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

Proceeding no.	91274021
Party	Defendant Constant Click, LLC
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Submission	Answer
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United States Patent and Trademark Office
Trademark Trial and Appeal Board
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Alexandria, VA 22313-1451

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Serial No: 90476534 & 90476568

To whom it may concern,

This is an answer to the notice of opposition issued by OPEN TEXT SA ULC on January 19, 2022 (proceeding no. 91274021).

Open Texting and Open Texting Online are unique trademarks that have not been registered by other agents neither in the same trademark class nor in other ones.

Open Texting and Open Texting Online are registered in these categories:

IC 038. US 100 101 104. G & S: Text and numeric wireless digital messaging services; Text and picture wireless messaging services; Voice mail services; Automated telephone voice message services; Cellular telephone communication; Communication by mobile telephone; Electronic, electric, and digital transmission of voice, data, images, signals, and messages; International telephone services; Long distance telephone communication services; Mobile telephone communication; Text messaging services; Wireless voice mail services

The opposer is opposing all goods and services in the class that are in the list above and they have cited the following marks as a basis for opposition:

1. OPENTEXT THE INFORMATION COMPANY (Serial No. 87696498)
2. OPENTEXT (Serial No. 74215326)
3. OPEN TEXT (Serial No. 75248794)

Further details about the categories in which these marks are registered can be found at the bottom of this document.

However, using the standard factors from the Polaroid case (Polaroid Corp. v. Polarad Elecs. Corp., 287 F.2d 492 (2d Cir. 1961)) to determine the likelihood of confusion, it's clear that the marks Open Texting and Open Texting Online and the marks at the bottom of this document are entirely unrelated and dissimilar.

The degree of similarity between the two marks

All OPEN TEXT SA ULC marks are visually, morphologically and phonetically different from Open Texting and Open Texting Online.

The proximity of the products

Similar trademarks consist of two businesses in the same industry (competitors) using trademarks that are alike enough to cause market confusion.

Open Texting and Open Texting Online operate in a different industry and are not competing with any of the trademarks owned by OPEN TEXT SA ULC, therefore there is no likelihood of confusion. There is no overlap between the good and service sub-classes registered by Open Texting and OPEN TEXT SA ULC.

As the opposer claims themselves "OpenText is a world leader in information management, communication services and security, helping various entities to securely capture, manage, govern and exchange data and information on a global scale. OpenText solves digital business challenges for customers, ranging from small and mid-sized businesses to the largest and most complex organizations in the world. Also, Open Text's software applications and cloud-based services include managing content and unstructured data for various entities including, business entities, government agencies, educational institutions, and professional service firms. OpenText aims its products and services at addressing, among other things, information management requirements, including secure management and transmission of large volumes of content, compliance with regulatory requirements, and mobile and online experience and communications management."

On the other hand, Open Texting and Open Texting Online are online platforms that allow individuals to send text messages and easily communicate with their followers.

The goods and services upon which the marks are used are unrelated. Individuals purchasing the Open Texting and Open Texting Online text messaging services will not be thinking that they are purchasing the OPEN TEXT SA ULC services which are targeted to enterprise customers, a completely different audience and market. Additionally, there are no mentions of the terms "SMS" or "text messaging" on their homepage. (<https://www.opentext.com/>)

The likelihood that the owner will bridge the gap

OPEN TEXT SA ULC services appear to be geared towards enterprise customers, not individuals.

Defendant's good faith in adopting the mark

Prior to applying for a trademark registration, we did research to verify that Open Texting and Open Texting Online would be unique trademarks in their product category and in general which they are. Both marks were adopted in good faith.

Evidence of actual confusion

OpenTexting.com and OpenTextingOnline.com are actual internet domains registered by Jean-Pierre Khoueiri. Open Texting services and Open Texting Online services are offered through those domains.

There is no evidence that actual customer confusion already occurred.

