

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

In the matter of
Trademark Application Serial No. 76/554,068
Mark: INTUIX

Intuit Inc.,)	
)	
Opposer,)	
)	Opposition No. 91174897
vs.)	
)	
Linx S.A.,)	
)	
Applicant.)	

Express Mail mailing label No. <u>EV518444839 U.S.</u>
Date of Deposit: <u>3/12/07</u>
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Commissioner of Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.
<u>Phyllis O'Sullivan</u>
(Type or Print Name of Person Mailing Paper or Fee)
<u>Phyllis O'Sullivan</u>
(Signature of Person Mailing Paper or Fee)

**OPPOSER'S MOTION FOR RECONSIDERATION AND CLARIFICATION OF
DECISION ON APPLICANT'S MOTION TO SUSPEND OPPOSITION PENDING
OUTCOME OF CIVIL LITIGATION**

On February 12, 2007, the Trademark Trial and Appeal Board (the "Board") issued an order suspending the above-referenced opposition pending final determination of the civil action between the parties. Pursuant to 37 CFR § 2.127(b) and TBMP 518, Opposer Intuit Inc. ("Intuit" or "Opposer") respectfully requests that the Board reconsider its decision to provide clarification that this case may be called up for appropriate action if, prior to a final determination of the civil action between Intuit and Dexxon Digital Storage, Inc., Applicant's application is deemed abandoned by virtue of prior filed Opposition No. 91173354 by Wacom



03-12-2007

Co., Ltd. and Wacom Technology Corporation (collectively "Wacom") against Trademark Application Serial No. 76/554,068 (the "Wacom Opposition").

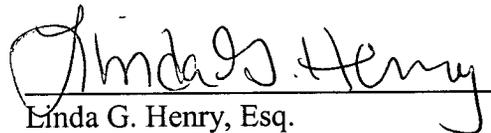
Argument

On January 30, 2007, the Board issued a judgment by default against Applicant sustaining the Wacom Opposition and refusing registration of Trademark Application Serial No. 76/554,068, which is the same application at issue in this proceeding. Applicant has filed a motion to set aside such default judgment and Wacom has opposed such motion. The Board has not yet issued a decision in such case.

If prior to a final determination of the civil action between Intuit and Dexxon Digital Storage, Inc., a final determination issues refusing registration of Trademark Application Serial No. 76/554,068 due to the Wacom Opposition, Intuit would want to be able to dispose of this proceeding on the grounds that Application Serial No. 76/554,068 was refused registration. Therefore, Intuit respectfully requests clarification that if, prior to a final determination of the civil action between Intuit and Dexxon Digital Storage, Inc., a final determination issues in the Wacom Opposition that reaffirms the Board's default judgment, this case may be called for appropriate action.

Respectfully submitted,

Date: March 12, 2007



Linda G. Henry, Esq.
Attorneys for Opposer
FENWICK & WEST LLP
Silicon Valley Center
801 California Street
Mountain View, CA 94041
650-988-8500

PROOF OF SERVICE BY MAIL

I declare: that I am employed in the County of Santa Clara, California. I am over the age of eighteen years and not a party to the within cause; my business address is Silicon Valley Center, 801 California Street, Mountain View, CA 94041. On March 12, 2007, I served the within OPPOSER'S MOTION FOR RECONSIDERATION AND CLARIFICATION OF DECISION ON APPLICANT'S MOTION TO SUSPEND OPPOSITION PENDING OUTCOME OF CIVIL LITIGATION on the interested parties in said cause, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Mountain View, California, addressed as follows:

Jess M. Collen
Collen IP
The Holyoke Manhattan Building
80 South Highland Avenue
Ossining, NY 10562

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed at Mountain View, California, this 12 day of March 2007.



Phyllis O'Sullivan

20797/00070/DOCS/1704789.1