

ESTTA Tracking number: **ESTTA1227519**

Filing date: **08/08/2022**

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	Juniper Networks, Inc.
Granted to date of previous extension	08/07/2022
Address	1133 INNOVATION WAY SUNNYVALE, CA 94089 UNITED STATES
Attorney information	RAFFI ZEROUNIAN HANSON BRIDGETT LLP 425 MARKET STREET FLOOR 26 SAN FRANCISCO, CA 94105 UNITED STATES Primary email: rzerounian@hansonbridgett.com Secondary email(s): ttabfilings@hansonbridgett.com, jthiele@hansonbridgett.com 4159955044
Docket no.	

Applicant information

Application no.	90669906	Publication date	02/08/2022
Opposition filing date	08/08/2022	Opposition period ends	08/07/2022
Applicant	Shanghai Starlinear Network Technology Co.,Ltd. ROOM 1501G-5, NO.18, GUOBIN ROAD, YANGPU DISTRICT, SHANGHAI, 200433 CHINA		

Goods/services affected by opposition

<p>Class 016. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: File folders; Magazine paper; Photograph albums; Printed almanacs; Printed books in the field of gaming; Printed comic books; Printed picture postcards; Printed posters; Printed publications, namely, brochures, booklets, and teaching materials in the field of gaming; Stationery boxes; all of the foregoing for use in connection with video games and none of the foregoing for use in connection with computer networking hardware and software</p>
<p>Class 018. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: Business card cases; Clothing for pets; Imitation fur; Imitation leather; Leather leads; Luggage tags; Pocket wallets; Randsels (Japanese school satchels); Travelling bags; Umbrellas; all of the foregoing for use in connection with video games and none of the foregoing for use in connection with computer networking hardware and</p>

software
Class 025. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: Bathing suits; Caps being headwear; Footwear; Girdles; Gloves; Hosiery; Outer jackets; Scarfs; Shirts; Trousers; all of the foregoing for use in connection with video games and none of the foregoing for use in connection with computer networking hardware and software
Class 028. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: Body-building apparatus; Chess games; Christmas tree stands; Fishing tackle; Game apparatus, namely, bases, bats, and balls for playing indoor and outdoor games; Manually-operated exercise equipment for physical fitness purposes; Play balls; all of the foregoing for use in connection with video games and none of the foregoing for use in connection with computer networking hardware and software
Class 035. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: Advertising agency services; Advertising planning; Advertising and advertisement services; Bill-posting; Business management consulting; Conducting market surveys; Conducting marketing studies; Marketing services; Public relations; Publication of publicity texts; all of the foregoing for use in connection with video games and none of the foregoing for use in connection with computer networking hardware and software
Class 041. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: Entertainment services, namely, providing on-line reviews of music; Entertainment services, namely, providing an on-line computer game; video games equipment rental; Organization of sports competitions; Providing amusement arcade services; Providing online non-downloadable electronic publications in the nature of brochures in the field of gaming; Providing television programs, not downloadable, via video-on-demand transmission services; Ticket reservation and booking services for entertainment, sporting and cultural events; Toy rental; all of the foregoing for use in connection with video games and none of the foregoing for use in connection with computer networking hardware and software
Class 042. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: Authenticating works of art; Dress designing; Graphic arts design; all of the foregoing for use in connection with video games and none of the foregoing for use in connection with computer networking hardware and software

Applicant information

Application no.	90669916	Publication date	02/22/2022
Opposition filing date	08/08/2022	Opposition period ends	
Applicant	Shanghai Starlinear Network Technology Co.,Ltd. ROOM 1501G-5, NO.18, GUOBIN ROAD, YANGPU DISTRICT, SHANGHAI, 200433 CHINA		

Goods/services affected by opposition


Class 009. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: Cases for smartphones; Downloadable recreational computer game software for use on mobile phones; Downloadable computer game programs; Eye glasses; Recorded computer game software; Recorded computer gaming software for recreational game playing purposes; Smartglasses; Video disks and video tapes with recorded animated cartoons; Wearable activity trackers; all of the foregoing for use in connection with video games and none of the foregoing for use in connection with computer networking hardware and software