The sophistication of the consumers

Open Texting and Open Texting Online customers are knowledgeable individuals that are informed about the alternative text messaging tools in the market. Therefore, they do not have any characteristics of the average consumer that is assumed "to normally perceive a mark as a whole, and does not proceed to analyze its various details."

The same can be said about the OPEN TEXT SA ULC customers who are large enterprise clients.

These customers can be considered sophisticated. They can not be easily confused as they are highly likely to conduct diligent decisions before purchasing a particular service.

The quality of the defendant's product

Open Texting and Open Texting Online are well-established tools that I acquired as a digital entrepreneur with 17 year experience in the field with over 40 digital assets bought and sold to date. This experience combined with the technical knowledge of the Open Texting and Open Texting Online team has allowed us to grow these platforms that solve the need for quick and easy communication via text messaging.

Conclusion

The use of marks Open Texting and Open Texting Online can not create a likelihood of consumer confusion, mistake, or deception.

Thank you for your consideration.

Jean-Pierre Khoueiri
Owner, Constant Click LLC / Open Texting

Trademarks owned by OPEN TEXT SA ULC and used as basis for opposition

1. OPENTEXT THE INFORMATION COMPANY (Serial No. 87696498)

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

software for use in cognitive computing intelligence analytics, modeling, planning, forecasting, reporting, interactive visualization, and predictive analysis; software for data mining, data query, data analysis, and narrative generation used in the field of information, data and content management; software and software development tools for building and deploying intelligent assistants, electronic advisors, and digital workers, in the field of cognitive computing; software for machine learning and statistical analysis; software for data analysis, machine learning, data processing, analysis and storage, cognitive computing and predictive analytics related to structured and unstructured data; cognitive computing technologies, namely, computer software and hardware that provide for machine-to-machine (M2M) interactions, communications and collaborative cognition; cognitive computing technologies, namely, computer software and hardware that provide for human-to-machine interactions, communications and collaborative cognition; cognitive computing technologies, namely, computer software and hardware that provide for cognitive automation and cognitive automation systems for messaging; cognitive computing technologies, namely, computer software and hardware and systems comprised of computer hardware and software to support machine-to-machine (M2M) interactions, communications, remote data collection and process control; cognitive computing technologies, namely, computer software and hardware and systems comprised of computer hardware and software to support natural user interface solutions; cognitive computing technologies, namely, computer software and hardware to enhance the automation of infrastructure operations across computers, networks and storage devices; cognitive computing technologies, namely, computer software and hardware to support cognitive automation capabilities of IT infrastructure and services; cognitive computing technologies, namely, computer software and hardware to support cognitive automation of production systems; cognitive computing technologies, namely, computer software and hardware to automate and augment processes; cognitive computing technologies, namely, computer software and hardware and systems comprised of computer hardware and software for accelerating and scaling operational and management expertise; cognitive computing technologies, namely, computer software and hardware and systems comprised of computer hardware and software that provide for cognitive enhancement in respect of experience and productivity, accelerating processes, automation and autonomy; cognitive computing technologies, namely, computer software and hardware that support immersive cognitive systems; cognitive computing technologies, namely, computer software and hardware and systems comprised of computer hardware and software that provide for digital virtual agents, predictive systems, cognitive process automation, visual computing applications, knowledge virtualization, integrated robotic process automation, automated software development operations, automated testing, automated IT infrastructure management, and automated data center operations; cognitive computing technologies, namely, computer software and hardware and systems comprised of computer hardware and software which enable machine learning, natural language processing, learning algorithms, semantic ontologies, pattern recognition and knowledge modelling technologies; software for developing and running portable, scalable cognitive systems; downloadable cloud computer based software that collects, analyzes, stores, retrieves, filters, processes, reproduces and transmits machine-to-machine (M2M) data from connected devices and integrates machine-to-machine (M2M) data with web and mobile application software; software for developing, installing, configuring, monitoring and managing machine-to-machine (M2M) applications; software for

