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C O U N S E L O R S A T L A W

TTAB

Rochelle Alpert
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July 6, 2007

BOX TTAB — FEE
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

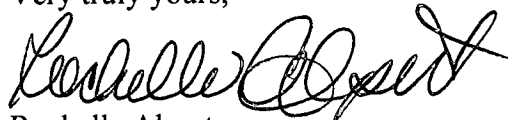
Re: U.S. Trademark Application No. 78/784,864
Mark: **NETWORK APPLIANCE**
Classes: 09, 41, 42
Our reference: 059055.2820

Dear Sir:

Enclosed for filing is a Notice of Appeal (*in triplicate*), in connection with the above-referenced application. Also enclosed are our certificate of mailing receipt verification postcard.

The Assistant Commissioner is hereby authorized to charge any additional fees which may be required, or to credit any overpayment, to **Deposit Account No. 13-4520**. A duplicate copy of this letter is enclosed for this purpose.

Very truly yours,



Rochelle Alpert

Enclosure(s)



07-09-2007

U.S. Patent & TM Office Mail Rept Dt #72

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

In the application of:

Network Appliance, Inc.

Mark: NETWORK APPLIANCE

Serial No.: 78/784,864

Filing Date: January 4, 2006

Trademark Atty: Robert J. Struck

Law Office: 109

Office Action

Mailing Date: January 8, 2007

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NOTICE OF APPEAL

In the Office Action, dated January 8, 2007, the Examining Attorney maintained his objection to the registration of the applied-for NETWORK APPLIANCE mark in Class 9. In a Request for Reconsideration under C.F.R. §2.64(a) that is being submitted to the Examining Attorney concurrently herewith, Applicant has submitted additional arguments and evidence to overcome the refusal to allow this application to proceed to publication.

In connection with this appeal, Applicant respectfully requests that the Commissioner charge the applicable \$100.00 filing fee, or any additional fees which may be required, or to credit any overpayment, to **Deposit Account No. 13-4520**.

07/11/2007 HPWARI 00000013 134520 78784864
01 FC:6403 100.00 DA

If appropriate, Applicant shall file, pursuant to C.F.R. §2.142(b)(1), a brief in support of its appeal within 60 days from the mailing date of this Notice of Appeal.

Dated: July 6, 2007

Respectfully submitted,

By: 
Rochelle D. Alpert
Attorney for Applicant
Network Appliance, Inc.

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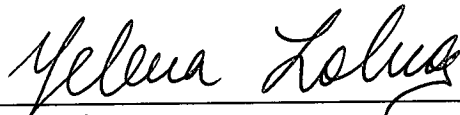
CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

BOX TTAB — FEE
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Dear Sir:

I hereby certify that the attached Notice of Appeal (*in triplicate*), and receipt verification postcard are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: BOX TTAB — FEE, Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451, on **July 6, 2007**.

Respectfully submitted,



Yelena Lolua