)	0.26lbs (0.12kg)	0.53lbs (0.24kg)
Operating Temperature	32°F - 122°F (0°C - 50°C)		14°F - 140°F (-10°C to 60°C)	
Storage Temperature	14°F - 176°F (-10°C - 80°C)		5°F - 194°F (-15°C to 90°C)	
Operating Relative Humidity	10% - 90%, non-condensing			
Storage Relative Humidity	10% - 90%, non-condensing			
Max. Power Consumption (W)	n/a			
Cables Included	Two fiber optic patch	No cables provided	No cables provided	Two fiber optic patch

[1] Split Ratio - Ratio of percentage of monitored link optical power passed through versus the percentage redirected passively to the monitoring port.

[2] Laser optimized - Laser optimized TAPs are compatible with both traditional multi-mode fiber and the newer, laser optimized, multi-mode fiber.

[3] Max. Insertion Loss - The figures express the worst case power loss, in dB, due to optical power splitting. The figure for the monitored link is quoted first followed by that for optical power redirected to the monitoring port.Copper TAPs.

Copper TAPs

	1-Link TAP	8-Link TAP
TAP Technology	Active circuitry	
Connector Type	RJ-45	
Link Speed	10/100/1000 Ethernet	
Density (Monitored Links / RU)	3	8
Rackmount	Requires rackmount kit. Up to 3 TAPs per kit.	Ready
Dimensions	4.45" W x 1.18" H x 5.24" D (in) 11.30 W x 3.00 H x 13.31 D (cm)	17.32" W x 1.73" H x 9.84" D (in) 43.99 W x 4.39 H x 24.99 D (cm)
Weight	0.66lbs (0.30kg)	4.85lbs (2.20kg)
Operating Temperature	32°F - 122°F (0°C - 50°C)	
Storage Temperature	-7.6°F - 158°F (-22°C - 70°C)	14°F - 176°F (-10°C - 80°C)
Operating Relative Humidity	10% - 90%, non-condensing	
Storage Relative Humidity	10% - 90%, non-condensing	
Max. AC Power Consumption	@ 100-240 V, 50/60Hz, AC: 4 W AC w. battery backup: 13.7 W	@ 100-240 V, 50/60Hz: 39 W
Max. DC Power Consumption	@ -48 to -60 V: 5.9 W	-
Max. Thermal Output (Btu/h)	14	100
Power Supply Type	External	Internal
Power Redundancy	1 + 1 AC, 1+1 AC with battery backup 1 + 1 DC	1 + 1 AC
Cables Included	-	

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NETSCOUT offers sales, support, and services in over 32 countries.

For more information, please visit www.netscout.com or contact NETSCOUT at 800-309-4804 or +1 978-614-4000