machine-to-machine (M2M) networks for data connectivity and integration, device management, configuration, provisioning, management, and control; software for controlling, viewing, accessing, browsing and utilizing global computer and communication networks and for business-process optimization; software for supporting a natural user interface to an operating system relating to compilers, programming languages, databases, networking and communications, artificial intelligence, and brain and body characteristics; analytics software for collecting and analyzing information, data and content to facilitate information, data and content management; software that provides for predictive data analytics, data processing, analysis and visualization, and data mining from disparate data sources and for providing automated solutions to enable organizations to integrate disparate data; software for use in data analytics, namely, for storing, managing and analyzing structured, semi-structured and unstructured data and for performing advanced analysis and modeling of diverse multi-structured data, building data software applications, and performing complex large scale analytics on data; software for searching, identifying, collecting, aggregating, filtering, ranking, processing, merging, visualizing, storing, sharing, managing, reporting and analyzing data in batch mode or real time, and for enabling users to access, view, analyze, share and report data from multiple sources; software for storing, querying, and sharing functionality for management of multi-dimensional data sets, machine learning algorithms, predictive models, facts and dimensions, and digital traces; software for managing machine-to-machine (M2M) and internet of things (IoT) communications and interactions; software for providing machine-to-machine (M2M) and internet of things (IoT) communication integration services, namely, the integration of disparate computer systems, networks, hardware and software through the application of wireless communication technology to facilitate M2M and IoT communication via web based browsers, personal digital assistants, mobile phones, embedded microprocessors, sensors and other electronic devices; software for management of content, data, digital assets, documents, records and information; software for developing business content, data, digital assets, documents, records, and information; software for accessing, analyzing, automating, bookmarking, collecting, displaying, distributing, editing, identifying, indexing, integrating, linking, modifying, organizing, processing, retrieving, searching, sharing, storing, transferring, transmitting and viewing content, data, digital assets, documents, records and information; software for document management, data management, project management, organizational management, content management, and knowledge management, search and collaboration among users; software for use in the field of knowledge management to host computer application software for creating searchable databases of information and data and for searching and retrieving information from databases and computer networks; software for facilitating collaboration, namely, communication software for connecting computer network users to facilitate collaboration, software for facilitating collaboration among users, and for visualization, synchronization, reconciliation, access, and control of content, data, digital assets, documents, records and information; software for providing a document and data retrieval system and a document and data management system; software for document and data storage, organization and retrieval; software for sharing communications between community members; software for archiving, aggregating and classifying content, data, databases, images, digital assets, documents, records, information and other electronic data; email monitoring management software; records management software; software to facilitate compliance with

laws, regulations, and governance requirements; software for the electronic transfer and transport of files, information, content, documents and messages; software for sending and receiving electronic mail, facilitating document collaboration, editing data and documents, and viewing and organizing digital content; software for web content management and website creation; software for the management of the life cycle of enterprise content; software for providing terminal sessions from personal computers and workstations to host computers and related documentation in the nature of instructional user guides, release notes, programming guides, and in-product help instructions; software for terminal emulation connection to enterprise hosts; network communication software; PC-to-host software solutions, namely, downloadable software for terminal emulation and software recorded on CDs for terminal emulation; PC-to-host software solutions, namely, downloadable software that provides access to data and applications residing on enterprise and legacy system hosts; software to automate data warehousing; document processing software; software for facilitating the integration, transmission, retrieval and storage of electronic content, data, documents, text and images; software for business and social networking, creating and administrating online communities and groups, creating and maintaining blogs, and sharing of digital content; software for email marketing campaigns; software for file sharing, social networking and collaboration among users; discovery software, namely, software for use in the field of searching, compiling, sorting, organizing and interfacing data, information and documents; software for search and content analytics; software for omni-channel experience and multi-channel experience; software to enable the design, execution, and measurement of multipart communications across a variety of channels, namely, websites, portals, email, mobile devices, and direct mail pieces; software for document output management and customer communications management; software for business management, business process management, decision-making processes, business intelligence business process improvement and business process automation; e-learning software for professional development; software for e-learning, namely, software for providing access to online training, tracking completion of courses, maintaining a database of information about users, and for use in the development of educational content and interactive educational content, namely, for use in the development of educational software and web-based learning and instructional software, software applications used to schedule, deliver, coordinate, and manage educational content, software for creating, delivering, and managing employee training, education, educational compliance and certification, continuing education, and other educational instruction, courses, lectures and demonstrations, software for delivering online education and managing and distributing educational materials; software application development tool programs; software for developing software applications for the management of business data, digital assets, documents, records, and information; software to enable users to develop software applications for use in business data, digital assets, documents, records, and information management; computer programming software and computer development software, namely, software development tools for the creation of software applications; software for developing other software and software applications; software for use in locating, retrieving, indexing, analyzing, categorizing, classifying and delivering data; software to gather, analyze, and manage organizational data from a wide variety of sources for use in information management, e-discovery, compliance and enterprise search applications

