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

Proceeding	91183042
Party	Defendant Wireless Control Network Solutions, LLC d/b/a "Synapse"d/b/a "Synapse"
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Submission	Answer
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Date	04/17/2008
Attachments	Answer.pdf (4 pages)(16698 bytes)

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

NETWORK, APPLIANCE, INC.)	
)	
Opposer,)	Opposition No.: 91183042
)	
v.)	Application No. 77/176,278
)	
WIRELESS CONTROL NETWORK SOLUTIONS, LLC. d/b/a "SYNAPSE")	Applicant's Mark: SNAP
)	
Applicant.)	

ANSWER TO NOTICE OF OPPOSITION

Applicant, Wireless Control Network Solutions, LLC, d/b/a Synapse, hereby answers the allegations contained within the Notice of Opposition filed by Network Appliance, Inc. as follows:

As to the unnumbered introductory paragraph of the Notice of Opposition, Applicant denies that Opposer will be damaged by the registration of Applicant's mark, SNAP. Applicant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph, and therefore denies same.

1. Applicant admits that Opposer is a publicly traded company. Applicant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph, and therefore denies same.

2. Applicant admits that Opposer is the listed owner of several trademark registrations including the term SNAP. Applicant is without knowledge or information sufficient

to form a belief as to the truth of the remaining allegations in this paragraph, and therefore denies same.

3. Applicant admits the existence of trademark registrations for SNAPMIRROR, SNAPRESTORE, SNAPMANAGER, SNAPVAULT, SNAPMOVER, SNAPDRIVE, SNAPLOCK, and SNAPVALIDATOR for the goods listed in this averment and registered on the dates listed in this averment. Applicant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph, and therefore denies same.

4. Applicant admits it filed an intent-to-use application for the term SNAP, Application Serial No. 77/767278, in International Class 9 on May 9, 2007, and that the goods listed in the application are “computer software for use in wireless communication devices, namely protocol software for wireless applications that allows users to create and configure wireless networks.” Applicant admits that the filing date for Application Serial No. 77/767278 is after the registration dates of the SNAPMIRROR, SNAPRESTORE, SNAPMANAGER, SNAPVAULT, SNAPMOVER, SNAPDRIVE, SNAPLOCK, and SNAPVALIDATOR marks. Applicant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph, and therefore denies same.

5. [Opposer’s Notice of Opposition contained no Paragraph #5]

6. Applicant admits that Opposer sells computer hardware and software that may be used in connection with both wired and wireless networks. Applicant denies that remaining allegations of this paragraph.

7. Denied.

8. Denied.

DEFENSES

1. Opposer's marks SNAPMIRROR, SNAPRESTORE, SNAPMANAGER, SNAPVAULT, SNAPMOVER, SNAPDRIVE, SNAPLOCK, and SNAPVALIDATOR are distinctly different from Applicant's mark in appearance, possess different sounds, and present different commercial impressions from Applicant's mark such that there is no likelihood of confusion as to the source of origin or sponsorship of the goods offered under those respective marks.

2. The goods to which the respective marks are applied and the purpose or use of the goods are distinctly separate such that there could be no likelihood of confusion among consumers.

Respectfully submitted,

/Angela Holt/
Angela Holt
Attorney for Applicant

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served by United States mail, postage prepaid, to the following counsel on this the 17 day of April, 2008:

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