

ESTTA Tracking number: **ESTTA1240671**

Filing date: **10/10/2022**

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

Proceeding no.	91277816
Party	Defendant Shanghai Starlinear Network Technology Co.,Ltd.
Correspondence address	NAZLY AILEEN BAYRAMOGLU BAYRAMOGLU LAW OFFICES LLC 1540 WEST WARM SPRINGS ROAD SUITE 100 HENDERSON, NV 89014 UNITED STATES Primary email: tm@bayramoglu-legal.com Secondary email(s): nazly@bayramoglu-legal.com, alex@bayramoglu-legal.com, gokalp@bayramoglu-legal.com, den- iz@bayramoglu-legal.com 702-462-5973
Submission	Answer
Filer's name	Alexander Ruzzier
Filer's email	tm@bayramoglu-legal.com, alex@bayramoglu-legal.com, nazly@bayramoglu-legal.com, david@bayramoglu-legal.com
Signature	/Alexander Ruzzier/
Date	10/10/2022
Attachments	Answer to Notice of Opposition No 91277816.pdf(131315 bytes)

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

Juniper Networks, Inc.,

Opposer,

vs.

Shanghai Starlinear Network Technology
Co., Ltd.,

Applicant.

Opposition Proceeding No.: 91277816

Serial No.: 90669906

Serial No.: 90669916

ANSWER AND AFFIRMATIVE DEFENSES OF APPLICANT

Shanghai Starlinear Network Technology Co., Ltd. (“Applicant”), by and through its attorneys, the Bayramoglu Law Offices LLC, hereby answers the Notice of Opposition (the “Opposition”) filed by Juniper Networks, Inc. (“Opposer”) in the above-referenced opposition proceeding as follows:

To the extent the cover sheet of the Opposition is deemed to contain allegations requiring a response, Applicant denies these allegations. To the extent the unnumbered paragraphs in the Opposition are deemed to contain allegations requiring a response, Applicant denies these allegations. To the extent not explicitly admitted, all allegations in the Opposition are denied.

ANSWER

1. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 1 of the Opposition and, on that basis, denies the same.
2. Applicant admits the allegations of Paragraph 2 of the Opposition.
3. Applicant admits the allegations of Paragraph 3 of the Opposition.

4. Applicant admits the allegations of Paragraph 4 of the Opposition.
5. Applicant admits the allegations of Paragraph 5 of the Opposition.
6. Applicant admits the allegations of Paragraph 6 of the Opposition.
7. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 7 of the Opposition and, on that basis, denies the same.
8. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 8 of the Opposition and, on that basis, denies the same.
9. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 9 of the Opposition and, on that basis, denies the same.
10. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 10 of the Opposition and, on that basis, denies the same.
11. Applicant denies the allegations of Paragraph 11 of the Opposition.
12. Applicant denies the allegations of Paragraph 12 of the Opposition.
13. Applicant denies the allegations of Paragraph 13 of the Opposition.
14. Applicant denies the allegations of Paragraph 14 of the Opposition.
15. Applicant denies the allegations of Paragraph 15 of the Opposition.
16. Applicant denies the allegations of Paragraph 16 of the Opposition.

AFFIRMATIVE DEFENSES

Applicant undertakes the burden of proof only as to those defenses deemed affirmative defenses by law, regardless of how such defenses are denominated below. Applicant expressly reserves the right to plead additional affirmative and other defenses should such defenses be revealed by discovery in this case. As and for its affirmative and other defenses, Applicant states as follows:

First Affirmative Defense

1. Opposer insufficiently pleads grounds for opposition by only providing threadbare recitals of elements and conclusory statements without adequately identifying a proper description of the claimed common law rights, the scope of the common law rights, or any specifics as to how the goods are related. Opposer's only identified application in the United States is Trademark Application No. 90604281 which clearly displays "Juniper" as the dominant feature of the design mark, not the word "mist" as Opposer alleges. Furthermore, Opposer's Application No. 90604281 has no evidence or claim of use in the United States.

Second Affirmative Defense

2. Opposer has no common law rights in the United States for any of Opposer's claimed trademarks. Opposer provides no evidence or allegations of actual use of any of its trademarks in the United States. Common law rights require market recognition in specific geographic locations, of which Opposer has none. Opposer's only United States trademark application is based on a Jamaican trademark and has not alleged any actual use in the United States to date. Therefore, Opposer does not have the requisite use or market penetration in the United States to establish any common law rights in any of its marks in the United States.

RESERVATION OF RIGHTS

Applicant reserves the right to amend this Answer by way of adding additional defenses, counterclaims, and third-party claims as the existence of such claims is discovered in the future.

WHEREFORE, Applicant prays that the Opposition be denied with prejudice, in its entirety.

WHEREFORE, Applicant requests such other or additional relief the Board may deem appropriate.

Dated: October 10, 2022

Respectfully submitted,

BAYRAMOGLU LAW OFFICES LLC

By: */s/ Alexander George Ruzzier*

ALEXANDER GEORGE RUZZIER, ESQ.

(NC Bar No. 54980)

NAZLY AILEEN BAYRAMOGLU,

ESQ. (NM Bar No. 151569)

1540 West Warm Springs Road Suite 100

Henderson, Nevada 89014

Attorneys for Applicant

CERTIFICATE OF SERVICE

I, Alexander George Ruzzier, hereby certified that a true correct copy of the foregoing **ANSWER AND AFFIRMATIVE DEFENSES OF APPLICANT** was served upon Opposer by email on this day of October 10, 2022 at the following address:

RAFFI ZEROUNIAN
HANSON BRIDGETT LLP
425 MARKET STREET, FLOOR 26
SAN FRANCISCO, CA 94105
rzerounian@hansonbridgett.com, ttabfilings@hansonbridgett.com, jthiele@hansonbridgett.com

By: /s/ Alexander George Ruzzier
ALEXANDER GEORGE RUZZIER, ESQ.
(NC Bar No. 54980)
1540 West Warm Springs Road Suite 100
Henderson, Nevada 89014
Attorneys for Applicant