IC 035. US 100 101 102. G & S: Business management consultancy services; business consulting services for businesses and institutions relating to cognitive computing and data-driven analytics; business development; market research studies; data processing services; commercial consultancy and analysis relating to business management; all of the foregoing relating specifically to cognitive computing; data and document management services, namely, data compiling and analyzing relating to business management; records management services, namely, document indexing for others; business consulting services in the fields of business workflow, business processes and online business content management

IC 038. US 100 101 104. G & S: Telecommunications services, namely, electronic transmission of data and digital messaging via mobile handheld devices and via wired and wireless communication devices; electronic transmission and retrieval of facsimile communications and data; providing real time and offline electronic communications and transmission of messages via a cloud-based data exchange interface; electronic data interchange (EDI) services; broadcast communication services, namely, transmitting e-mails, facsimiles, text messages and telephone voice messages to designated recipients for others; electronic transmission of voice signals, data, facsimiles, images and information

IC 041. US 100 101 107. G & S: Online training services in the form of courses, seminars, classes and workshops in the fields of computer systems management, content management, information management and collaboration; training services in the form of courses, seminars, classes and workshops in the fields of implementation of software and managing computer systems content; training in the form of courses, seminars, classes and workshops in the use and operation of software; Providing online training in the form of courses, seminars, classes and workshops for software, software applications, software for management of content, data, digital assets, documents, records and information, software for developing business content, data, digital assets, documents, records, and information, software for accessing, analyzing, automating, bookmarking, collecting, displaying, distributing, editing, identifying, indexing, integrating, linking, modifying, organizing, processing, retrieving, searching, sharing, storing, transferring, transmitting and viewing content, data, digital assets, documents, records and information, software for document management, data management, project management, organizational management, content management, and knowledge management, search and collaboration among users, software for use in the field of knowledge management to host computer application software for creating searchable databases of information and data and for searching and retrieving information from databases and computer networks, software for facilitating collaboration, namely, communication software for connecting computer network users to facilitate collaboration, software for facilitating collaboration among users, and for visualization, synchronization, reconciliation, access, and control of content, data, digital assets, documents, records and information, software for providing a document and data retrieval system and a document and data management system, software for document and data storage, organization and retrieval, and software for sharing communications between community members; Providing online training in the form of courses, seminars, classes and workshops for software for archiving, aggregating and classifying content, data, databases, images, digital assets, documents, records, information and other electronic data, email

