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Filing date: **08/03/2005**

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

Proceeding	91162982
Party	Defendant Quanta Computer Inc. Quanta Computer Inc. No. 188, Wen Hwa 2nd Rd. Kuei Shan Hsiang TWX Tao Yuan Shien,
Correspondence Address	Daniel R. McClure Thomas, Kayden, Horstemeyer & Risley, LL 100 Galleria Pkwy, NW Suite 1750 Atlanta, GA 30339
Submission	Applicant's Reponse to Notice of Default and Order to Show Cause Mailing on July 20, 2005
Filer's Name	Dan R. Gresham
Filer's e-mail	dan.gresham@tkhr.com, jennifer.pomonis@tkhr.com
Signature	/dan r. gresham/
Date	08/03/2005
Attachments	_0803101444_001.pdf (8 pages)

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

In the matter of Application Serial No.: 78/158,027
Mark: QUANTA
Filed: August 27, 2002

Published in the Official Gazette
On May 4, 2004

3M COMPANY and QUANTE AG,)	
)	
Opposers,)	
)	
v.)	Opposition No: 91162982
)	
QUANTA COMPUTER INC.,)	
)	
Applicant.)	
)	

**APPLICANT'S RESPONSE TO NOTICE OF DEFAULT AND
ORDER TO SHOW CAUSE MAILED ON JULY 20, 2005**

On July 20, 2005, a notice of default was entered against the Applicant. The order entering the notice of default stated as follows:

Answer was due (at last reset) in this case on June 1, 2005. Inasmuch as it appears that no answer has been filed, *nor has applicant filed a motion to further extend its time to answer*, notice of default is hereby entered against applicant under Fed. R. Civ. P. 55(a).

Applicant is allowed until thirty days from the mailing date of this order to show cause why judgment by default should not be entered against applicant in accordance with Fed. R. Civ. P. 55(b).

Order mailed July 20, 2005 (emphasis added).

In response to the order, Applicant hereby shows cause why judgment of default should not

be entered against Applicant. Applicant respectfully submits that the notice of default was entered in error in that Applicant did, in fact, file a motion to further extend its time to answer prior to the previous answer date of June 1, 2005.

Specifically, on May 10, 2005, Opposer 3M Company filed a Consented to Request to Suspend for Three (3) Months, pursuant to 37 C.F.R. § 2.117(c). Counsel for Opposer received a postcard from the USPTO stamped 05-16-2005 acknowledging receipt of the Consent Request. True and correct copies of the Consent Request to Suspend for Three (3) Months (originally filed on May 10, 2005) and of the postcard acknowledging receipt of same by the USPTO (stamped 05-16-2005) are submitted herewith. The purpose of the Consent Request was to allow the parties additional time to continue settlement discussions for possible resolution of this matter. Favorable consideration of the request by the Trademark Trial and Appeal Board was therefore solicited by the parties.

Applicant also notes that an identical Consented to Request to Suspend for Three (3) Months, pursuant to 37 C.F.R. § 2.117(c), was also filed by the parties on May 10, 2005 in companion Opposition No. 91163039, which involves the same parties and the same mark. The Consented to Request to Suspend was granted in Opposition No. 91163039, and the dates were reset, in an Order mailed on June 30, 2005.

In view of the Consent Request submitted in the present proceeding on May 10, 2005, Applicant respectfully submits that the notice of default mailed on July 20, 2005 was entered in error. Accordingly, Applicant hereby requests that the notice of default be withdrawn, and that the Consent Request to Suspend for Three (3) Months, filed on May 10, 2005, be entered and the dates reset accordingly.

Opposer's counsel, Ann K. Burns of Fulbright & Jaworski LLP, consented to the filing and contents of this response in a communication dated July 28, 2005.

This 3rd day of August, 2005.

Respectfully submitted,



Daniel R. McClure

Dan R. Gresham

**THOMAS, KAYDEN, HORSTEMEYER
& RISLEY, L.L.P.**

100 Galleria Parkway, Suite 1750

Atlanta, Georgia 30339

(770) 933-9500

ATTORNEYS FOR APPLICANT
QUANTA COMPUTER INC.

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of "APPLICANT'S RESPONSE TO NOTICE OF DEFAULT AND ORDER TO SHOW CAUSE MAILED ON JULY 20, 2005" on Opposers' attorneys:

Louis T. Pirkey
Timothy M. Kenny
Ann K. Burns
FULBRIGHT & JAWORSKI L.L.P.
600 Congress, Suite 2400
Austin, Texas 78701

by depositing a copy of the same in the United States mail, in a properly addressed envelope with sufficient first class postage affixed thereto.

This the 3rd day of August, 2005.

A handwritten signature in black ink, appearing to read "Dan R. Gresham", written over a horizontal line.