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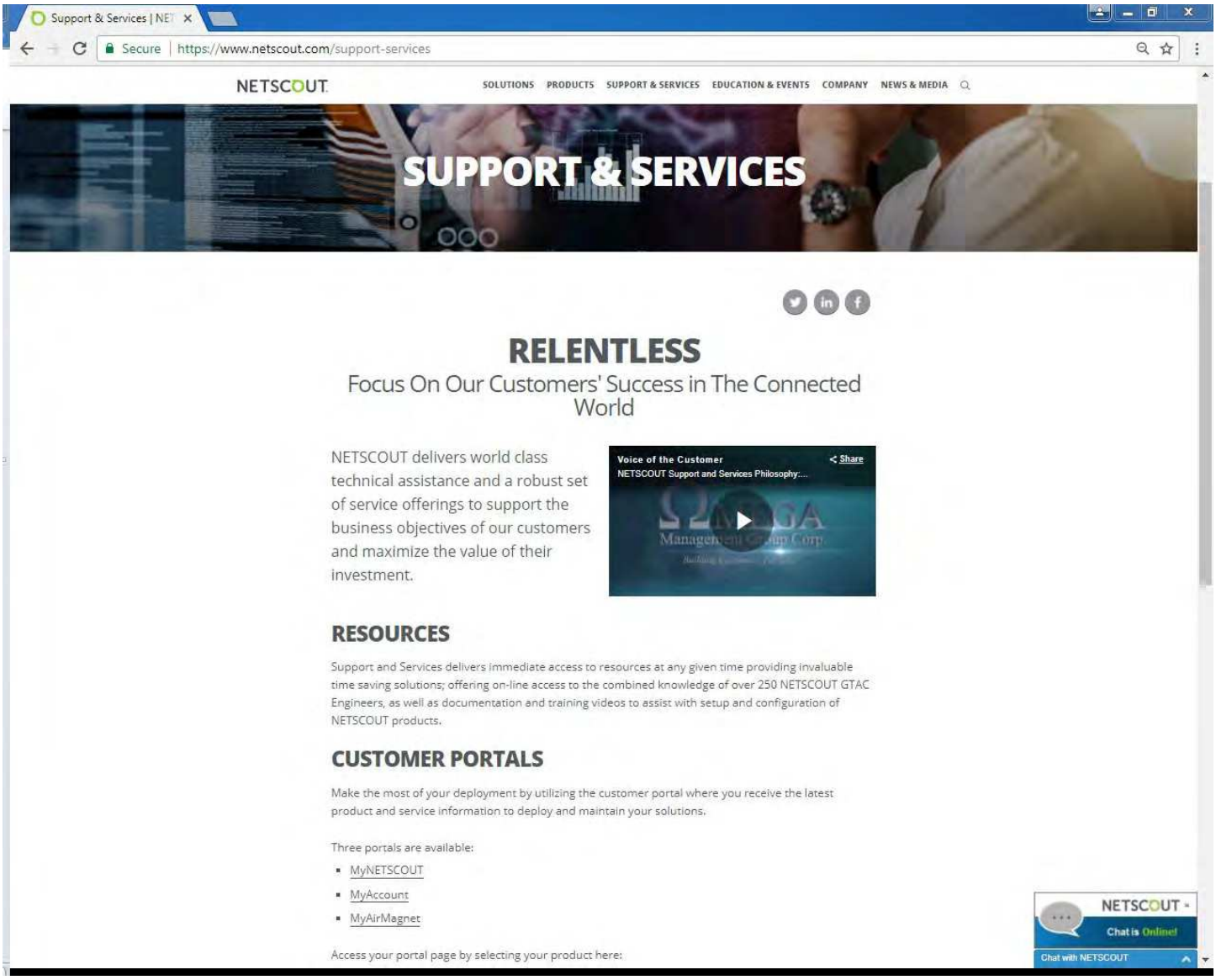
EPDS_012-1600 09/2016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SUPPORT & SERVICES
RELENTLESS
Focus On Our Customers' Success in The Connected World
NETSCOUT delivers world class technical assistance and a robust set of service offerings to support the business objectives of our customers and maximize the value of their investment.
Voice of the Customer
NETSCOUT Support and Services Philosophy:...
Share
RESOURCES
Support and Services delivers immediate access to resources at any given time providing invaluable time saving solutions; offering on-line access to the combined knowledge of over 250 NETSCOUT GTAC Engineers, as well as documentation and training videos to assist with setup and configuration of NETSCOUT products.
CUSTOMER PORTALS
Make the most of your deployment by utilizing the customer portal where you receive the latest product and service information to deploy and maintain your solutions.
Three portals are available:
MyNETSCOUT
MyAccount
MyAirMagnet
Access your portal page by selecting your product here:
NETSCOUT
Chat is Online!
Chat with NETSCOUT

HIGHLIGHTS

MasterCare Support

Having access to the right resources at the right time is invaluable when you need assistance. That's why NETSCOUT® Systems, Inc. is committed to providing:

- 24x7 access to technical support
- One hour priority response to technical support calls
- Software and firmware updates for covered products
- Advanced replacement or onsite repair for hardware
- Registered access to the MasterCare Portal
- Subscriptions to the quarterly electronic MasterCare Newsletter and bulletins

MasterCare

NETSCOUT's award-winning global support service

Running a world-class network is demanding. So is keeping up with the latest patches and service packs or upgrading to the latest version so you are using the most advanced Sniffer® and nGenius® features. That's why NETSCOUT's support team is dedicated to providing award-winning service that supports the business objectives of our customers and maximizes the value of your investment in NETSCOUT technology.

We know your network is essential to your business and therefore we pledge to provide the highest level of technical support – combining world-class technical assistance, access to NETSCOUT software and firmware updates, and priority repair of NETSCOUT hardware.

Lowers Total Cost of Ownership

With MasterCare, you'll minimize your downtime with total coverage of equipment, global, 24x7 technical assistance and complete access to our valuable knowledge base and online training modules. In addition, you'll receive software and firmware updates at no charge for as long as your MasterCare contract is in force.

NETSCOUT's MasterCare Support services are provided from five Technical Support Centers located around the globe for extensive technical support coverage. They are staffed with qualified support engineers who are extensively and continuously trained and certified on our products and technology and committed to quality and customer satisfaction.

MasterCare Support lowers your total cost of ownership by

- Helping you get the most value out of your NETSCOUT deployment with fast response to technical support issues, access to product experts, and online self-help tools
- Reducing downtime with advanced replacement or onsite repair of NETSCOUT appliances*
- Protecting your investment and keeping you up to date with regular product releases
- Monitoring and responding to your changing needs and requirements by continuously soliciting customer feedback for use in product planning and process and quality improvements

MasterCare Highlights

- 24x7 access to award-winning technical support from SSPA-certified NETSCOUT support engineers**
- One hour priority response on technical support calls
- Access to software and firmware updates for covered products
- Increased investment protection with advanced replacement or onsite repair of hardware*
- Registered access to self-help on the MasterCare Portal for technical answers anytime
- Up-to-date knowledge transfer and best practices via NETSCOUT's Online Learning Center
- Free subscriptions to the MasterCare Newsletter and Bulletins
- 50% off unlimited registrations to NETSCOUT's User Forum (NUF) conference