monitoring management software, records management software, and software to facilitate compliance with laws, regulations, and governance requirements; Providing online training in the form of courses, seminars, classes and workshops for software for the electronic transfer and transport of files, information, content, documents and messages, software for sending and receiving electronic mail, facilitating document collaboration, editing data and documents, and viewing and organizing digital content, software for web content management and website creation, software for the management of the life cycle of enterprise content, software for providing terminal sessions from personal computers and workstations to host computers and related documentation in the nature of instructional user guides, release notes, programming guides, and in-product help instructions, software for terminal emulation connection to enterprise hosts, network communication software, PC-to-host software solutions, namely, downloadable software for terminal emulation and software recorded on CDs for terminal emulation, PC-to-host software solutions, namely, downloadable software that provides access to data and applications residing on enterprise and legacy system hosts, and software to automate data warehousing; Providing online training in the form of courses, seminars, classes and workshops for document processing software, and software for facilitating the integration, transmission, retrieval and storage of electronic content, data, documents, text and images; Providing online training in the form of courses, seminars, classes and workshops for software for business and social networking, creating and administrating online communities and groups, creating and maintaining blogs, and sharing of digital content, software for email marketing campaigns, and software for file sharing, social networking and collaboration among users; Providing online training in the form of courses, seminars, classes and workshops for discovery software, namely, software for use in the field of searching, compiling, sorting, organizing and interfacing data, information and documents, and software for search and content analytics; Providing online training in the form of courses, seminars, classes and workshops for software for omni-channel experience and multi-channel experience, software to enable the design, execution, and measurement of multipart communications across a variety of channels, namely, websites, portals, email, mobile devices, and direct mail pieces, and software for document output management and customer communications management; Providing online training in the form of courses, seminars, classes and workshops for software for business management, business process management, decision-making processes, business intelligence business process improvement and business process automation; Providing online training in the form of courses, seminars, classes and workshops for e-learning software for professional development, and software for e-learning, namely, software for providing access to online training, tracking completion of courses, maintaining a database of information about users, and for use in the development of educational content and interactive educational content, namely, for use in the development of educational software and web-based learning and instructional software, software applications used to schedule, deliver, coordinate, and manage educational content, software for creating, delivering, and managing employee training, education, educational compliance and certification, continuing education, and other educational instruction, courses, lectures and demonstrations, software for delivering online education and managing and distributing educational materials; Providing online training in the form of courses, seminars, classes and workshops for software for business-to-business transactions and business-to-business integration, software for business-to-business information exchange,

software for electronic file transfer and messaging, software for file, data, content, image and document storage, transfer, and sharing, software for data exchange, software for assembling, processing, managing, transmitting, receiving and archiving facsimiles, software for facilitating the integration of facsimile functionality with email systems, customer relation management systems, enterprise resource planning systems, document management systems, online and offline content management systems, database systems, scanning, copying, and printing systems, and computer legacy systems, software for facsimile transmission and retrieval via facsimile devices, email and global computer networks, software for delivery of electronic documents, voice signals, data, facsimiles, images and information, and software for programming facsimile machines; Providing online training in the form of courses, seminars, classes and workshops for software application development tool programs, software for developing software applications for the management of business data, digital assets, documents, records, and information, software to enable users to develop software applications for use in business data, digital assets, documents, records, and information management, computer programming software and computer development software, namely, software development tools for the creation of software applications, and software for developing other software and software applications

IC 042. US 100 101. G & S: Cloud computing services, namely, consulting services in the field of cloud computing, cloud hosting provider services; consulting services in the field of cloud computing, information technology, computer software; installing, testing, updating and maintaining of software for others; software design services; computer programming services; cloud computing featuring software for use in the collection, integration, curation, evaluation, and analysis of data utilizing natural language processing, computational linguistics, information retrieval, data analytics, and machine learning; all of the foregoing relating specifically to cognitive computing technologies that provide multi-modal natural language processing, generation, reasoning and machine learning for contextual analysis and natural interaction; cloud computing featuring software for cognitive computing and data-driven analytics; cloud computing featuring software for use in data analytics and machine learning tools for acquiring, processing, sorting and analyzing information, data and content; cloud computing featuring software for use in cognitive computing; cloud computing featuring software for sharing datasets for the purpose of delivering automated decision support, data modeling, machine learning, predictive analytics, automated reasoning, diagnostics, optimization and recommendation services; cloud computing featuring software for use in cognitive computing which utilizes digital information for information management over on-premises and off-premises networks for business-to-business integration, analytics, cloud services, archive services, business process management, content management, search, and messaging; cloud computing featuring software for use in connecting disparate computer networks and systems, servers and storage devices; cloud computing featuring software for cognitive computing technologies that provide multi-modal natural language processing, generation, reasoning and machine learning for contextual analysis and natural interaction; cloud computing featuring software for reporting, processing, online analytical processing, analytics, data mining, business performance management, benchmarking, text mining, cognitive computing, and predictive analytics all in the field of information management; cloud computing featuring software that provides real-time,

