

**ATTORNEY DOCKET NO. 019280-500500US**

CERTIFICATE OF DEPOSIT



11-01-2001

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #66

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Trademarks, Box TTAB NO FEE, 2900 Crystal Drive, Arlington, VA 22202-3513 on October 29, 2001.

TOWNSEND AND TOWNSEND AND CREW LLP

By: \_\_\_\_\_  
Name:

*Glenda S. Richey*

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

In re application of:

Conxion Corporation

Serial No. 75/943,584

Filed: March 14, 2000

For: EFAILSAFE

STIPULATED REQUEST FOR  
EXTENSION OF TIME TO OPPOSE

Assistant Commissioner for Trademarks  
Box TTAB NO FEE  
2900 Crystal Drive  
Arlington, VA 22202-3513

RECEIVED  
OCT 31 2001

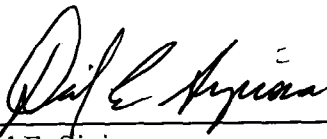
Sir:

In the matter of the above-identified application which was published in the Official Gazette of December 5, 2000, Silicon Graphics, Inc., through its attorneys, requests that the time for filing a Notice of Opposition to the above application be extended for an additional period of fourteen (14) days, to and including November 12, 2001. Applicant's attorney consented to this extension in a voice mail dated October 29, 2001. This extension is requested to permit the parties time to negotiate a settlement, and is not interposed for the purpose of delay. The parties

have engaged in face-to-face settlement negotiations with decision-makers within their respective companies and are working on drafting a consent agreement that will address the disposition of this application and eleven (11) other trademark applications now pending in the U.S. Patent and Trademark Office on behalf of applicant Conxion Corporation.

Respectfully submitted,

TOWNSEND and TOWNSEND and CREW LLP

By:   
\_\_\_\_\_

David E. Sipiora

October 29, 2001

Attorneys for Potential Opposer  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, CA 94111-3834  
Telephone: (303) 571-4000  
Facsimile: (415) 576-0300

CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of October, 2001, a true and correct copy of the foregoing Stipulated Request for Extension of Time to Oppose was served by United States first class mail, postage prepaid and addressed to:

David H. Dolkas  
Gray Cary Ware & Freidenrich LLC  
1755 Embarcadero Road  
Palo Alto, CA 94303-3340

By: Glenda S. Richey

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TOWNSEND  
*and*  
TOWNSEND  
*and*  
CREW  
LLP

San Francisco, California  
Tel 415 576-0200

Palo Alto, California  
Tel 650 326-2400

Walnut Creek, California  
Tel 925 472-5000

Seattle, Washington  
Tel 206 467-9600

Denver

1200 Seventeenth Street  
Suite 2700  
Denver  
Colorado 80202-5827  
Tel 303 571-4000  
Fax 303 571-4321



11-01-2001

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #66

October 29, 2001

Juan M. Porter  
Legal Assistant  
Trademark Trial and Appeal Board  
United States Patent and Trademark Office  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

**Re: Opposition to Application of Conxion Corporation  
for EFAILSAFE, Serial No. 75/943,584  
Filed: March 14, 2000  
Our File No. 19280-500500US**

Dear Ms. Seldon:

Further to our letter of September 28, 2001, we continue to work to finalize settlement of this matter involving applicant, Conxion Corporation ("Conxion"), and its twelve (12) pending applications to register a related family of "FAILSAFE" marks. Our client, Silicon Graphics, Inc. ("SGI") owns the mark FAILSAFE and has filed requests to extend time to oppose each of the twelve applications as it endeavors to negotiate a consent agreement with Conxion.

On September 26, 2001, we sent a revised draft Trademark Consent Agreement to counsel for Conxion. We received no response. On October 14, 2001, our office contacted counsel for Conxion to inquire about the status of the draft revised Agreement. Receiving no response, we twice more attempted to contact Conxion to expedite the process, on October 17, 2001 and again on October 24, 2001. Conxion finally returned a revised draft on Thursday, October 25, 2001. I was out of the office that day, but my office forwarded a copy to our client that same day. We are now reviewing the draft agreement, to which Conxion has added further revisions, and expect to respond sometime next week. Please note that twenty nine (29) days elapsed between the time we forwarded a draft agreement to Conxion and the date that Conxion responded to that draft.

SGI's intentions in this matter are sincere and its efforts have been directed diligently toward achieving a negotiated solution. Although Conxion is moving slowly, we continue to

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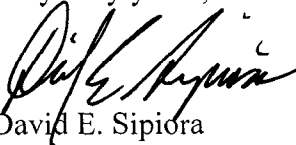
JB  
T.A.

believe that it is operating with a sincere desire to negotiate a resolution. The parties are operating in good faith and, with patience from the TTAB, believe that they can resolve this matter amicably.

I invite you to contact me if you have any questions. In the meantime, we request your indulgence in allowing us another two week extension of time to file a notice of opposition, with the express consent of the applicant.

Thank you for your time and consideration.

Very truly yours,



David E. Sipióra