MasterCare Portal

The MasterCare Portal was created to build the skill level and "everyday know-how" of our users, and offers many features to help you work more efficiently. It is available 24x7 and offers a vast array of information, resources, and self-help tools, including:

- Online submission and tracking of support tickets and product enhancement requests
- Download center for NETSCOUT software and firmware, and third-party integration resources, as well as enhancements, experts/decodes and patches
- Complete library of product documentation and online help including comprehensive information on configuring, customizing, using and migrating each product
- White papers, technical overviews and product videos providing background information on new product features and best practices
- Repository of Sniffer® University recorded learning modules offering additional insight into effective product use and your options for classroom training
- Frequently Asked Questions

Sniffer University Learning Community

As a MasterCare customer, you have unlimited access to the Sniffer University Learning Community, which offers a comprehensive library of interactive learning modules and documentation designed to give you the knowledge and skills you need to better deploy and utilize the NETSCOUT solution. Materials include:

- "What's New" summaries for product releases
- "Getting Started" guides for new product users
- Technical overview documents and tutorials for self-paced learning
- Product manuals for quick reference
- Technical white papers for detailed feature explanations

Comprehensive Support

NETSCOUT offers three levels of support to meet our customers' varied needs – preventative, proactive and reactive.

Preventative Support: Superior product architecture and configurations, best practices and production support, and effective customer feedback programs.

Proactive Support: Problem alerts, patch and release planning, knowledge transfer and management, and advanced support through Technical Account Managers (TAM), On-Site Engineers (OSE) and Remote Site Engineers (RSE).

Reactive Support: 24x7 availability to fast answers, fast escalations, and frequent follow-up with engineering involvement, as required. By providing comprehensive and extended product lifecycle support, MasterCare lowers your total cost of ownership and keeps your network running smoothly.

Learn More

To find out more about NETSCOUT's MasterCare Support, contact NETSCOUT at 1-800-357-7666 or email sales@netscout.com.

NETSCOUT customers are happy customers

- Three-time winner of the Omega NorthFace Score Board Award for Excellence in Customer Satisfaction
- Wells Fargo Continuously Innovative Award
- Frost & Sullivan award for Customer Value Enhancement

Service-Level Guidelines

	Description	Response Time
Severity 1	NETSCOUT product completely down with no workaround	1 hour or less[1] Daily follow up
Severity 2	Functional outage with no workaround	1 hour or less[2] Follow up 2x per week
Severity 3	Functional or system outage with acceptable workaround	1 hour or less[2] Follow up as required
Severity 4	Minor problem such as cosmetic or simple workaround; product question lor general information request	1 hour or less[2] Follow up as required
Severity 5	Enhancement request	5 business days Follow up as required

[1] After NETSCOUT normal business hours available only via phone

[2] During NETSCOUT normal business hours

Escalation Process

	Primary Support	Second Level Support	Product Specialists	Engineering
Severity 1	Immediate	Immediate	1 Day	Until Resolution
Severity 2	5 Days	5 Days	10 Days	Until Resolution
Severity 3	5 Days	Until Resolution		
Severity 4	10 Days	Until Resolution		

* Advanced replacement is not available on all hardware models. Check www.netscout.com/support for details. Onsite repair may be provided by a third party and subject to parts availability and geographical restrictions. Same day service is not available in all areas. Service timing is dependent upon the time of day that NETSCOUT initiates a call to the third party providing the onsite repair.

** Live phone support 8:00 am – 8:00 pm EST for North America and 8:00 am – 5:00 pm local time for all other regions; after hour service for Severity 1 issues by telephone only.

NETSCOUT.

Americas East
310 Littleton Road
Westford, MA 01886-4105
Phone: 978-614-4000
Toll Free: 800-357-7666

Americas West
178 E. Tasman Drive
San Jose, CA 95134
Phone: 408-571-5000

Asia Pacific
17F/B
No. 167 Tun Hwa N. Road
Taipei 105, Taiwan
Phone: +886 2 2717 1999

Europe
One Canada Square
29th floor, Canary Wharf
London E14 5DY, United Kingdom
Phone: +44 207 712 1672