integrated cognitive predictive analytics management intelligence by combining information and data and presenting it in an easy-to-understand user interface; cloud computing featuring software to manage, analyze, retrieve, monitor, maintain, report on, structure, model, forecast, present and display data and information from computer databases, applications and the internet; cloud computing featuring software to manage, monitor, track and organize data used in connection with predictive intelligence software; cloud computing featuring software for use in cognitive computing intelligence analytics, modeling, planning, forecasting, reporting, interactive visualization, and predictive analysis; cloud computing featuring software for data mining, data query, data analysis, and narrative generation used in the field of information, data and content management; cloud computing featuring software and software development tools for building and deploying intelligent assistants, electronic advisors, and digital workers, in the field of cognitive computing; cloud computing featuring software for machine learning and statistical analysis; cloud computing featuring software for data analysis, machine learning, data processing, analysis and storage, cognitive computing and predictive analytics related to structured and unstructured data; cloud computing featuring software for cognitive computing technologies that provide for machine-to-machine (M2M) interactions, communications and collaborative cognition; cloud computing featuring software for cognitive computing technologies that provide for human-to-machine interactions, communications and collaborative cognition; cloud computing featuring software for cognitive computing technologies that provide for cognitive automation and cognitive automation systems for messaging; cloud computing featuring software for cognitive computing technologies and systems to support machine-to-machine (M2M) interactions, communications, remote data collection and process control; cloud computing featuring software for cognitive computing technologies and systems to support natural user interface solutions; cloud computing featuring software for cognitive computing technologies to enhance the automation of infrastructure operations across computers, networks and storage devices; cloud computing featuring software for cognitive computing technologies to support cognitive automation capabilities of IT infrastructure and services; cloud computing featuring software for cognitive computing technologies to support cognitive automation of production systems; cloud computing featuring software for cognitive computing to automate and augment processes across a broad range of functions; cloud computing featuring software for cognitive computing technologies and systems for accelerating and scaling operational and management expertise; cloud computing featuring software for cognitive computing technologies and systems that provide for cognitive enhancement in respect of experience and productivity, accelerating processes, automation and autonomy; cloud computing featuring software for cognitive computing technologies that support immersive cognitive systems; cloud computing featuring software for cognitive computing technologies and systems that provide for digital virtual agents, predictive systems, cognitive process automation, visual computing applications, knowledge virtualization, integrated robotic process automation, automated software development operations, automated testing, automated IT infrastructure management, and automated data center operations; cloud computing featuring software for cognitive computing technologies and systems which enable machine learning, natural language processing, learning algorithms, semantic ontologies, pattern recognition and knowledge modelling technologies; cloud computing featuring software for developing and running portable, scalable cognitive systems; cloud computing featuring software that collects,

