

# TTAB

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

In the matter of

Trademark Application No. 78/670,061

Mark: INTAPP

IntApp, Inc.

Opposers

vs.

Network Appliance, Inc.

Applicant

Opposition No. 91177825

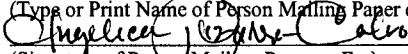
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Date of Deposit March 6, 2008

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Assistant Commissioner for Trademark, P.O. Box 1451, Alexandria, VA 22313-1451.

Angelica Pizarro-Calvo

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**03-06-2008**

U.S. Patent & TMO/TM Mail Rpt Dt. #72

## RESPONSE AND MOTION FOR SUSPENSION OF PROCEEDINGS

In response to the February 5, 2008, Trademark Trial and Appeal Board's Notice of Default, Applicant notes that the delay in filing an Answer was not the result of willful conduct or gross neglect. The Answer was drafted, finalized, and sent to the Post Office for

filing via Express Mail. Due to a severe storm, the postal delivery vehicle was delayed, so that the delivery vehicle arrived to the Post Office several minutes after closing. The next day, the parties conferred by phone, to agree to a one-day, retroactive extension due to the delay. During that conversation, settlement negotiations took a positive turn and the parties agreed to reset the Answer deadline and suspend the proceedings. Thus, Opposer will not be prejudiced by the delay and Opposer it has consented to it.

Applicant, by its attorney, hereby also moves for suspension of all proceedings for six months, subject to the right of either party to request resumption of proceedings at any time prior thereto. As grounds in support of this motion, Applicant asserts that the parties are engaged in settlement discussions that, if successful, will result in the termination of this proceeding. Suspension is requested in order to allow the parties to maintain the *status quo* pending the outcome of these settlement negotiations.

Given these facts, Applicant asks that the Board reset the Answer deadline and suspend the proceedings for six months. Opposer, through its attorney, orally stipulated to the Answer-deadline resetting and to the suspension, to enable the parties to either reach an agreement or continue the Opposition on the merits.

Respectfully submitted,

Dated: March 6, 2008

  
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PROOF OF SERVICE BY MAIL

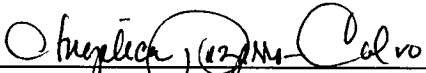
I declare that:

I am employed in the County of Santa Clara, California.

I am over the age of eighteen years and not a party to the within cause; my business address is Fenwick & West LLP, Silicon Valley Center, 801 California Street, Mountain View, CA 94041. On March 6, 2008, I served the within RESPONSE AND MOTION FOR SUSPENSION OF PROCEEDINGS on the interested parties in said cause, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Mountain View, California, addressed as follows:

Rochelle D. Alpert, Esq.  
Morgan Lewis  
One Market  
Spear Street Tower  
San Francisco, CA 94105

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed at Mountain View, California, this 6<sup>th</sup> day of March, 2008.

  
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Angelica Pizarro-Calvo