

ESTTA Tracking number: **ESTTA98742**

Filing date: **09/11/2006**

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

| | |
|------------------------|---|
| Proceeding | 91165267 |
| Party | Defendant ADAPTEC, INC. ADAPTEC, INC. 691 SOUTH MILPITAS BOULEVARD MILPITAS, CA 95035 |
| Correspondence Address | TIRZAH ABE LOWE KNOBBE MARTENS OLSON & BEAR, LLP 2040 MAIN STREET, 14TH FLOOR IRVINE, CA 92614 efiling@kmob.com, shalpern@kmob.com |
| Submission | Other Motions/Papers |
| Filer's Name | Stacey R. Halpern |
| Filer's e-mail | efiling@kmob.com, shalpern@kmob.com |
| Signature | /Stacey R. Halpern/ |
| Date | 09/11/2006 |
| Attachments | Motion for Correction.pdf (3 pages)(80331 bytes) MFC Attachment 1.pdf (1 page)(3385 bytes) MFC Attachment 2.pdf (1 page)(3378 bytes) |

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

Network Appliance, Inc.,

Opposer,
v.

Adaptec, Inc.,

Applicant.

Opposition Nos.: 91,165,267
91,166,409

I hereby certify that this correspondence and all marked attachments are being electronically filed with the Trademark Trial and Appeal Board through their web site located at <http://estta.uspto.gov> on

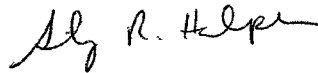
Adaptec, Inc.,

Counter-Claim Petitioner,
v.

Network Appliance, Inc.,

Counter-Claim Respondent.

September 11, 2006
(Date)



Stacey R. Halpern

**MOTION FOR CORRECTION OF ORDER SUSPENDING
OPPOSITION NO. 91,165,267 TO DESIGNATE OPPOSITION NO. 91,165,267 AND
OPPOSITION NO. 91,166,409**

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

Dear Sir or Madam:

On June 20, 2006, Adaptec, Inc. (“Applicant”) filed a Motion for Suspension for Settlement (the “Motion”). Applicant notes that on March 16, 2006, the Trademark Trial and Appeal Board (the “Board”) issued an Order consolidating Opposition Nos. 91,165,267 and 91,166,409. In particular, the March 16, 2006 Order stated that Opposition No. 91,165,267 was

designated the parent case and that “only a single copy of any paper or motion should be filed herein” and that such filing should be made in connection with the parent case. The Order also indicated that both proceeding numbers should be listed on the filings.

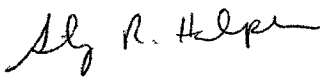
As it is not possible to list two proceeding numbers on electronically filed documents via the forms generated by the Electronic System for Trademark Trials and Appeals, when Applicant filed the Motion in connection with the parent proceeding (Opposition No. 91,165,267), it was Applicant’s understanding this would suspend both matters.

During a telephone conversation with the Board on September 11, 2006, Applicant was advised that while the matters are consolidated, in order to confirm the suspension of both opposition proceedings, Applicant must file a copy of the Motion previously filed in the parent case, the Board’s order granting the suspension in the parent case, and a document explaining the foregoing, which also requested that the June 20, 2006 order be amended to include both proceeding numbers.

Accordingly, Applicant submits herewith such documentation and requests that the Board issue a corrected Order which lists both Opposition Nos. 91,165,267 and 91,166,409 instead of just Opposition No. 91,165,267.

Respectfully submitted,
KNOBBE, MARTENS, OLSON & BEAR, LLP

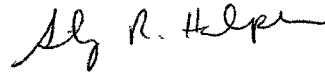
Dated: September 11, 2006

By: 
Stacey R. Halpern
2040 Main Street
Fourteenth Floor
Irvine, CA 92614
(949) 760-0404
Attorneys for Applicant, Adaptec, Inc.

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing **MOTION FOR CORRECTION OF ORDER SUSPENDING OPPOSITION NO. 91,165,267 TO DESIGNATE OPPOSITION NO. 91,165,267 AND OPPOSITION NO. 91,166,409** upon Opposer/Counter-Claim Respondent's counsel by depositing one copy thereof in the United States Mail on September 11, 2006, addressed as follows:

Rochelle D. Alpert, Esq.
MORGAN, LEWIS & BOCKIUS LLP
Spear Street Tower, One Market
San Francisco, CA 94105



Stacey R. Halpern

2914429:sg
091106

ESTTA Tracking number: **ESTTA86261**

Filing date: **06/20/2006**

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

| | |
|-------------|---------------------------------------|
| Proceeding. | 91165267 |
| Applicant | Defendant ADAPTEC, INC. |
| Other Party | Plaintiff NETWORK APPLIANCE, INC., |

Motion for Suspension for Settlement With Consent

The parties are actively engaged in negotiations for the settlement of this matter. ADAPTEC, INC. requests that this proceeding be suspended for 180 days to allow the parties to continue their settlement efforts.

Proceedings Resume : 12/18/2006

Discovery Period to Close : 04/17/2007

Thirty-day testimony period for party in position of
plaintiff to close : 07/16/2007

Thirty-day testimony period for party in position of
defendant to close : 09/14/2007

Fifteen-day rebuttal testimony period to close : 10/29/2007

ADAPTEC, INC. has secured the express consent of all other parties to this proceeding for the suspension requested herein.

ADAPTEC, INC. has provided an e-mail address herewith for itself and for the opposing party so that any order on this motion may be issued electronically by the Board.

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by Facsimile or email (by agreement only) on this date.

Respectfully submitted,

/Stacey R. Halpern/

Stacey R. Halpern

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06/20/2006

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

June 20, 2006

PROCEEDING NO. 91165267
NETWORK APPLIANCE, INC.,

v.

ADAPTEC, INC.

MOTION TO SUSPEND GRANTED

ADAPTEC, INC.'s motion filed, Jun 20, 2006, to suspend this proceeding is granted. Accordingly, proceedings herein are suspended through Dec 17, 2006, subject to the right of either party to request resumption at any time. During the suspension period, the parties shall notify the Board of any change of address for either the parties or their counsel.

Unless the parties sooner request resumption, upon conclusion of the suspension period, proceedings shall resume without further notice or order from the Board, upon the schedule set out in the motion. If an answer has not been filed, the defendant is allowed until thirty days from the date of resumption to file an answer. The parties are allowed THIRTY DAYS from resumption in which to serve responses to any outstanding discovery requests.

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