

ESTTA Tracking number: **ESTTA1219244**

Filing date: **07/05/2022**

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

Proceeding no.	91270742
Party	Plaintiff Box, Inc.
Correspondence address	JOSEPH V MYERS III SEYFARTH SHAW LLP 1075 PEACHTREE ST STE 2500 ATLANTA, GA 30309 UNITED STATES Primary email: lgregory@seyfarth.com Secondary email(s): tmatlanta@seyfarth.com, ipdocketatlanta@seyfarth.com, ttabdocket@seyfarth.com No phone number provided
Submission	Testimony For Plaintiff
Filer's name	Lauren M. Gregory
Filer's email	lgregory@seyfarth.com, tmatlanta@seyfarth.com, ipdocketatlanta@seyfarth.com, ttabdocket@seyfarth.com
Signature	/Lauren M. Gregory/
Date	07/05/2022
Attachments	Declaration of Denis Roy.pdf(129656 bytes) Ex. A - Box 10-K FY 2022.pdf(6199725 bytes) Ex. B - Box - Part 1.pdf(1721392 bytes) Ex. B - Box - Part 2.pdf(4174776 bytes) Ex. C - Box - Part 1.pdf(2593207 bytes) Ex. C - Box - Part 2.pdf(3887231 bytes) Ex. D - Box - Part 1.pdf(2828699 bytes) Ex. D - Box - Part 2.pdf(3758849 bytes) Ex. E - Box - Part 1.pdf(2852114 bytes) Ex. E - Box - Part 2.pdf(3531231 bytes) Ex. F - Box - Part 1.pdf(2839694 bytes) Ex. F - Box - Part 2.pdf(4287665 bytes)

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

In the Matter of Application Serial No. 88/475,766
Published in the Official Trademark Gazette of March 30, 2021

BOX, INC.,

Opposer,

v.

SHAREKEY SWISS AG,

Applicant.

Opposition No. 91270742

TESTIMONY DECLARATION OF DENIS ROY

I, Denis Roy, state as follows:

1. I am over the age of eighteen and am employed by Box, Inc. (“Box”) as Vice President of Brand and Communications. The facts contained in this declaration are known to me personally or are based on my review of documents created and kept in the ordinary course of business, and if called as a witness, I could and would competently testify to them.

2. I have more than two decades of experience working in marketing and communications in the technology industry. I first started working for Box in March 2012 as the Senior Manager of Communications. Since then, I have been promoted several times to various leadership roles within Box’s communications department. I was promoted to my current role in August 2019. In my role as the Vice President of Brand and Communications at Box, I manage Box’s brand, marketing communications, and public relations initiatives on a global scale. With over ten years of experience working at Box, I have become extremely knowledgeable about the nature of products and services Box offers, the trademarks under which Box offers its products

and services, and the marketing and sale of products and services under Box's trademarks in the United States.

BACKGROUND: BOX AND ITS SOFTWARE BUSINESS

3. Box is a leading innovator in the field of knowledge management and electronic data sharing, storage, and related collaboration tools. Since its inception in 2005, Box has offered products and services under the trademark BOX, along with several BOX-formative marks, including but not limited to BOX SYNC, BOX NOTES, and BOXWORKS (collectively, the "BOX Marks"), that enable both individuals and enterprises across a variety of industries to accelerate business processes, power workplace collaboration, and protect their most valuable information, all while working with a best-of-breed enterprise IT stack.

4. Box's cloud-based platform features secure content creation, storage, sharing, editing, and management capabilities, along with secure collaboration tools, electronic signature platforms, and workflow automation tools.

5. Users can upload, transfer, download, store, archive, back-up, encrypt, and share documents, files, data, and other information through Box's website, located at www.box.com (the "Box Website"), as well as through more than 1,500 mobile applications, including integrated partner applications such as Google® Apps, Microsoft®, NetSuite® and Salesforce®. Indeed, Box's products and services allow users to securely collaborate with nearly anyone, anywhere, on any device.

RENOWN OF THE BOX MARKS

6. Box has continuously marketed its cloud-based data sharing and collaboration platform under the trademark BOX in the United States since it first launched the platform in 2005.

7. Over the years, as Box has added various functionalities and features to its platform and expanded its related goods and services offerings, it has marketed those new products and services under the trademark BOX as well as under other BOX Marks.

8. For example, in 2010, Box began using the mark BOX SYNC in connection with computer software for synchronizing computer files. In 2011, it began using the mark BOXWORKS for educational services related to cloud computing. And in 2013, it adopted the mark BOX NOTES in connection with computer software for, among other things, sharing and editing notes in a collaborative work environment. Since that time, these and other BOX-formative marks have been incorporated together into marketing related to Box's platform in order to create a family of BOX Marks that consumers have come to associate with Box's platform.

9. Box markets its platform through various avenues, including online through the Box Website and on social media. For example, Box markets its platform via print marketing, online video, business to business marketing, internet advertisements, and billboard and other out of home advertisements.

10. Box's public filings reflect the following annual sales and marketing spend for Box from 2016 to 2023 (expressed in millions):

Year	2016	2017	2018	2019	2020	2021	2022
Revenue	\$242.2	\$253.0	\$303.3	\$312.2	\$317.6	\$275.7	\$298.6

11. Box has received several accolades from third-party organizations regarding its cloud-based data sharing and collaboration platform under the trademark BOX in the United States, including, for example:

- Leader in the Gartner 2021 Magic Quadrant™ for Content Services Platforms;
- Leader in Forrester Wave for Content Platforms, 2021
- Major Player in IDC MarketScape for eSignature Software, 2021
- Leader in Nucleus Research Content Service and Collaboration Value Matrix, 2021
- Gartner Customers' Choice Vendor for Content Collaboration Tools, 2020
- Leader in Aragon Research Enterprise Content Platforms Globe, 2020
- Leader in Forrester New Wave for Cloud Content Platforms, 2019
- Leader in IDC MarketScape for Cloud Content Apps, 2019

12. As result of Box's significant efforts to promote its products and services under the BOX Marks, businesses in a wide variety of industries have become aware of Box and the high-quality goods and services marketed under the BOX Marks, including but not limited to construction, education, financial services, healthcare, government, life sciences, media and entertainment, professional services, retail, and non-profit.

13. Indeed, Box now provides its products and services to over 100,000 companies, including 67% of the Fortune 500 companies. Some of its marquis customers include, for example, Morgan Stanley, AstraZeneca, Intuit, Dubai Airports, LegalZoom, and the U.S. Food and Drug Administration.

14. Box's revenue in fiscal year ended on January 31, 2022, alone, was \$874.3 million, an increase of 13% from fiscal year 2021.

15. Box is on track to deliver approximately \$1 billion in revenue in fiscal year 2023.

16. Box's public filings reflect the following annual sales revenues for Box from 2016 to 2023 (expressed in millions):

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.