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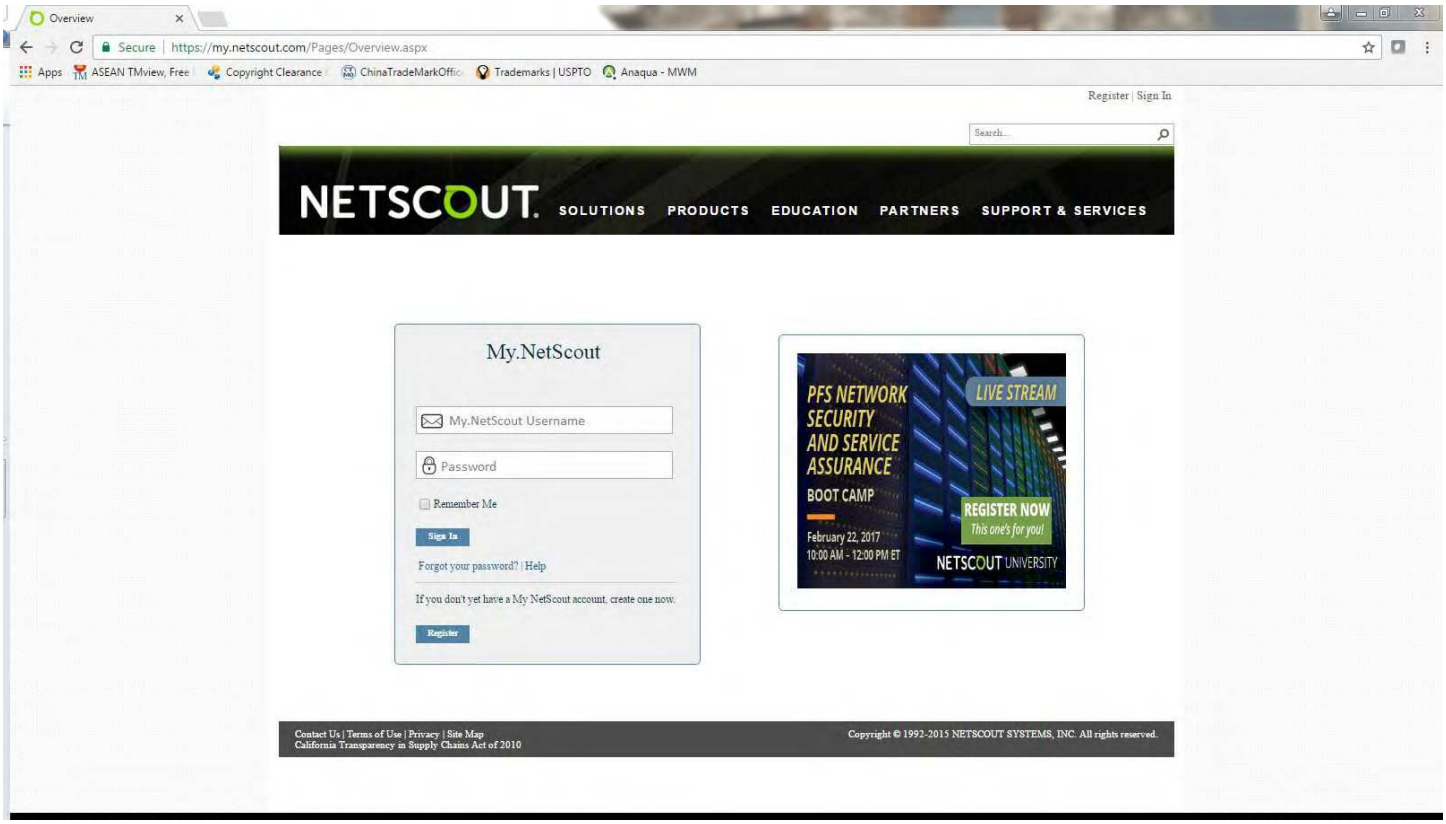
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BOOT CAMP
February 22, 2017
10:00 AM - 12:00 PM ET
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REGISTER NOW
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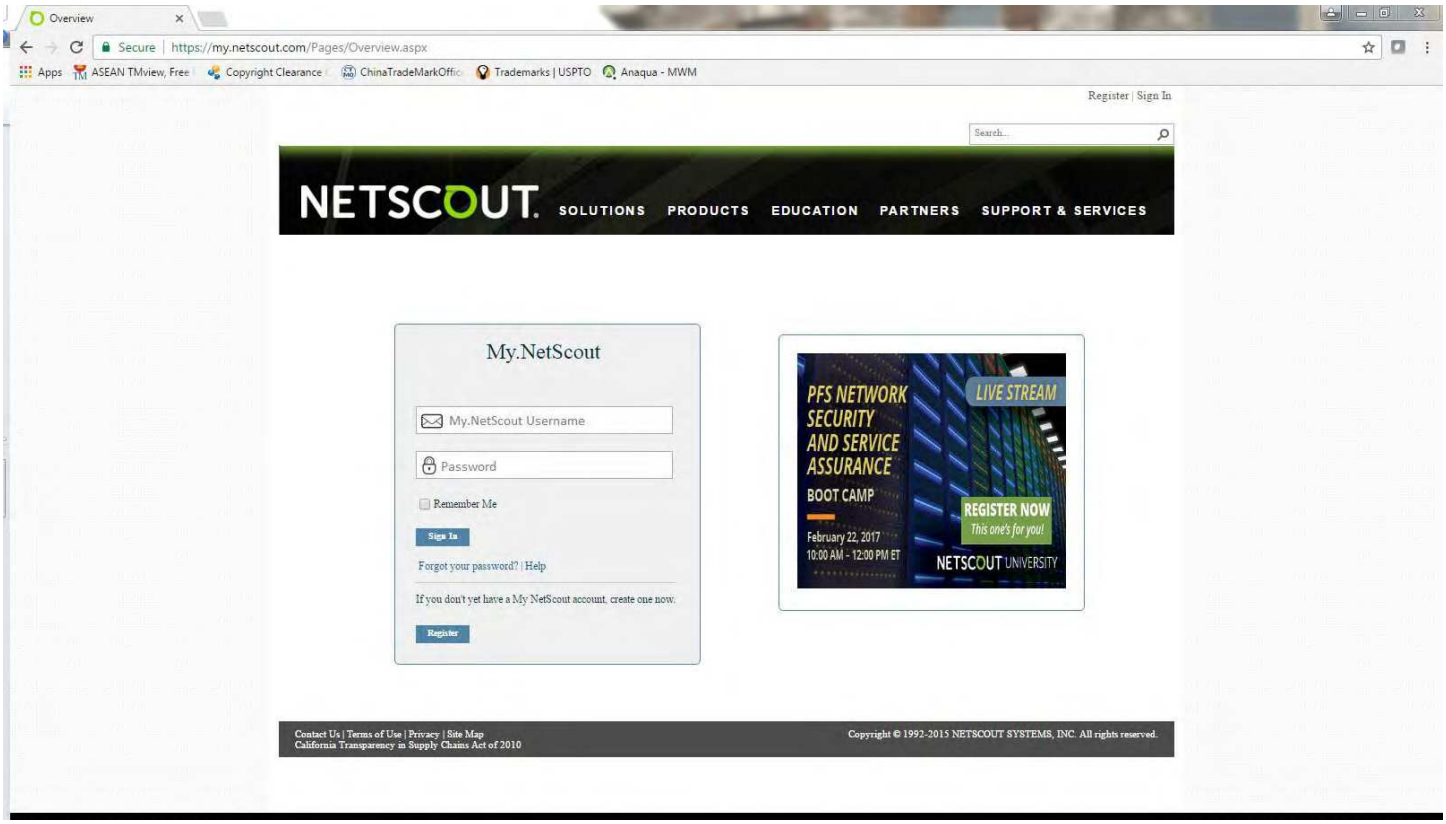
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NETSCOUT

