ESTTA Tracking number: **ESTTA806064**

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

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

Proceeding	91197762
Party	Defendant Delphix Corp.
Correspondence Address	ERIC BALL FENWICK WEST LLP 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041 UNITED STATES trademarks@fenwick.com, eball@fenwick.com
Submission	Other Motions/Papers
Filer's Name	Eric Ball
Filer's e-mail	trademarks@fenwick.com
Signature	/Eric J. Ball/
Date	03/08/2017
Attachments	170308 Delphix Civil Action Update to TTAB.pdf(2196909 bytes)

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

In the matter of
Trademark Application No. 77/944,256
Mark: DELPHIX
Trademark Registration No. 3,768,914
Mark: DELPHIX (Logo)

Embarcadero Technologies, Inc., Opposer and Petitioner, v. Delphix Corp., Applicant and Registrant.	Opposition No.: 91197762 Cancellation No.: 92055153

DELPHIX CORP.'S CIVIL ACTION STATUS UPDATE

Delphix Corp. ("Applicant") responds to the Board's February 6, 2017 notice and request for an update on the status of the Civil Action that suspended Opposition No. 91197762 and Cancellation No. 92055153. The parties remain actively involved in litigating the Civil Action before the U.S. Court of Appeals for the Ninth Circuit and the U.S. District Court, Northern District of California. Attached hereto as Exhibits A and B are true and correct copies of the Court of Appeals dockets for the pending appeal and cross-appeal, respectively, in *Delphix Corp. v. Embarcadero Technologies, Inc.*, Case Nos. 16-16572 (appeal) and 16-16697 (cross appeal), showing that both Delphix Corp and Embarcadero Technologies have filed separate appeals with the Ninth Circuit and that the parties are currently in the process of briefing their appeals. Once the Ninth Circuit resolves the parties' pending appeal and cross-appeal, the Civil Action will resume in a federal district court to address issues which may have a bearing on this proceeding.

In the interests of judicial economy and judicial consistency, and pursuant to TBMP

510.02, Applicant requests that the Board continue its suspension of Opposition No. 91197762 and Cancellation No. 92055153 until there is a full and final termination of the Civil Action, including any appeals.

Dated: March 8, 2017

By: */Eric J. Ball/*

Eric Ball, Esq.
FENWICK & WEST LLP
801 California Street
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Tel: (650) 988-8500

Attorneys for Applicant
Delphix Corp.

Exhibit A

General Docket
United States Court of Appeals for the Ninth Circuit

Court of Appeals Docket #: 16-16572 **Docketed:** 09/07/2016
Nature of Suit: 3840 Trademark
Delphix Corp. v. Embarcadero Technologies, Inc.
Appeal From: U.S. District Court for Northern California, San Jose
Fee Status: Paid

Case Type Information:
1) civil
2) private
3) null

Originating Court Information:
District: 0971-5 : 5:16-cv-00606-BLF
Court Reporter: Summer A. Fisher, Court Reporter
Trial Judge: Beth Labson Freeman, District Judge
Date Filed: 02/04/2016

Date Order/Judgment:	Date Order/Judgment EOD:	Date NOA Filed:	Date Rec'd COA:
08/25/2016	08/25/2016	08/26/2016	09/07/2016

Prior Cases:
None

Current Cases:

	Lead	Member	Start	End
Cross-Appeal	16-16572	16-16697	09/23/2016	

DELPHIX CORP.
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Nicholas Plassaras
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Mountain View, CA 94041

v.

EMBARCADERO TECHNOLOGIES, INC.
Defendant - Appellee,

Neil D. Greenstein, Attorney
Direct: 858-779-9046

[COR LD NTC Retained]
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Suite 780
3525 Del Mar Heights Road
San Diego, CA 92130

DELPHIX CORP.,

Plaintiff - Appellant,

v.

EMBARCADERO TECHNOLOGIES, INC.,

Defendant - Appellee.