Grounds for opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
No bona fide intent to use mark in commerce for	Trademark Act Section 1(b), 44(e) or 66(a)

identified goods or services	
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Marks cited by opposer as basis for opposition

U.S. application no.	90604281	Application date	03/25/2021
Registration date	NONE	Foreign priority date	10/01/2020
Word mark	JUNIPER DRIVEN BY MIST AI		
Design mark			
Description of mark	The mark consists of the words JUNIPER DRIVEN BY MIST AI, to the right of which are three overlapping squares arranged diagonally from top right to lower left, where the middle square overlaps the top right square and the lower left square overlaps the middle square.		
Goods/services	<p>Class 009. First use: First Use: None First Use In Commerce: None computer hardware and downloadable computer software for routing and switching, transmitting, processing, filtering, analyzing, securing, uploading, posting, displaying, tagging, editing, organizing, recording, and storing data, video, audio, voice traffic, data packets, or other forms of communications; downloadable computer software for providing security functionality in networks, in particular, providing firewall filters, access control, (VPN) virtual private networks, interoperability with router security protocols, and protection against network intrusion and viruses; downloadable computer artificial intelligence and machine learning software for use in computer network management, monitoring, and troubleshooting; computer hardware, namely, wireless access point (WAP) devices; computer hardware, namely, local area network access point hardware devices; computer hardware and downloadable computer software for managing wireless access points and local area network access points; computer network switches, routers, and adapters</p> <p>Class 042. First use: First Use: None First Use In Commerce: None providing online non-downloadable software for routing and switching, transmitting, processing, filtering, analyzing, securing, and storing data, video, or voice traffic, data packets, and or other forms of communications data; providing online non-downloadable computer software for providing security functionality in networks, in particular, providing firewall filters, access control, virtual private networks (VPN), interoperability with router security protocols and protection against network intrusion and viruses; technical consulting in the technology field of computer networks and computer project management services, namely, technical management in the field of computer networks for others; providing online non-downloadable computer software for managing wireless access points and local area network access points</p>		

U.S. application/ registration no.	NONE	Application date	NONE
Register	NONE		
Registration date	NONE		
Mark	MIST		
Goods/services	Hardware and software in the fields of networking and network secur-		

	ity, and related extensions and expansions thereof.
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Attachments	90604281#TMSN.png(bytes) 2022-08-08 Notice of Opp. - MIST SEQUENCE 90669906, 90669916.pdf(129750 bytes) MIST SEQUENCE Ex. 1.pdf(627037 bytes)
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Signature	/rvz/
Name	RAFFI ZEROUNIAN
Date	08/08/2022

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

Juniper Networks, Inc.,

Opposer,

v.

Shanghai Starlinear Network Technology Co.,
Ltd.,

Applicant.

Opposition No.

In the matter of
Trademark Application Serial No.: 90669906
Filed: April 25, 2021
Published: February 8, 2022
Mark: **MIST SEQUENCE**

Trademark Application Serial No.: 90669916
Filed: April 25, 2021
Published: February 22, 2022
Mark: **MIST SEQUENCE**

Notice of Opposition

Juniper Networks, Inc. (“Juniper”) believes that it will be damaged by the registration of the mark shown in Application Serial Nos. 90669906 and 90669916, and hereby opposes the same. As grounds for opposition, Juniper alleges upon personal knowledge with respect to itself and its own acts, and upon information and belief as to all other matters, as follows:

1. Opposer Juniper Networks, Inc. is a corporation formed under the laws of Delaware, with its principal place of business in Sunnyvale, California.

2. According to United States Patent and Trademark Office (USPTO) records, Applicant Shanghai Starlinear Network Technology Co., Ltd. (“Starlinear” or “Applicant”) is a limited company formed under the laws of China with an address of record of Room 1501G-5, No. 18, Guobin Road, Yangpu District, Shanghai, China 200433.

3. On April 25, 2021, Applicant filed U.S. Application Serial Nos. 90669906 and 90669916 (the “Applications”) to register the mark MIST SEQUENCE on the Principal Register on an intent-to-use basis under § 1(b).