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SUPPORT & SERVICES

RELENTLESS

Focus On Our Customers' Success in The Connected World

NETSCOUT delivers world class technical assistance and a robust set of service offerings to support the business objectives of our customers and maximize the value of their investment.

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- MyAccount
- MyAirMagnet

Access your portal page by selecting your product here:

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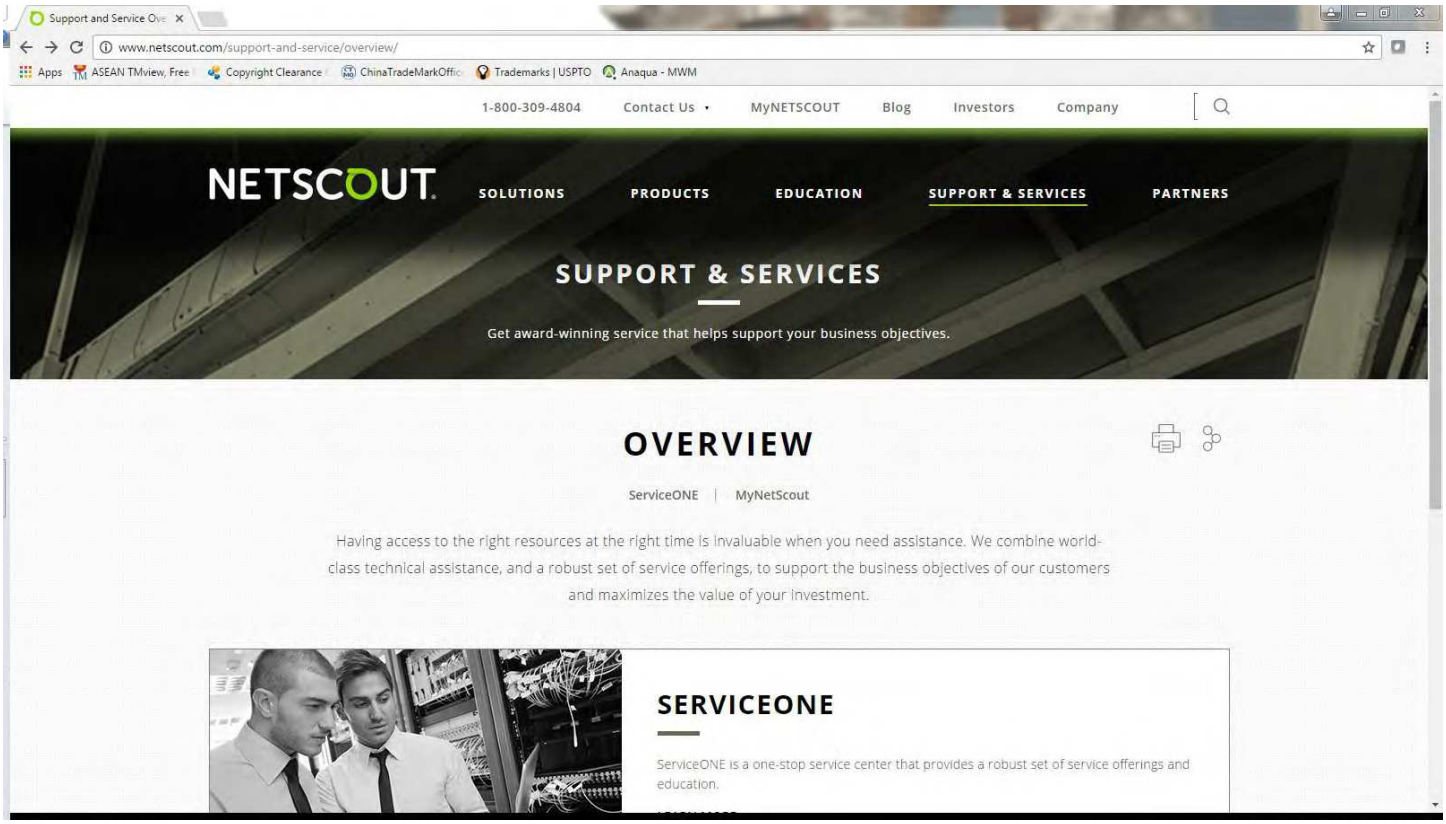
Chat is Online!

