

TTAB

TRADEMARK
Docket No. 059055.9040

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

NETWORK APPLIANCE, INC.

Opposition No.: 91,152,167

Opposer,

**STIPULATED WITHDRAWAL OF
APPLICATION WITH PREJUDICE
AND WITHDRAWAL OF OPPOSITION**

v.

JONATHON SIMPSON & EMILIO DEL BUSTO,

Applicants.



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

10-31-2003
U.S. Patent & TMO/TM Mail Rpt Dt. #78

**STIPULATED WITHDRAWAL OF APPLICATION WITH PREJUDICE AND
WITHDRAWAL OF OPPOSITION**

Pursuant to TBMP § 602.01 and 605.03(a), it is hereby stipulated by Opposer Network Appliance, Inc., and Applicants Jonathon Simpson and Emilio Del Busto, through their respective counsel of record, that the application for NETONTAP (Ser. No. 76/158,577) be withdrawn with prejudice and, as a result, the opposition proceeding specified in the above-captioned matter can be dismissed.

Dated: October 15, 2003

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Emilio Del Busto

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TRADEMARK
Docket No. 059055-9040

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
In the Matter of Application No. 76/158,577
for the Mark NETONTAP

NETWORK APPLIANCE, INC.

Opposer,

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JONATHON SIMPSON & EMILIO DEL
BUSTO,

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

BOX TTAB - NO FEE
Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514

Dear Sir:

I hereby certify that the attached Stipulated Withdrawal of Application with Prejudice and Withdrawal of Opposition and receipt verification postcard are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: BOX TTAB - NO FEE, Commissioner for Trademarks, 2900 Crystal Drive, VA 22202-3514, on October 27, 2003.

Respectfully submitted,


Jean Canedo

PROOF OF SERVICE BY MAIL
DEPOSIT AT BUSINESS

I, Jean Canedo, 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 One Market, Spear Street Tower, San Francisco, California 94105.

On October 27, 2003, I served a copy(ies) of the following document(s):

STIPULATED WITHDRAWAL OF APPLICATION WITH PREJUDICE AND
WITHDRAWAL OF OPPOSITON

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

Attorney

Eliot R. Clauss
Clauss & Sabatini
1350 Broadway, Suite 1710
New York, NY 10018

Party(ies) Served

Attorney for Jonathan Simpson and Emilio Del
Busto

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 the 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 that the foregoing is true and correct, and that this declaration was executed on October 27, 2003, at San Francisco, California.



Jean Canedo