Dan R. Gresham

CERTIFICATE OF MAILING
37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451, on the date below:

5/10/2005
Date

Eileen Carney
Signature

TRADEMARK

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

In the matter of Application Serial No.: 78/158,027
Mark: QUANTA
Filed: August 27, 2002

Published in the Official Gazette
On May 4, 2004

3M COMPANY and QUANTE AG,

Opposers,

v.

QUANTA COMPUTER INC.

Applicant.

Opposition No. 91162982

CONSENTED REQUEST TO SUSPEND FOR THREE (3) MONTHS

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Commissioner:

Opposer, 3M Company, respectfully requests the Trademark Trial and Appeal Board to suspend the above-referenced opposition proceeding for three (3) months, pursuant to 37 C.F.R. § 2.117(c).

EXHIBIT A
PAGE 1 OF 3

This request is made for good cause, namely, to allow the parties additional time to continue settlement discussions for possible resolution of this matter. Settlement terms have been proposed and the parties are negotiating a settlement agreement. Favorable consideration of this request by the Trademark Trial and Appeal Board is therefore solicited.

Upon the resumption of the proceeding, the parties request that the Board reset the time for Applicant to answer and the discovery and testimony periods.

Applicant's counsel, Dan Gresham of Thomas, Kayden, Horstemeyer & Risley, consented to the requested suspension of the proceeding in a telephone conference on May 9, 2005 with Opposer's counsel, Ann K. Burns of Fulbright & Jaworski LLP.

No fee is believed to be due in connection with the filing of this document. However, should any fee under 37 C.F.R. § 2.6 be deemed necessary for any reason relating to this document, the Commissioner for Trademarks is hereby authorized to deduct said fee from Fulbright & Jaworski L.L.P. Account No. 50-1212, Reference THRT:024/104066559. Please date stamp and return the enclosed postcard to acknowledge receipt of this material.

Respectfully submitted,



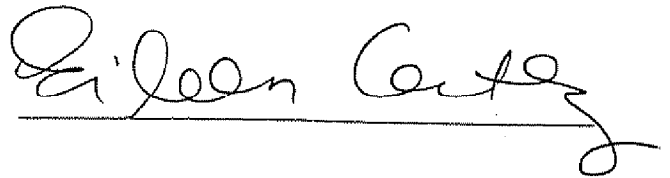
Louis T. Pirkey
Timothy M. Kenny
Ann K. Burns
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600 Congress, Suite 2400
Austin, Texas 78701
Tel: 512.474.5201
Fax: 512.536.4598

ATTORNEYS FOR OPPOSERS
3M COMPANY AND QUANTE AG

Date: May 10, 2005

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing CONSENTED REQUEST TO SUSPEND FOR THREE (3) MONTHS has been served on Applicant's attorney, Dan R. Gresham, Thomas, Kayden, Horstemeyer & Risley, 100 Galleria Parkway, NW, Suite 1750, Atlanta, Georgia 30339, by depositing a copy of the same in the United States Mail, postage prepaid, on this 10th day of May, 2005.



Please indicate receipt of the below-identified paper:

<input type="checkbox"/> New TM/SM Appl. As Follows:	<input type="checkbox"/> ITU	<input type="checkbox"/> Use-Based	<input type="checkbox"/> 44	<input type="checkbox"/> Priority
<input type="checkbox"/> Specimens	<input type="checkbox"/> Drawing	Class(es):	<input type="checkbox"/> Check for \$	
<input type="checkbox"/> AAU	<input type="checkbox"/> EOT #	<input type="checkbox"/> Stmt of Use	<input type="checkbox"/> Sec. 8 Decl.	<input type="checkbox"/> Sec. 8 & 15 Decl.
<input type="checkbox"/> Renewal App.				
<input type="checkbox"/> Assignment FROM:	TO:			
<input type="checkbox"/> Response to Office Action Dated:				
<input checked="" type="checkbox"/> Other: Consented Request to Suspend for Three (3) Months				
<input type="checkbox"/> Hand Delivery	<input checked="" type="checkbox"/> Cert. of Timely Mailing			
IDENTIFICATION OF MATTER				
<input type="checkbox"/> Serial No.	<input type="checkbox"/> Reg. No.	<input checked="" type="checkbox"/> Oppos. No. 91162904		
Mark or Case Title: 3M Company and Quante AG v. Quanta Computer Inc. re Serial No. 78/158,027 for the mark QUANTA				
Applicant or Registrant: Quanta Computer Inc.			Attorney: TMK/AKB/eoc	
Client: 3M Company			F&J File No.: THRT:024	
Mailed: May 10, 2005		Filed: May 10, 2005		Due Date: May 30, 2005

U.S. PATENT & TRADEMARK OFFICE

05-16-2005

U.S. Patent & TMO/PTM Mail Rcpt Dt. 474

EXHIBIT 8
PAGE 1 OF 1