Chat with NETSCOUT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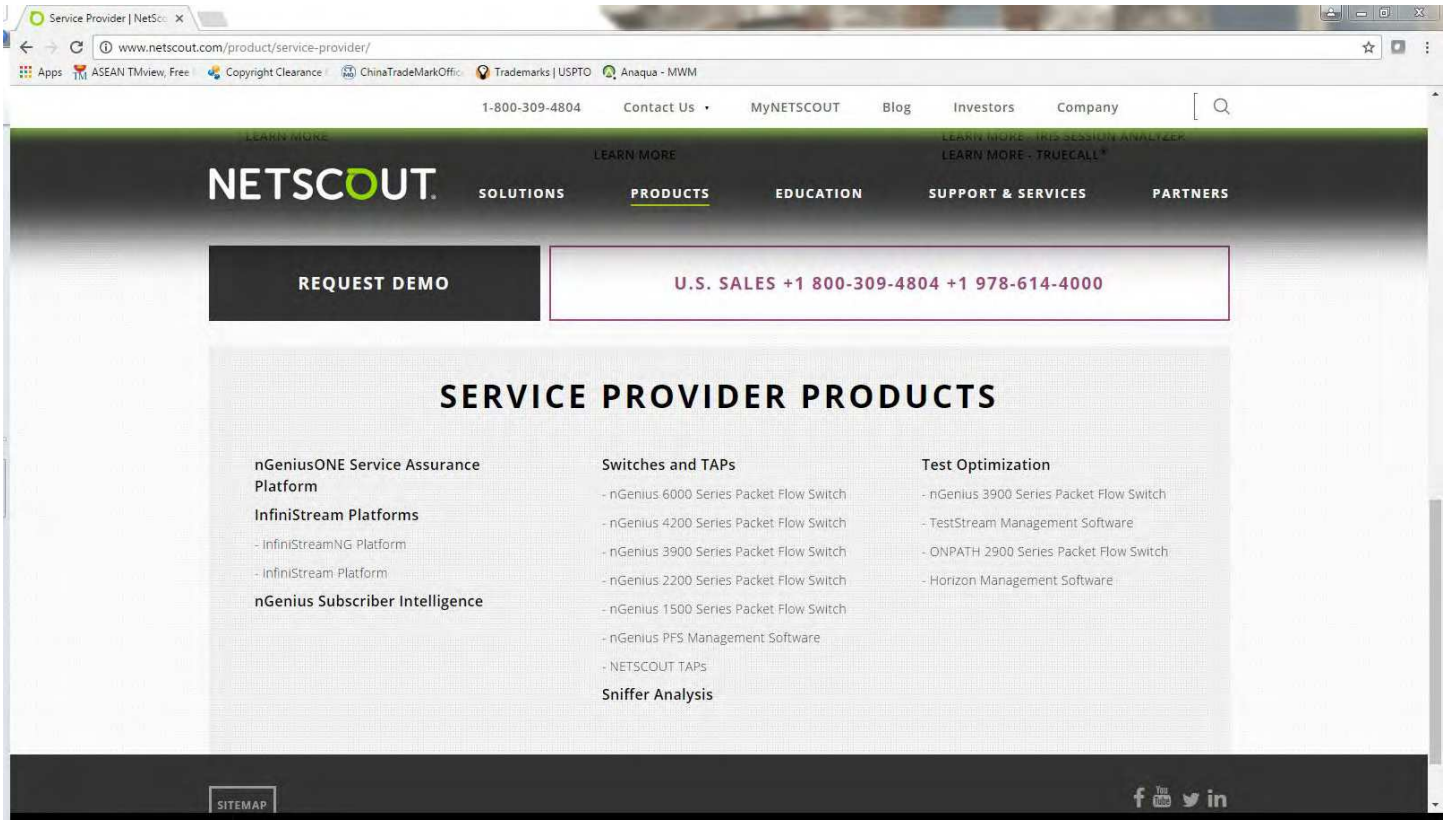
Get award-winning service that helps support your business objectives.
OVERVIEW
ServiceONE | MyNetScout
Having access to the right resources at the right time is invaluable when you need assistance. We combine world-class technical assistance, and a robust set of service offerings, to support the business objectives of our customers and maximizes the value of your investment.
SERVICEONE
ServiceONE is a one-stop service center that provides a robust set of service offerings and education.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InfiniStream Platforms
- InfiniStreamNG Platform
- InfiniStream Platform
nGenius Subscriber Intelligence
Switches and TAPs
- nGenius 6000 Series Packet Flow Switch
- nGenius 4200 Series Packet Flow Switch
- nGenius 3900 Series Packet Flow Switch
- nGenius 2200 Series Packet Flow Switch
- nGenius 1500 Series Packet Flow Switch
- nGenius PFS Management Software
- NETSCOUT TAPs
Sniffer Analysis
Test Optimization
- nGenius 3900 Series Packet Flow Switch
- TestStream Management Software
- ONPATH 2900 Series Packet Flow Switch
- Horizon Management Software
SITEMAP