09/07/2016	1 16 pg, 1.5 MB	DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. SEND MQ: Yes. The schedule is set as follows: Mediation Questionnaire due on 09/14/2016. Transcript ordered by 10/03/2016. Transcript due 11/01/2016. Appellant Delphix Corp. opening brief due 12/12/2016. Appellee Embarcadero Technologies, Inc. answering brief due 01/12/2017. Appellant's optional reply brief is due 14 days after service of the answering brief. [10115009] (RT) [Entered: 09/07/2016 01:15 PM]
09/13/2016	2 3 pg, 109.07 KB	Filed (ECF) Appellant Delphix Corp. Mediation Questionnaire. Date of service: 09/13/2016. [10122446] [16-16572] (Wakefield, Jedediah) [Entered: 09/13/2016 04:11 PM]
09/23/2016	3 18 pg, 1.55 MB	DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. SEND MQ: Yes. Setting cross-appeal briefing schedule as follows: Mediation Questionnaire due on 09/30/2016. First cross appeal brief due 12/12/2016 for Delphix Corp.. Second brief on cross appeal due 01/12/2017 for Embarcadero Technologies, Inc.. Third brief on cross appeal due 02/13/2017 for Delphix Corp. Optonal cross appeal Reply brief for Embarcadero Technologies, Inc. is due within 14 days of service of Third brief on cross appeal. [10135178] [16-16697, 16-16572] (RT) [Entered: 09/23/2016 02:28 PM]
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09/29/2016	5	Added attorney Eric James Ball for Delphix Corp.. [10143012] [16-16572, 16-16697] (RL) [Entered: 09/29/2016 04:00 PM]
10/01/2016	6 3 pg, 387.98 KB	Filed (ECF) Appellant Embarcadero Technologies, Inc. in 16-16697, Appellee Embarcadero Technologies, Inc. in 16-16572 Mediation Questionnaire. Date of service: 10/01/2016. [10144926] [16-16697, 16-16572] (Greenstein, Neil) [Entered: 10/01/2016 02:33 PM]
10/11/2016	7 6 pg, 318.99 KB	MEDIATION CONFERENCE SCHEDULED - DIAL-IN Assessment Conference, 10/24/2016, 11:00 a.m. PACIFIC Time, w/ 16-16697. The briefing schedule previously set by the court remains in effect. See order for instructions and details. [10154945] [16-16572, 16-16697] (BS) [Entered: 10/11/2016 11:52 AM]
10/28/2016	8 2 pg, 39.39 KB	Filed order MEDIATION (MAC): The court will initiate a further conference with counsel for Delphix Corporation only on November 2, 2016, at 10:00 a.m. Pacific Time. The court will initiate a further conference with counsel for Embarcadero Technologies Inc. only on November 2, 2016, at 11:00 a.m. Pacific Time. [10178154] [16-16572, 16-16697] (OC) [Entered: 10/28/2016 01:32 PM]
11/28/2016	9 2 pg, 779.4 KB	Filed (ECF) notice of appearance of Nicholas Plassaras for Appellant Delphix Corp. in 16-16572, Appellee Delphix Corp. in 16-16697. Date of service: 11/28/2016. [10211807] [16-16572, 16-16697] (Ip, Alexander) [Entered: 11/28/2016 12:54 PM]
11/28/2016	10	Added attorney Nicholas Plassaras for Delphix Corp.. [10212094] [16-16572, 16-16697] (RL) [Entered: 11/28/2016 02:17 PM]
12/12/2016	11 59 pg, 120 KB	Submitted (ECF) First Brief on Cross-Appeal for review. Submitted by Appellant Delphix Corp. in 16-16572, Appellee Delphix Corp. in 16-16697. Date of service: 12/12/2016. [10230044] [16-16572, 16-16697]--[COURT UPDATE: Updated docket text to reflect content of filing. 12/13/2016 by SLM] (Wakefield, Jedediah) [Entered: 12/12/2016 05:51 PM]
12/12/2016	12 532 pg, 25.48 MB	Submitted (ECF) excerpts of record. Submitted by Appellant Delphix Corp. in 16-16572, Appellee Delphix Corp. in 16-16697. Date of service: 12/12/2016. [10230047] [16-16572, 16-16697] (Wakefield, Jedediah) [Entered: 12/12/2016 05:56 PM]
12/13/2016	13 2 pg, 189.35 KB	Filed clerk order: The first brief on cross-appeal [11] submitted by Delphix Corp. is filed. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in paper format, accompanied by certification, attached to the end of each copy of the brief, that the brief is identical to the version submitted electronically. Cover color: blue. The paper copies shall be printed from the PDF version of the brief created from the word processing application, not from PACER or Appellate CM/ECF. The Court has reviewed the excerpts of record [12] submitted by Delphix Corp. Within 7 days of this order, filer is ordered to file 4 copies of the excerpts in paper format, with a white cover. The paper copies must be in the format described in 9th Circuit Rule 30-1.6. [10230696] [16-16572, 16-16697] (SML) [Entered: 12/13/2016 10:47 AM]
12/15/2016	14	Received 7 paper copies of First Brief on Cross-Appeal [11] filed by Delphix Corp. in 16-16572, 16-16697. [10235017] [16-16572, 16-16697] (RG) [Entered: 12/15/2016 01:10 PM]
12/15/2016	15	Filed 4 paper copies of excerpts of record [12] in 3 volume(s) filed by Appellant/Cross-Appellee Delphix Corp. [10235148] [16-16572, 16-16697] (SML) [Entered: 12/15/2016 01:58 PM]
12/20/2016	16 2 pg, 187.96 KB	Filed Mediation order: This case is not selected for inclusion in the Mediation Program. All further inquiries regarding these appeals, including requests for extensions of time, should be directed to the Clerk's office. Counsel are requested to contact the Circuit Mediator should circumstances develop that warrant further settlement discussions. [10240448] [16-16572, 16-16697] (BS) [Entered: 12/20/2016 02:32 PM]