analyzes, stores, retrieves, filters, processes, reproduces and transmits machine-to-machine (M2M) data from connected devices and integrates machine-to-machine (M2M) data with web and mobile application software; cloud computing featuring software for developing, installing, configuring, monitoring and managing machine-to-machine (M2M) applications; cloud computing featuring software for machine-to-machine (M2M) networks for data connectivity and integration, device management, configuration, provisioning, management, and control; cloud computing featuring software for controlling, viewing, accessing, browsing and utilizing global computer and communication networks and for business-process optimization; cloud computing featuring software for supporting a natural user interface to an operating system relating to compilers, programming languages, databases, networking and communications, artificial intelligence, and brain and body characteristics; cloud computing featuring analytics software for collecting and analyzing information, data and content to facilitate information, data and content management; cloud computing featuring software that provides for predictive data analytics, data processing, analysis and visualization, and data mining from disparate data sources, and for providing automated solutions to enable organizations to integrate disparate data; cloud computing featuring software for use in data analytics, namely, for storing, managing and analyzing structured, semi-structured and unstructured data and for performing advanced analysis and modeling of diverse multi-structured data, building data software applications, and performing complex large scale analytics on data; cloud computing featuring software for searching, identifying, collecting, aggregating, filtering, ranking, processing, merging, visualizing, storing, sharing, managing, reporting and analyzing data in batch mode or real time, and for enabling users to access, view, analyze, share and report data from multiple sources; cloud computing featuring software for storing, querying, and sharing functionality for management of multi-dimensional data sets, machine learning algorithms, predictive models, facts and dimensions, and digital traces; cloud computing featuring software for managing machine-to-machine (M2M) and internet of things (IoT) communications and interactions; cloud computing featuring software for providing machine-to-machine (M2M) and internet of things (IoT) communication integration services, namely, the integration of disparate computer systems, networks, hardware and software through the application of wireless communication technology to facilitate M2M and IoT communication via web based browsers, personal digital assistants, mobile phones, embedded microprocessors, sensors and other electronic devices; software consulting; software customization services; computer software design, development and updating; providing information in the field of software design, development, and updating; providing software analysis, deployment, implementation, installation, integration, maintenance, management, programming and updating services; technical support services, namely, troubleshooting of computer software problems; computer services, namely, remote and on-site management of software applications of others; cloud hosting provider services; consulting services in the field of cloud computing and software as a service; updating and maintaining cloud-based software through on-line updates, enhancements and patches; cloud computing featuring software for use in management of content, data, digital assets, documents, records and information; cloud computing featuring software for use in developing business content, data, digital assets, documents, records, and information; cloud computing featuring software for use in accessing, analyzing, automating, bookmarking, collecting, displaying, distributing, editing, identifying, indexing, integrating, linking, modifying, organizing, processing, retrieving,

searching, sharing, storing, transferring, transmitting and viewing content, data, digital assets, documents, records and information; cloud computing featuring software for use in document management, data management, project management, organizational management, content management and knowledge management; cloud computing featuring software for use in the field of knowledge management to host computer application software for creating searchable databases of information and data and for searching and retrieving information from databases and computer networks; cloud computing featuring software for use in facilitating collaboration, namely, communication software for connecting computer network users to facilitate collaboration, software for facilitating collaboration among users, and for visualization, synchronization, reconciliation, access, control, and auditing; cloud computing featuring software for use in providing a document and data retrieval system and a document and data management system; cloud computing featuring software for use in document and data storage, organization and retrieval; cloud computing featuring software for archiving, aggregating and classifying content, data, databases, images, digital assets, documents, records, information, and other electronic data; cloud computing featuring software for use in email management; cloud computing featuring software for use in records management; cloud computing featuring software for use in facilitating compliance with laws, regulations and governance requirements, and conducting risk management evaluations; cloud computing featuring software for use in the electronic transfer and transport of files, information, content, documents and messages; cloud computing featuring software for use in sending and receiving electronic mail, facilitating document collaboration, editing data and documents, and viewing and organizing digital content; cloud computing featuring software for use in web content management and website creation; cloud computing featuring software for use in the management of the life cycle of enterprise content; cloud computing featuring software for use in providing terminal sessions from personal computers and workstations to host computers and related documentation in the nature of instructional user guides, release notes, programming guides, and in-product help instructions; cloud computing featuring software for use in terminal emulation connection to enterprise hosts; cloud computing featuring software for use in network communication; web-to-host software solutions, namely, non-downloadable software for terminal emulation; web-to-host software solution, namely, non-downloadable software that provides access to data and applications residing on enterprise and legacy system hosts; cloud computing featuring software for use in automating data warehousing; cloud computing featuring software for use in document processing; cloud computing featuring software for use in facilitating the integration, transmission, retrieval and storage of electronic content, data, documents, text and images; cloud computing featuring software for use in business and social networking, creating and administrating online communities and groups, creating and maintaining blogs, and sharing of digital content; cloud computing featuring software for use in email management and email marketing campaigns; cloud computing featuring software for use in file sharing, social networking and online collaboration among users; cloud computing featuring software for use in sharing communications between community members; cloud computing featuring software for use in the field of searching, compiling, sorting, organizing and interfacing data, information and documents; cloud computing featuring software for use in search and content analytics; cloud computing featuring software for use in omni-channel experience and multi-channel experience; cloud computing featuring software for use in enabling the design, execution, and measurement