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO Form 1478 (Rev 09/2010)

OMB No. 0651-0009 (Exp 07/31/2018)

Trademark/Service Mark Application, Principal Register
Handwritten Signature

To the Commissioner for Trademarks:

MARK: NETSCOUT (Standard Characters, see below)

NETSCOUT

The literal element of the mark consists of NETSCOUT. The mark consists of standard characters, without claim to any particular font style, size, or color.
The applicant, NetScout Systems, Inc., a corporation of Delaware, having an address of
310 Littleton Road
Westford, Massachusetts 01886
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 009: Computer hardware; computer software, namely, computer software for monitoring and management of performance and availability of software applications; computer software, namely, computer software for analyzing wireless, cable, and wireline service performance; computer software for analyzing computer network performance; Telecommunications hardware devices and software for transporting voice, data and video communications across multiple network infrastructures and communications protocols; Telecommunications test equipment and parts therefor, and software relating thereto, for use in operation support systems for billing, fraud, marketing, service quality assurance, network management, early warning and troubleshooting; Computer software for collection, storage, analysis and re-assembly of data traffic over computer and communications networks; computer utility software; computer software for network intrusion detection applications; computer software for network management; and manuals provided together with each of the foregoing goods; Computer hardware and software for collection, storage, analysis and re-assembly of data traffic over computer and communications networks; computer utility software and hardware for supporting the utility of the computer infrastructure; computer hardware and software for monitoring network and system activities for network intrusion activity; computer hardware and software for use in network management; and manuals therewith sold as a unit; Computer hardware and software for managing computer networks, namely hardware and software to monitor, analyze, identify, report, troubleshoot, and forecast the

performance and efficiency of application and content delivery over network infrastructures; Computer hardware; computer software that manages switches that direct packet flows used in network testing

In International Class 009, the mark was first used by the applicant or the applicant's related company or licensee or predecessor in interest at least as early as 03/00/1997, and first used in commerce at least as early as 03/00/1997, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, consisting of a(n) images of products, screen shot of same website for products and screen shot of software program.
Specimen-1 [SPE0-3810437218-20170928140706229413_._1.jpg]
Specimen-2 [SPE0-3810437218-20170928140706229413_._2.jpg]
Specimen-3 [SPE0-3810437218-20170928140706229413_._3.pdf]
Specimen-4 [SPE0-3810437218-20170928140706229413_._4.pdf]
Specimen-5 [SPE0-3810437218-20170928140706229413_._5.pdf]
Specimen-6 [SPE0-3810437218-20170928140706229413_._6.pdf]
Specimen-7 [SPE0-3810437218-20170928140706229413_._Products_-_9.JPG]
Specimen-8 [SPE0-3810437218-20170928140706229413_._Products_2_-_9.JPG]
Specimen-9 [SPE0-3810437218-20170928140706229413_._netscout-ds-netscout-tap-family1_-_Class_9.pdf]