01/03/2017	17	Filed (ECF) Streamlined request for extension of time to file Answering Brief by Appellee Embarcadero Technologies, Inc. in 16-16572, Appellant Embarcadero Technologies, Inc. in 16-16697. New requested due date is 02/13/2017. [10252979] [16-16572, 16-16697] (Greenstein, Neil) [Entered: 01/03/2017 04:18 PM]
01/03/2017	18	Filed (ECF) Streamlined request for extension of time to file Second Brief on Cross-Appeal by Appellee Embarcadero Technologies, Inc. in 16-16572, Appellant Embarcadero Technologies, Inc. in 16-16697. New requested due date is 02/13/2017. [10252984] [16-16572, 16-16697]--[COURT UPDATE: Updated docket text to reflect content of filing. 01/06/2017 by SLM] (Greenstein, Neil) [Entered: 01/03/2017 04:19 PM]
01/05/2017	19	**Streamlined request [18], [17] by Appellee Embarcadero Technologies, Inc. in 16-16572, Appellant Embarcadero Technologies, Inc. in 16-16697 to extend time to file the brief is approved. Amended briefing schedule: Second brief on cross appeal due 02/13/2017 for Embarcadero Technologies, Inc.. Third brief on cross appeal due 03/15/2017 for Delphix Corp.. The optional reply brief is due 14 days from the date of service of the answering brief.** [10256441] [16-16572, 16-16697] (GS) [Entered: 01/05/2017 04:26 PM]
02/13/2017	20 60 pg, 582.45 KB	Submitted (ECF) Second Brief on Cross-Appeal for review. Submitted by Appellant Embarcadero Technologies, Inc. in 16-16697, Appellee Embarcadero Technologies, Inc. in 16-16572. Date of service: 02/13/2017. [10317808] [16-16697, 16-16572]--[COURT UPDATE: Attached corrected brief and updated docket text to reflect content of filing. 02/16/2017 by SLM] (Greenstein, Neil) [Entered: 02/13/2017 03:32 PM]
02/13/2017	21	COURT DELETED INCORRECT/DUPLICATE ENTRY. Notice about deletion sent to case participants registered for electronic filing. Correct Entry: [20]. Original Text: Submitted (ECF) First Brief on Cross-Appeal for review. Submitted by Appellant Embarcadero Technologies, Inc. in 16-16697, Appellee Embarcadero Technologies, Inc. in 16-16572. Date of service: 02/13/2017. [10317815] [16-16697, 16-16572] (Greenstein, Neil) [Entered: 02/13/2017 03:33 PM]
02/13/2017	22 172 pg, 12.67 MB	Submitted (ECF) supplemental excerpts of record. Submitted by Appellant Embarcadero Technologies, Inc. in 16-16697, Appellee Embarcadero Technologies, Inc. in 16-16572. Date of service: 02/13/2017. [10317842] [16-16697, 16-16572]--[COURT UPDATE: Attached corrected excerpts of record. 02/16/2017 by SLM] (Greenstein, Neil) [Entered: 02/13/2017 03:40 PM]
02/13/2017	23	Filed (ECF) UNDER SEAL Appellant Embarcadero Technologies, Inc. in 16-16697, Appellee Embarcadero Technologies, Inc. in 16-16572 motion to file document under seal and submit sealed document. Type of document: excerpts of record. Date of service: 02/13/2017. [10317863] [16-16697, 16-16572]--[COURT UPDATE: Attached corrected motion and excerpts. 02/16/2017 by SLM] (Greenstein, Neil) [Entered: 02/13/2017 03:46 PM]
