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Filing date: **03/21/2008**

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

Proceeding	91177708
Party	Plaintiff Network Appliance, Inc.
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Signature	/LEW/
Date	03/21/2008
Attachments	059055-9017 - Reply Brief with Proof of Service.pdf (3 pages)(82919 bytes)

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

In the matter of application Serial No. 78/749,922
Filed November 8, 2005
For the mark **SNAP RESTORE**
Published in the OFFICIAL GAZETTE on February 13, 2007

In the matter of application Serial No. 78/894,811
Filed May 27, 2006
For the mark **ACRONIS SNAP RESTORE**
Published in the OFFICIAL GAZETTE on January 30, 2007

NETWORK APPLIANCE, INC., a Delaware
corporation,

Opposer,

v.

ACRONIS INC., a corporation of the British
Virgin Islands,

Applicant.

Opposition No.: 91, 177,708

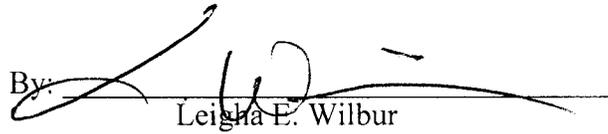
**REPLY BRIEF OF OPPOSER NETWORK APPLIANCE, INC. IN SUPPORT OF
ITS MOTION TO COMPEL RESPONSES TO DISCOVERY REQUESTS**

To date, Applicant Acronis, Inc. (“Applicant”) has not provided Opposer Network Appliance, Inc. (“Network Appliance” or “Opposer”) with any responses to its discovery requests. Nor has Applicant filed an opposition to Opposer’s Motions to Compel. When the date (March 11, 2008) for Applicant’s opposition brief to be filed passed, Applicant had neither served nor filed any discovery or any response to the motion, nor had it requested any extensions from Network Appliance. Accordingly, pursuant to T.B.M.P.

411.04, Network Appliance requests, that the Board enter judgment against the Applicant.

Dated: March 21, 2008

MORGAN, LEWIS & BOCKIUS LLP

By: 
Leigha E. Wilbur

Attorney for Opposer,
NETWORK APPLIANCE, INC.

Rochelle D. Alpert
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PROOF OF SERVICE

I, Yelena Lolua, declare:

I am and was at the time of the service mentioned in this declaration, employed in the County of San Francisco, California. I am over the age of 18 years and not a party to this cause. My business address is Spear Street Tower, One Market, San Francisco, California 94105.

On **March 21, 2008**, I served a copy(ies) of the following document(s)

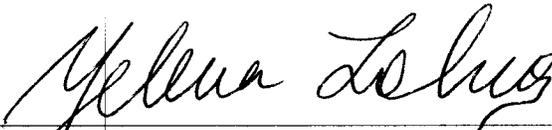
**REPLY BRIEF OF OPPOSER NETWORK APPLIANCE, INC. IN
SUPPORT OF ITS MOTION TO COMPEL RESPONSES TO
DISCOVERY REQUESTS;**

by placing them in a sealed envelope(s) addressed as follows:

**George S. Bardmesser, Esq.
BARDMESSER LAW GROUP
910 17th Street, N.W.
Washington, DC 20006**

I placed the sealed envelope(s) for collection and mailing by following the ordinary business practices of Morgan, Lewis & Bockius LLP, San Francisco, California. I am readily familiar with Morgan, Lewis & Bockius LLP's practice for collecting and processing of correspondence for mailing with the United States Postal Service, said practice being that, in the ordinary course of business, correspondence (with postage fully prepaid) is deposited with the United States Postal Service the same day as it is placed for collection.

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct, and that this declaration was executed on **March 21, 2008**, at San Francisco, California.



Yelena Lolua