of multipart communications across a variety of channels, namely, websites, portals, email, mobile devices, and direct mail pieces; cloud computing featuring software for use in document output management and customer communications management; cloud computing featuring software for use in business process management, business intelligence, project management, decision-making processes, and business process improvement; development of e-learning systems, namely, software development of e-learning systems comprising training software; cloud computing featuring software for use in collaborative learning, and collaboration among users; cloud computing featuring software for use in e-learning; cloud computing featuring software for business-to-business transactions, business-to-business integration, business-to-business information exchange and business-to-business e-messaging; cloud computing featuring software for use in electronic file transfer and electronic messaging solutions; cloud computing featuring software for data and content exchange; cloud computing featuring software for messaging and for file, data, content, image and document storage, transfer, and sharing; providing cloud computing services for online document collaboration, for developing and testing new software applications, and for integrating and aggregating existing online services; cloud computing featuring software for assembling, processing, managing, transmitting, receiving and archiving of facsimiles; cloud computing featuring software for facilitating integration of facsimile functionality with email systems, customer relation management systems, enterprise resource planning systems, document management systems, online and offline content management systems, database systems, scanning, copying, and printing systems, and computer legacy systems; cloud computing featuring software for facsimile transmission and retrieval via facsimile devices and email and global computer networks; cloud computing featuring software for delivery of electronic documents, voice signals, data, facsimiles, images and information; cloud computing featuring software for programming facsimile machines; cloud computing featuring software for hosting facsimile services; creating an online community for software developers; hosting an online community website featuring shared communications between community members via global communication networks; providing an online community for software and software application developers; providing online non-downloadable software for building enterprise software applications; providing online non-downloadable software development programs for creating software applications; cloud computing featuring software for use in developing software applications; development and implementation of software and technology solutions for all the foregoing services; information, advisory and consultancy services in respect of all the foregoing services; IT integration services, namely, providing machine-to-machine (M2M) and internet of things (IoT) communication integration services, namely, the integration of disparate computer systems, networks, hardware and software through the application of wireless communication technology to facilitate M2M and IoT communication via web based browsers, personal digital assistants, mobile phones, embedded microprocessors, sensors and other electronic devices

IC 045. US 100 101. G & S: Licensing of software and intellectual property; online social networking services, namely, facilitating interaction among software developers

2. OPENTEXT (Serial No. 74215326)

IC 009. US 038. G & S: computer software for use in providing a documentary retrieval system which utilizes conversational terms to retrieve relevant information and which adheres to open systems interconnect standards.

3. OPEN TEXT (Serial No. 75248794)

IC 009. US 021 023 026 036 038. G & S: computer software for accessing, searching, indexing, and retrieving data from networked computers, data management and distribution, collaboration, web-site creation.