International Class 037: Installation and repair of computer hardware; customizing computer hardware; maintenance of computer hardware

In International Class 037, the mark was first used by the applicant or the applicant's related company or licensee or predecessor in interest at least as early as 03/00/1997, and first used in commerce at least as early as 03/00/1997, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, consisting of a(n) screen shots of website for services.
Specimen-1 [SPE0-3810437218-20170928140706229413_._Class_37.jpg]
Specimen-2 [SPE0-3810437218-20170928140706229413_._MasterCare_-_Class_37.pdf]
Specimen-3 [SPE0-3810437218-20170928140706229413_._Sign_in_-_37_42___45.JPG]

International Class 042: Software as a service (saas) services, namely, software as a service featuring software for monitoring and management of performance and availability of software applications; software as a services, namely, software as a service for analyzing wireless, cable, and wireline service performance; software as a service for analyzing computer network performance; design and development of computer hardware and computer software; consulting services in the field of application and network performance management; computer software consulting; computer consultation; design and development of computer hardware and computer software; installation, repair and maintenance of computer software; technical support services, namely, troubleshooting computer software problems; technical support services, namely, monitoring technological functions of computer network systems

In International Class 042, the mark was first used by the applicant or the applicant's related company or licensee or predecessor in interest at least as early as 03/00/1997, and first used in commerce at least as early as 03/00/1997, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, consisting of a(n) screen shot of non-downloadable software sign-in page and screen shots of website.
Specimen-1 [SPE0-1-3810437218-20170928140706229413_._Sign_in_-_37_42___45.JPG]
Specimen-2 [SPE0-3810437218-20170928140706229413_._Class_42.jpg]
Specimen-3 [SPE0-3810437218-20170928140706229413_._Svcs_-_42___45.JPG]
Specimen-4 [SPE0-3810437218-20170928140706229413_._Svcs_2_-42___45.JPG]

Claim of Active Prior Registration(s)
The applicant claims ownership of active prior U.S. Registration Number(s) 1764154.

The applicant's current Attorney Information:

Amanda K. Greenspon and William A. Munck, Robert D. McCutcheon, Patricia Q. Hu of Munck Wilson Mandala LLP

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Dallas, Texas 75380
United States
972-628-3600(phone)
972-628-3616(fax)
trademarks@munckwilson.com (authorized)

The attorney docket/reference number is TEKT05-00138.

The applicant's current Correspondence Information:

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Munck Wilson Mandala LLP
Docket Clerk
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Dallas, Texas 75380
972-628-3600(phone)
972-628-3616(fax)
trademarks@munckwilson.com (authorized)

E-mail Authorization: I authorize the USPTO to send e-mail correspondence concerning the application to the applicant, the applicant's attorney, or the applicant's domestic representative at the e-mail address provided in this application. I understand that a valid e-mail address must be maintained and that the applicant or the applicant's attorney must file the relevant subsequent application-related submissions via the Trademark Electronic Application System (TEAS). Failure to do so will result in the loss of TEAS Reduced Fee status and a requirement to submit an additional processing fee of $125 per international class of goods/services.

A fee payment in the amount of $825 will be submitted with the application, representing payment for 3 class(es).

Declaration

Read the following statements before signing. Acknowledge the statements by signing below.

- **Basis:**
  If the applicant is filing the application based on use in commerce under 15 U.S.C. § 1051(a):
  - The signatory believes that the applicant is the owner of the trademark/service mark sought to be registered;
  - The mark is in use in commerce on or in connection with the goods/services in the application;
  - The specimen(s) shows the mark as used on or in connection with the goods/services in the application; and
  - To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

  And/Or
  If the applicant is filing the application based on an intent to use the mark in commerce under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e):
  - The signatory believes that the applicant is entitled to use the mark in commerce;
  - The applicant has a bona fide intention to use the mark in commerce on or in connection with the goods/services in the application; and
  - To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

- To the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive.

- To the best of the signatory's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the allegations and other factual contentions made above have evidentiary support.

- The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Signature Section:
NOTE: The same person may sign the declaration on behalf of the other joint applicant(s), by merely making identical entries. The USPTO will presume that the one person who has signed was, in fact, authorized to sign on behalf of the other person(s).

Signature: Evan Bundis
Signatory's Name: Evan Bundis
Signatory's Position: Chief IP Counsel
Signatory's Phone Number: 469-265-5512

Date Signed: 10/2/17

NOTE TO APPLICANT: When filed as part of the electronic form (i.e., scanned and attached as an image file), the signature page **must** include both the signature information **and** the boilerplate declaration language. Do **not** include the entire application, but do ensure that the boilerplate declaration language actually appears; *a signature by itself will **not** be acceptable*. If, due to browser limitations, the boilerplate declaration language appears on a previous page when printed, you must "merge" the declaration and signature block onto a single page prior to signing, so that the *one*