4. The USPTO published the Applications for opposition in connection with the following goods and services and on the following dates:

Serial No.	Mark	Goods and Services (the “MIST SEQUENCE Goods and Services”)	Publication Date
90669906	MIST SEQUENCE	<p>16: File folders; Magazine paper; Photograph albums; Printed almanacs; Printed books in the field of gaming; Printed comic books; Printed picture postcards; Printed posters; Printed publications, namely, brochures, booklets, and teaching materials in the field of gaming; Stationery boxes</p> <p>18: Business card cases; Clothing for pets; Imitation fur; Imitation leather; Leather leads; Luggage tags; Pocket wallets; Randsels (Japanese school satchels); Travelling bags; Umbrellas</p> <p>25: Bathing suits; Caps being headwear; Footwear; Girdles; Gloves; Hosiery; Outer jackets; Scarfs; Shirts; Trousers</p> <p>28: Body-building apparatus; Chess games; Christmas tree stands; Fishing tackle; Game apparatus, namely, bases, bats, and balls for playing indoor and outdoor games; Manually-operated exercise equipment for physical fitness purposes; Play balls</p> <p>35: Advertising agency services; Advertising planning; Advertising and advertisement services; Bill-posting; Business management consulting; Conducting market surveys; Conducting marketing studies; Marketing services; Public relations; Publication of publicity texts</p> <p>41: Entertainment services, namely, providing on-line reviews of music; Entertainment services, namely, providing an on-line computer game; Games equipment rental; Organization of sports competitions; Providing amusement arcade services; Providing online non-downloadable electronic publications in the nature of brochures in the field of gaming; Providing television programs, not downloadable, via video-on-demand transmission services; Ticket reservation and booking services for entertainment, sporting and cultural events; Toy rental</p> <p>42: Authenticating works of art; Business technology software consultation services; Computer security consultancy; Computer software design; Computer technology consultancy; Consulting services in the field of cloud computing; Consulting services in the field of software as a service (SAAS); Dress designing; Graphic arts design; Industrial design</p>	February 8, 2022

Serial No.	Mark	Goods and Services (the “MIST SEQUENCE Goods and Services”)	Publication Date
90669916	MIST SEQUENCE	9: Cases for smartphones; Downloadable recreational computer game software for use on mobile phones; Downloadable computer game programs; Downloadable computer software for application and database integration; Eye glasses; Recorded computer game software; Recorded computer gaming software for recreational game playing purposes; Smartglasses; Video disks and video tapes with recorded animated cartoons; Wearable activity trackers	February 22, 2022

5. After the USPTO published the Applications, Juniper filed extensions of time to oppose on March 3, 2022, April 11, 2022, and June 7, 2022. The extended deadline to oppose Application 90669906 is August 7, 2022, a Sunday. The extended deadline to oppose Application 90669916 is August 21, 2022, a Sunday. Accordingly, this opposition proceeding is timely.

6. On July 13, 2022, Applicant submitted to the USPTO a post-publication amendment of the identifications for the Applications.

7. Juniper is a global leader in the development and marketing of customized, next-generation networking hardware and software and related goods and services, including but not limited to switches, mounts, and related software. Juniper’s customers include the world’s largest and most influential service providers and enterprise customers. Juniper is well known as an innovator in network security, automation, performance, and scale.

8. Juniper owns the common-law trademarks MIST, MIST AI, JUNIPER MIST, JUNIPER DRIVEN BY MIST AI, and other MIST-formatives (the “Juniper MIST Marks”) in connection with a variety of goods and services including but not limited to hardware and software in the fields of networking and network security, and related extensions and expansions thereof (the “Juniper Goods and Services”).

9. Juniper also owns a pending application for JUNIPER DRIVEN BY MIST AI (U.S. Application No. 90604281) filed in connection with goods and services including but not limited to hardware and software in the fields of networking and network security. The § 44(d) priority

date of Juniper's application for JUNIPER DRIVEN BY MIST AI, October 1, 2020, pre-dates the filing date and priority date of the Applications. A copy of pages from the TSDR electronic database of the Patent and Trademark Office showing the current status and title of the JUNIPER DRIVEN BY MIST AI Application is attached hereto as Exhibit 1.

10. Long since prior to the filing date of the Applications, Juniper and its predecessors in interest have used the Juniper MIST Marks in connection with its networking and network security hardware and software, and the Juniper Goods and Services.