02/24/2017	24 36 pg, 1.72 MB	Filed Appellee Embarcadero Technologies, Inc. in 16-16572, Appellant Embarcadero Technologies, Inc. in 16-16697 motion to file ER Volume 2 UNDER SEAL. Deficiencies: None. Served on 02/13/2017. (Court-entered filing of motion submitted under seal at [23]) [10333162] [16-16572, 16-16697] (HC) [Entered: 02/24/2017 03:57 PM]
02/24/2017	25 1 pg, 32.65 KB	Filed order (Appellate Commissioner): Appellee and cross-appellant Embarcadero Technologies, Inc.'s motion to file volume 2 of the supplemental excerpts of record under seal (Docket Entry No. [23]) is granted. The Clerk shall file volume 2 of the supplemental excerpts of record under seal, and shall file the second brief on cross-appeal and volume 1 of the supplemental excerpts of record publicly. The existing briefing schedule shall continue in effect. (Sealed Documents) [10333175] [16-16572, 16-16697] (HC) [Entered: 02/24/2017 04:01 PM]
02/24/2017	26	Submitted (ECF) UNDER SEAL supplemental excerpts of record Volume 2 Submitted by Appellee Embarcadero Technologies, Inc. in 16-16572, Appellant Embarcadero Technologies, Inc. in 16-16697. Date of service: 02/13/2017. (Court-entered filing, excerpts of record originally submitted in [23].) [10333179] [16-16572, 16-16697] (HC) [Entered: 02/24/2017 04:05 PM]
02/24/2017	27 2 pg, 189.29 KB	Filed clerk order: The second brief on cross-appeal [20] submitted by Embarcadero Technologies, Inc. is filed. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in paper format, accompanied by certification, attached to the end of each copy of the brief, that the brief is identical to the version submitted electronically. Cover color: red. The paper copies shall be printed from the PDF version of the brief created from the word processing application, not from PACER or Appellate CM/ECF. The Court has reviewed the supplemental excerpts of record [22], [26] submitted by Embarcadero Technologies, Inc. Within 7 days of this order, filer is ordered to file 4 copies of the excerpts in paper format, with a white cover. The paper copies must be in the format described in 9th Circuit Rule 30-1.6. [10333219] [16-16572, 16-16697] (SML) [Entered: 02/24/2017 04:19 PM]
03/03/2017	28	Received 7 paper copies of Second Brief on Cross-Appeal [20] filed by Embarcadero Technologies, Inc. in 16-16572, 16-16697. [10342299] [16-16572, 16-16697] (RG) [Entered: 03/03/2017 12:58 PM]
03/03/2017	29	Filed 4 paper copies of supplemental excerpts of record [22], [26] in 2 volume(s) (Volume 2 UNDER SEAL) filed by Appellee/Cross-Appellant Embarcadero Technologies, Inc. [10342472] [16-16572, 16-16697] (SML) [Entered: 03/03/2017 01:57 PM]

