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Filing date: **06/21/2013**

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

Proceeding	92054039
Party	Plaintiff Salesforce.com, inc.
Correspondence Address	JOHN L SLAFSKY WILSON SONSINI GOODRICH & ROSATI 650 PAGE MILL ROAD PALO ALTO, CA 94304-1050 UNITED STATES trademarks@wsgr.com
Submission	Response to Board Order/Inquiry
Filer's Name	John L. Slafsky
Filer's e-mail	jslafsky@wsgr.com, trademarks@wsgr.com, sbrannen@wsgr.com
Signature	/John L. Slafsky/
Date	06/21/2013
Attachments	Response to Order to Show Cause and Consent Motion to Reopen Trial Period.pdf(130591 bytes)

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

SALESFORCE.COM, INC.,

Petitioner,

v.

EDATAFORCE CONSULTING, LLC

Registrant.

Cancellation No. 92054039

Registration No. 3898834

**RESPONSE TO ORDER TO SHOW CAUSE AND
CONSENT MOTION TO REOPEN TRIAL PERIOD**

Petitioner Salesforce.com, Inc. (“Salesforce.com”) hereby submits its response to the Order to Show Cause dated June 19, 2013. Salesforce.com maintains its interest in prosecuting this action, and accordingly the action should not be dismissed. TBMP § 536 (noting Board’s policy is not to enter judgment against plaintiff for failure to file main brief where plaintiff still wishes to obtain adjudication on the merits, and where plaintiff files response indicating it has continued interest in the cancellation).

Salesforce.com also respectfully requests that the Board re-open the trial period in this matter.¹ Registrant eDataForce Consulting, LLC has consented to reopen the trial testimony period. *See* TBMP § 536 (motion to reopen may be granted on consent); TBMP § 509.02 (motions to reopen made on consent are ordinarily granted by Board).

By way of background, the parties have previously been engaged in settlement negotiations, and indeed, on May 18, 2012, the parties filed a Motion for Suspension for Settlement With Consent in this matter. The Board granted the motion suspending the

¹ There is also a pending related opposition proceeding (Opposition No. 91199539) between these parties.

proceedings through November 14, 2012. Although the matter was not settled during that time, the parties have continued to discuss settlement terms and Salesforce.com recently retained outside counsel in this matter in order to secure an expedited resolution.² The parties are currently actively engaged in meaningful negotiations and hope to resolve this matter very shortly.

Accordingly, Salesforce.com respectfully requests that the Board reopen the trial testimony period, beginning with Salesforce.com's pretrial disclosure statement, and reset the remaining deadlines, including the deadlines for filing the parties' briefs, to allow the parties to either reach a conclusion on the merits of this case or, preferably, a negotiated settlement. Salesforce.com requests that the deadline for its pretrial disclosures be set for August 17, 2013, and all subsequent dates be reset accordingly:

Time to Answer :	CLOSED
Deadline for Discovery Conference :	CLOSED
Discovery Opens :	CLOSED
Initial Disclosures Due :	CLOSED
Expert Disclosure Due :	CLOSED
Discovery Closes :	CLOSED
Plaintiff's Pretrial Disclosures :	8/17/2013
Plaintiff's 30-day Trial Period Ends :	10/1/2013
Defendant's Pretrial Disclosures :	10/16/2013
Defendant's 30-day Trial Period Ends :	11/30/2013
Plaintiff's Rebuttal Disclosures :	12/15/2013
Plaintiff's 15-day Rebuttal Period Ends :	1/14/2014

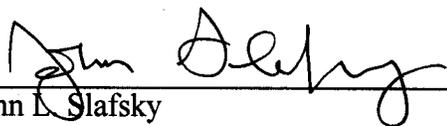
Salesforce.com has secured the express consent of eDataForce for the reopening of the trial testimony periods. Counsel to eDataForce communicated her consent by e-mail dated June 4, 2013.

² This law firm separately filed substitution of counsel papers with the Board on June 14, 2013.

Salesforce.com does not intend to seek any further extensions of time in this matter.

Dated: June 21, 2013

WILSON SONSINI GOODRICH & ROSATI
A Professional Corporation

By: 

John L. Slafsky

Attorneys for Petitioner
SALESFORCE.COM, INC

Please address all communications concerning this proceeding to:

John L. Slafsky
Wilson Sonsini Goodrich & Rosati
650 Page Mill Road
Palo Alto, California 94304-1050
Telephone: (650) 493-9300
Fax: (650) 493-6811
trademarks@wsgr.com

CERTIFICATE OF SERVICE

I, Elvira Minjarez, declare:

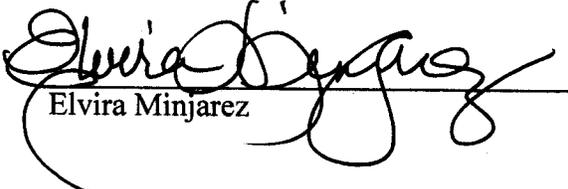
I am employed in Santa Clara County. I am over the age of 18 years and not a party to the within action. My business address is Wilson Sonsini Goodrich & Rosati, 650 Page Mill Road, Palo Alto, California 94304-1050.

I am readily familiar with Wilson Sonsini Goodrich & Rosati's practice for collection and processing of correspondence for mailing with the United States Postal Service. In the ordinary course of business, correspondence would be deposited with the United States Postal Service on this date.

On this date, I served **RESPONSE TO ORDER TO SHOW CAUSE AND CONSENT MOTION TO REOPEN TRIAL PERIOD** on each person listed below, by placing the document(s) described above in an envelope addressed as indicated below, which I sealed. I placed the envelope(s) for collection and mailing with the United States Postal Service on this day, following ordinary business practices at Wilson Sonsini Goodrich & Rosati.

Kavitha Akula, Esq.
Akula & Associates, P.C.
Heritage Square I
4835 LBJ Freeway, Suite 750
Dallas, Texas 75244

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Palo Alto, California on June 21, 2013.


Elvira Minjarez