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Filing date: **10/23/2009**

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

|                        |   |
|------------------------|---|
| Proceeding             | 91189225  |
| Party                  | Plaintiff<br>Nexsan Technologies, Inc.  |
| Correspondence Address | Sally M. Abel<br>Fenwick & West LLP<br>Silicon Valley Center, 801 California Street<br>Mountain View, CA 94041<br>UNITED STATES |
| Submission             | Motion to Suspend for Settlement Discussions  |
| Filer's Name           | Eric Ball   |
| Filer's e-mail         | trademarks@fenwick.com  |
| Signature              | /ericball/  |
| Date                   | 10/23/2009  |
| Attachments            | Consent Motion to Suspend.pdf ( 3 pages )(109309 bytes )  |

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

3  
4 In the matter of Trademark Application No. 77/423,804  
5 Mark: NEXENTA

6 Nexsan Technologies, Inc., )  
7 )  
8 vs Opposer, ) Opposition No. 91189225  
9 Nexenta Systems, Inc., )  
10 Applicant. )  
11 )

12  
13 **CONSENT MOTION TO SUSPEND PROCEEDINGS AND RESETTING OF**  
14 **DISCOVERY AND TESTIMONY PERIOD DEADLINES**

15 Opposer, Nexsan Technologies, Inc. by and through its attorneys, hereby moves the  
16 Trademark Trial and Appeal Board for an order suspending the above captioned proceedings for a  
17 period of sixty (60) days and resetting the discovery and testimony periods as follows:

18 The period for discovery to close January 15, 2009  
19 Testimony period for party in position of April 15, 2010  
20 plaintiff to close (opening 30 days prior  
21 thereto)  
22 Testimony period for party in position of June 14, 2010  
23 defendant to close (opening 30 days prior  
24 thereto)  
25 Rebuttal testimony period for party in July 29, 2010  
26 position of plaintiff to close (opening 15  
27 days prior thereto)  
28

29 This request is made in good faith and not for the purpose of unduly delaying proceedings  
30 in the Patent and Trademark Office. The parties are negotiating a potential resolution of this  
31 matter, which may obviate the need to continue with opposition proceedings. This is the parties'

1 first request to suspend the proceedings. It is believed that this constitutes good cause for the  
2 request, and an order granting this motion is respectfully requested.

3 Steven M. Levitan, counsel for Applicant, Nexenta Systems, Inc., consented to this  
4 motion in a telephone conference with the undersigned counsel on October 22, 2009. A Proof of  
5 Service by Mail accompanies this Motion.

6  
7 Dated: October 23, 2009



Sally M. Abel, Esq.  
[sabel@fenwick.com](mailto:sabel@fenwick.com)  
Eric Ball, Esq.  
[eball@fenwick.com](mailto:eball@fenwick.com)  
FENWICK & WEST LLP  
801 California Street  
Mountain View, CA 94041  
Telephone: (650) 988-8500  
Facsimile: (650) 938-5200

Attorneys for Opposer,  
Nexsan Technologies, Inc.

FENWICK & WEST LLP  
ATTORNEYS AT LAW  
MOUNTAIN VIEW

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**CERTIFICATE OF SERVICE**

The undersigned declares that:

I, Deborah A. Shaw, am employed in the County of Santa Clara, State of California. I am over the age of 18 and not a party to this action. My business address is: Fenwick & West LLP, Silicon Valley Center, 801 California Street, Mountain View, CA 94041.

On October 23, 2009, I caused to be served the attached:

**CONSENT MOTION TO SUSPEND PROCEEDINGS AND RESETTING OF DISCOVERY AND TESTIMONY PERIOD DEADLINES**

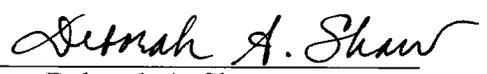
on the parties in the subject action by placing a true copy thereof as indicated below, address:

Steven M. Levitan  
Haynes and Boone, LLP  
2033 Gateway Place, Suite 400  
San Jose, CA 95110

- (XX) **BY U.S. MAIL:** I am familiar with our business practices for collecting and processing of mail for the United States Postal Service. Mail placed by me within the office for collection for the United States Postal Service would normally be deposited with the United States Postal Services that day in the ordinary course of business. The envelope(s) bearing the address(es) above was sealed and placed for collection and mailing on the date below following our ordinary business practices.
- ( ) **BY PERSONAL SERVICE:** I caused such envelope(s) to be delivered by hand on the office(s) of the addressee(s).
- ( ) **BY FEDERAL EXPRESS:** I caused such envelope(s) to be delivered to Federal Express for overnight courier service to the office(s) of the addressee(s).
- ( ) **BY FACSIMILE:** I caused a copy of such document(s) to be sent via facsimile transmission to the office(s) of the party(s) stated above and was transmitted without error.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: October 23, 2009

  
Deborah A. Shaw