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November 26, 2008

**VIA U.S. EXPRESS MAIL**

United States Patent and Trademarks Office  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451


78/532,480

Re: *Quest Software, Inc. v. Apple Inc.*, Opposition No. 91/169,300

To the Trademark Trial and Appeal Board:

Enclosed for filing in this proceeding is a Motion to Amend Application with Consent.

Sincerely,



Erik Bertin

Enclosure

cc: Margarita Wallach  
Counsel for Opposer, Quest Software, Inc.



11-26-2008

U.S. Patent & TMO/TM Mail Rept Dt. #21

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

Application of: Apple Inc.  
Serial No.: 78/532,480  
Filed: December 14, 2004  
Mark: SPOTLIGHT

QUEST SOFTWARE, INC.,	:	
	:	
	:	
Opposer,	:	
	:	
v.	:	Opposition No. 91/169,300
	:	
	:	
APPLE INC.,	:	
	:	
Applicant.	:	

MOTION TO AMEND APPLICATION WITH CONSENT

Pursuant to 37 C.F.R. § 2.133, Applicant Apple Inc., by and through its attorneys, hereby requests that U.S. Application Serial No. 78/532,480 be amended by deleting the entire, current identification of goods, and substituting the following:

“Computer software sold as a component of applicant’s proprietary computer operating system for locating and retrieving computer programs, files, folders and documents, electronic mail messages, address book contacts, electronic calendar entries, images, fonts, music files, movies, bookmarks, and computer system preferences, excluding database management applications used to detect, analyze, diagnose, and resolve errors and technical problems in complex equipment and systems and in computer databases, programs, and files” in International Class 9.


The proposed amendment limits the goods (i) by specifying that the software is sold as a component of applicant’s proprietary computer operating system, and (ii) by excluding “database management applications used to detect, analyze, diagnose, and resolve errors and technical problems in complex equipment and systems and in computer databases, programs, and files”

from the scope of the identification. Therefore, Applicant respectfully submits that the amendment should be accepted without requiring republication.

Opposer, Quest Software, Inc., has consented to the proposed amendment under the terms of a confidential settlement agreement.

Respectfully submitted,

Date: November 26, 2008

  
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Glenn A. Gundersen  
Erik Bertin  
Dechert LLP  
Cira Centre, 2929 Arch Street  
Philadelphia, PA 19104-2808  
(215) 994-2183

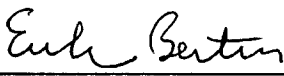
Counsel for APPLE INC.

Certificate of Mailing by Express Mail

I hereby certify that the foregoing Motion to Amend Applicant with Consent is being deposited with the United States Postal Service as Express Mail, Post Office to Addressee in an envelope addressed to: United States Patent and Trademark Office, Trademark Trial and Appeal Board, P.O. Box 1451, Alexandria, Virginia 22313-1451, on November 26, 2008.

Erik Bertin  
\_\_\_\_\_  
Person Signing Certificate

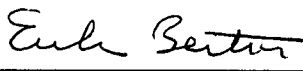
November 26, 2008  
\_\_\_\_\_  
Date of Signature

  
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Signature

EB 303226134 US  
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Express Mail Number

Certificate of Service

I hereby certify that a true and correct copy of the foregoing Motion to Amend Application With Consent has been duly served by mailing such copy first class, postage prepaid to Margarita Wallach, Paul, Hastings, Janofsky & Walker LLP, 75 East 55<sup>th</sup> Street, New York, New York 10022 on November 26, 2008.

  
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Erik Bertin