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Filing date: **09/14/2007**

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

Proceeding	91175892
Party	Plaintiff Microsoft Corporation
Correspondence Address	William O. Ferron, Jr. Seed IP Law Group PLLC 701 Fifth Avenue, Suite 5400 Seattle, WA 98104 UNITED STATES Billf.docketing@SeedIP.com, litcal@SeedIP.com
Submission	Opposition/Response to Motion
Filer's Name	William O. Ferron, Jr.
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Signature	/William O. Ferron, Jr./
Date	09/14/2007
Attachments	SP-DeclFerronOppApplicant_sMotProtectiveOrder&Stay.PDF ( 3 pages )(44502 bytes )

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

MICROSOFT CORPORATION,	)	
	)	
Opposer,	)	Opposition No. 91175892
	)	(Consolidated with Opposition No. 91175893)
v.	)	
	)	Serial Nos.    78/938513
MARK T. DANIEL,	)	78/930482
	)	
Applicant.	)	Attorney Docket Nos. 664005.898
_____	)	664005.899

**DECLARATION OF WILLIAM O. FERRON, JR.  
IN OPPOSITION TO APPLICANT’S MOTION  
FOR PROTECTIVE ORDER AND STAY**

I, WILLIAM O. FERRON, JR., hereby declare and state that:

1. I am the attorney of Opposer Microsoft Corporation ("Microsoft") in the above captioned matter.
2. I am familiar with the trademark matters and business operations of Microsoft, am familiar with the above captioned opposition proceedings, and submit this Declaration on Microsoft's behalf.
3. Mark T. Daniel, the applicant in these opposition proceedings, left me the following voice-mail on August 30, 2007, with no request for me to call him back: “Good morning Bill. Mark Tyson Daniel calling from Virginia regarding the ZuneGear, ZuneSleeve matter before the TTAB. I did receive your letter. I was calling to discuss it. I will be mostly unavailable today although I’ll be available after 3:30 Eastern time. It’s now about 9:30 or so Eastern time on Thursday morning, August 30th. Thank you.”

4. I received no other phone calls, voice-mails, e-mails or other communications from Mr. Daniel between his voice-mail on August 30, 2007, and his filing of his motion for a protective order and to stay discovery on August 31, 2007.

5. I received no communications from Mr. Daniel regarding Mr. Daniel's plan to file a motion for a protective order.

I declare under penalty of perjury under the laws of the United States of America that the above is true and correct.

EXECUTED this 14<sup>th</sup> day of September, 2007 at Seattle, Washington.

SEED IP Law Group PLLC



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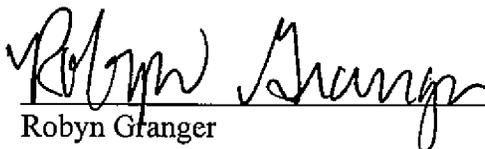
William O. Ferron, Jr.  
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Attorneys for Opposer  
MICROSOFT CORPORATION

**CERTIFICATE OF SERVICE**

I hereby certify that on this 14<sup>th</sup> day of September, 2007, the foregoing **DECLARATION OF WILLIAM O. FERRON, JR. IN OPPOSITION TO APPLICANT'S MOTION FOR PROTECTIVE ORDER AND STAY** was served upon Applicant by depositing same with the U.S. Postal Service, first-class postage prepaid, addressed as follows:

Mark T. Daniel  
2316 York Road SW  
Roanoke, VA 24015-3906

  
Robyn Granger