11. On information and belief, as of the filing date of the Applications, Applicant lacked a genuine bone fide intent to use the MIST SEQUENCE Mark in United States commerce in the ordinary course of trade in connection with the MIST SEQUENCE Goods and Services or the Amended MIST SEQUENCE Goods and Services. The application file includes no documentary evidence to support that Applicant had a bona fide intent to use the MIST SEQUENCE Mark for any of the applied-for goods or services.

**First Cause of Action
Likelihood of Confusion (§ 2(d))**

12. The MIST SEQUENCE Mark is essentially identical to the Juniper MIST Marks. Applicant's MIST SEQUENCE Mark shares the primary and dominant element—the word MIST—to the Juniper MIST marks. The addition of the minimally distinctive word SEQUENCE does not reduce the likelihood of consumer confusion. The marks shown in the Applications so resemble Juniper's common-law trademarks as to be likely, when used on or in connection with either the MIST SEQUENCE Goods and Services or the Amended MIST SEQUENCE Goods and Services, to cause confusion, to cause mistake, or to deceive.

13. Accordingly, the Applications are unregistrable under § 2(d) of the United States Trademark Act, 15 U.S.C. § 1052(d).

Second Cause of Action
Lack of Bona Fide Intent to Use in United States Commerce (§ 1(b))

14. Applicant lacked a bona fide intent to use the MIST SEQUENCE Mark in United States commerce as of the filing date of the Applications. Despite this, Applicant's Applications included a declaration of Applicant's intent to use the MIST SEQUENCE Mark in United States commerce executed by Applicant's attorney.

15. Accordingly, the MIST SEQUENCE Mark is therefore unregistrable under § 1(b), 15 U.S.C. § 1051(b).

16. For the foregoing reasons, registration of MIST SEQUENCE is injurious and damaging to Juniper within the meaning of § 14, 15 U.S.C. § 1064, because such registrations will give Applicant prima facie evidence of ownership and exclusive rights to use marks in derogation of Juniper's rights.

Accordingly, Juniper respectfully requests that this Notice of Opposition be sustained and that U.S. Application Serial Nos. 90669906 and 90669916 be denied registration.

Respectfully submitted,

OPPOSER JUNIPER NETWORKS, INC.

By: 

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Date: August 8, 2022

EXHIBIT 1



Patents Trademarks Learning and Resources

USPTO > Trademark > TSDR > Trademark Search

TSDR FAQ'S

For assistance with TSDR, email teas@uspto.gov and include your serial number, the document you are looking for, and a screenshot of any error messages you have received.

Processing Wait Times: Please note that due to an extraordinary surge in applications, processing times are longer than usual. See current trademark processing wait times for more information.

Trademark Status & Document Retrieval (TSDR)

SEARCH MULTI-SEARCH ?
US Serial, Registration, or Reference No. 90604281 Status Documents

Status results found

STATUS DOCUMENTS ? Download Print Preview

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Mark: JUNIPER DRIVEN BY MIST AI



US Serial Number: 90604281

Application Filing Date: Mar. 25, 2021

Register: Principal

Mark Type: Trademark, Service Mark

TM5 Common Status Descriptor:



LIVE/APPLICATION/Published for Opposition

A pending trademark application has been examined by the Office and has been published in a way that provides an opportunity for the public to oppose its registration.

Status: Notice of Allowance (NOA) sent (issued) to the applicant. Applicant must file a Statement of Use or Extension Request within six months of the NOA issuance date.

Status Date: Apr. 12, 2022

Publication Date: Feb. 15, 2022

Notice of Allowance Date: Apr. 12, 2022

Mark Information

Collapse All

Mark Literal Elements: JUNIPER DRIVEN BY MIST AI

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of the words JUNIPER DRIVEN BY MIST AI, to the right of which are three overlapping squares arranged diagonally from top right to lower left, where the middle square overlaps the top right square and the lower left square overlaps the middle square.

