ESTTA Tracking number: **ESTTA806030**

Filing date: **03/08/2017**

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

Proceeding	91197762
Party	Plaintiff Embarcadero Technologies, Inc.
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Submission	Other Motions/Papers
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Signature	/Neil D. Greenstein/
Date	03/08/2017
Attachments	Embarcadero v. Delphix - 91197762 - Resp to Susp Inq.pdf(77446 bytes)

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

EMBARCADERO TECHNOLOGIES, INC.,	)	**Opposition No.: 91-197,762**
	)	**Cancellation No.: 92-055,153**
Opposer	)	**TM: DELPHIX**
v.	)	**Serial No.: 77/944,256**
DELPHIX CORP.,	)	**TM: DELPHIX (Logo)**
	)	**Reg. No.: 3,768,914**
Applicant	)	

OPPOSER RESPONSE TO BOARD ORDER/INQUIRY

On February 6, 2017, the Board issued an Order inquiring about the status of the civil action referred to below, which indicated that a response is due no later than thirty (30) days therefrom.

Civil proceedings concerning issues that may bear upon the mark in question are continuing. The district court case that served as the basis for the prior suspension (Case No. 3:16-cv-00606) of this opposition and cancellation was decided in favor of Embarcadero Technologies Inc. An appeal was then filed by Delphix Corp. with the 9th Circuit Court of Appeals and is still ongoing (Case No. 16-16572).

Respectfully submitted,

EMBARCADERO TECHNOLOGIES, INC.
By: /Neil D. Greenstein/
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Dated: March 8, 2017

Attorneys for Opposer Embarcadero Technologies, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing OPPOSER RESPONSE TO BOARD ORDER/INQUIRY is being served on March 8, 2017 by email to eball@fenwick.com and trademarks@fenwick.com

/Derek M. Palmer/
Derek M. Palmer