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

Mailed: March 18, 2008

Opposition No. 91177825

Network Appliance, Inc.

v.

IntApp, Inc

Cheryl Goodman, Interlocutory Attorney:

On February 5, 2008, the Board issued a notice of default, allowing applicant time to show cause why default judgment should not be entered against it.

On March 6, 2008, applicant filed its response advising that the delay in filing its answer was due to a severe storm which prevented timely mailing. Applicant further advises that opposer agreed to a retroactive one-day extension of time to answer and that the parties "agreed to reset the Answer deadline and suspend proceedings" for settlement.

In view of the foregoing, the Board finds good cause for setting aside default. Accordingly, entry of default is set aside.

Applicant's consented motion to suspend for settlement is granted.

Proceedings herein are suspended until six months from the mailing date of this action, subject to the right of

either party to request resumption at any time. See Trademark Rule 2.117(c). The Board's order dated February 5, 2008 is hereby discharge and the motion for suspension is granted.

In the event that there is no word from either party concerning the progress of their negotiations, upon conclusion of the suspension period, proceedings shall resume without further notice or order from the Board, upon the schedule set out below.

**Applicant** is allowed **THIRTY DAYS** from resumption in which to answer the **notice of opposition**. The parties are allowed the same THIRTY DAYS in which to serve responses to any outstanding discovery requests. Trial dates, including the close of discovery, are reset as follows:

|                                                                      |          |
|----------------------------------------------------------------------|----------|
| Proceedings resume:                                                  | 9/16/08  |
| Discovery Period to close:                                           | 12/15/08 |
| 30-day testimony period for party in position of plaintiff to close: | 3/15/09  |
| 30-day testimony period for party in position of defendant to close: | 5/14/09  |
| 15-day rebuttal testimony period to close:                           | 6/28/09  |

In each instance, a copy of the transcript of testimony together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

If, during the suspension period, either of the parties or their attorneys should have a change of address, the Board should be so informed.

**NEWS FROM THE TTAB:**

The USPTO published a notice of final rulemaking in the Federal Register on August 1, 2007, at 72 F.R. 42242. By this notice, various rules governing Trademark Trial and Appeal Board inter partes proceedings are amended. Certain amendments have an effective date of August 31, 2007, while most have an effective date of November 1, 2007. For further information, the parties are referred to a reprint of the final rule and a chart summarizing the affected rules, their changes, and effective dates, both viewable on the USPTO website via these web addresses:  
<http://www.uspto.gov/web/offices/com/sol/notices/72fr42242.pdf>  
[http://www.uspto.gov/web/offices/com/sol/notices/72fr42242\\_FinalRuleChart.pdf](http://www.uspto.gov/web/offices/com/sol/notices/72fr42242_FinalRuleChart.pdf)

By one rule change effective August 31, 2007, the Board's standard protective order is made applicable to all TTAB inter partes cases, whether already pending or commenced on or after that date. However, as explained in the final rule and chart, this change will not affect any case in which any protective order has already been approved or imposed by the Board. Further, as explained in the final rule, parties are free to agree to a substitute protective order or to supplement or amend the standard order even after August 31, 2007, subject to Board approval. The standard protective order can be viewed using the following web address:  
<http://www.uspto.gov/web/offices/dcom/ttab/tbmp/stndagmnt.htm>