Disclaimer: "DRIVEN BY" AND "AI"

Design Search Code(s): 26.09.14 - Three or more squares; Squares, three or more
26.09.16 - Squares touching or intersecting
26.09.21 - Squares that are completely or partially shaded

Foreign Information

Priority Claimed: Yes

Foreign Application Number: 81632

Foreign Application Filing Date: Oct. 01, 2020

Foreign Application/Registration Country: JAMAICA

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 and downloadable computer software for routing and switching, transmitting, processing, filtering, analyzing, securing, uploading, posting, displaying, tagging, editing, organizing, recording, and storing data, video, audio, voice traffic, data packets, or other forms of communications; downloadable computer software for providing security functionality in networks, in particular, providing firewall filters, access control, (VPN) virtual private networks, interoperability with router security protocols, and protection against network intrusion and viruses; downloadable computer artificial intelligence and machine learning software for use in computer network management, monitoring, and troubleshooting; computer hardware, namely, wireless access point (WAP) devices; computer hardware, namely, local area network access point hardware devices; computer hardware and downloadable computer software for managing wireless access points and local area network access points; computer network switches, routers, and adapters

International Class(es): 009 - Primary Class

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

Class Status: ACTIVE

Basis: 1(b)		
For:	providing online non-downloadable software for routing and switching, transmitting, processing, filtering, analyzing, securing, and storing data, video, or voice traffic, data packets, and or other forms of communications data; providing online non-downloadable computer software for providing security functionality in networks, in particular, providing firewall filters, access control, virtual private networks (VPN), interoperability with router security protocols and protection against network intrusion and viruses; technical consulting in the technology field of computer networks and computer project management services, namely, technical management in the field of computer networks for others; providing online non-downloadable computer software for managing wireless access points and local area network access points	
International Class(es):	042 - Primary Class	
U.S Class(es):	100, 101	
Class Status:	ACTIVE	
Basis: 1(b)		
▼ Basis Information (Case Level)		
Filed Use:	No	
Currently Use:	No	
Filed ITU:	Yes	
Currently ITU:	Yes	
Filed 44D:	Yes	
Currently 44E:	No	
Filed 44E:	No	
Currently 66A:	No	
Filed 66A:	No	
Currently No Basis:	No	
Filed No Basis:	No	
▼ Current Owner(s) Information		
Owner Name:	Juniper Networks, Inc.	
Owner Address:	1133 Innovation Way Sunnyvale, CALIFORNIA UNITED STATES 94089	
Legal Entity Type:	CORPORATION	
State or Country Where Organized:	DELAWARE	
▼ Attorney/Correspondence Information		
Attorney of Record		
Attorney Name:	Raffi V. Zerounian	
Docket Number:	35436.91	
Attorney Primary Email Address:	ipfilings@hansonbridgett.com	
Attorney Email Authorized:	Yes	
Correspondent		
Correspondent Name/Address:	RAFFI V. ZEROUNIAN HANSON BRIDGETT LLP 425 MARKET STREET, 26TH FLOOR SAN FRANCISCO, CALIFORNIA UNITED STATES 94105	
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Correspondent e-mail:	ipfilings@hansonbridgett.com RZerounian@hansonbridgett.com	
Correspondent e-mail Authorized:	Yes	
Domestic Representative - Not Found		
▼ Prosecution History		
Date	Description	Proceeding Number
Apr. 12, 2022	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Feb. 15, 2022	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Feb. 15, 2022	PUBLISHED FOR OPPOSITION	
Jan. 26, 2022	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jan. 10, 2022	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 30, 2021	EXAMINER'S AMENDMENT ENTERED	88888
Nov. 30, 2021	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Nov. 30, 2021	EXAMINERS AMENDMENT E-MAILED	6328
Nov. 30, 2021	EXAMINERS AMENDMENT -WRITTEN	96139
Nov. 01, 2021	ASSIGNED TO EXAMINER	96139
Jul. 02, 2021	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Jul. 01, 2021	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Mar. 29, 2021	NEW APPLICATION ENTERED IN TRAM	
▼ TM Staff and Location Information		
TM Staff Information		
TM Attorney:	PULVERMACHER, TASHA NI	
Law Office Assigned:	LAW OFFICE 125	
File Location		
Current Location:	INTENT TO USE SECTION	
Date in Location:	Apr. 12, 2022	
▼ Assignment Abstract Of Title Information - Click to Load		
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