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PACER Login:	nplassaras13	**Client Code:**	
Description:	Docket Report (filtered)	**Search Criteria:**	16-16572
Billable Pages:	3	**Cost:**	0.30

Exhibit B

General Docket
United States Court of Appeals for the Ninth Circuit

Court of Appeals Docket #: 16-16697 **Docketed:** 09/23/2016
Nature of Suit: 3840 Trademark
Delphix Corp. v. Embarcadero Technologies, Inc.
Appeal From: U.S. District Court for Northern California, San Jose
Fee Status: Paid

Case Type Information:
1) civil
2) private
3) null

Originating Court Information:
District: 0971-5 : 5:16-cv-00606-BLF
Court Reporter: Summer A. Fisher, Court Reporter
Trial Judge: Beth Labson Freeman, District Judge
Date Filed: 02/04/2016

Date Order/Judgment:	Date Order/Judgment EOD:	Date NOA Filed:	Date Rec'd COA:
08/25/2016	08/25/2016	09/22/2016	09/22/2016

Prior Cases:
None

Current Cases:

	Lead	Member	Start	End
Cross-Appeal	16-16572	16-16697	09/23/2016	

DELPHIX CORP.
Plaintiff - Appellee,

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Nicholas Plassaras
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Silicon Valley Center
801 California Street
Mountain View, CA 94041

v.

EMBARCADERO TECHNOLOGIES, INC.
Defendant - Appellant,

Neil D. Greenstein, Attorney
Direct: 858-779-9046

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Techmark Greenstein Law, P.C.
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3525 Del Mar Heights Road
San Diego, CA 92130

DELPHIX CORP., Plaintiff - Appellee, v. EMBARCADERO TECHNOLOGIES, INC., Defendant - Appellant.

09/23/2016	1 18 pg, 1.55 MB	DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. SEND MQ: Yes. Setting cross-appeal briefing schedule as follows: Mediation Questionnaire due on 09/30/2016. First cross appeal brief due 12/12/2016 for Delphix Corp.. Second brief on cross appeal due 01/12/2017 for Embarcadero Technologies, Inc.. Third brief on cross appeal due 02/13/2017 for Delphix Corp. Optonal cross appeal Reply brief for Embarcadero Technologies, Inc. is due within 14 days of service of Third brief on cross appeal. [10135178] [16-16697, 16-16572] (RT) [Entered: 09/23/2016 02:28 PM]
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09/29/2016	3	Added attorney Eric James Ball for Delphix Corp.. [10143012] [16-16572, 16-16697] (RL) [Entered: 09/29/2016 04:00 PM]
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10/28/2016	6 2 pg, 39.39 KB	Filed order MEDIATION (MAC): The court will initiate a further conference with counsel for Delphix Corporation only on November 2, 2016, at 10:00 a.m. Pacific Time. The court will initiate a further conference with counsel for Embarcadero Technologies Inc. only on November 2, 2016, at 11:00 a.m. Pacific Time. [10178154] [16-16572, 16-16697] (OC) [Entered: 10/28/2016 01:32 PM]
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12/12/2016	9 59 pg, 120 KB	Submitted (ECF) First Brief on Cross-Appeal for review. Submitted by Appellant Delphix Corp. in 16-16572, Appellee Delphix Corp. in 16-16697. Date of service: 12/12/2016. [10230044] [16-16572, 16-16697]--[COURT UPDATE: Updated docket text to reflect content of filing. 12/13/2016 by SLM] (Wakefield, Jedediah) [Entered: 12/12/2016 05:51 PM]
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01/03/2017	16	Filed (ECF) Streamlined request for extension of time to file Second Brief on Cross-Appeal by Appellee Embarcadero Technologies, Inc. in 16-16572, Appellant Embarcadero Technologies, Inc. in 16-16697. New requested due date is 02/13/2017. [10252984] [16-16572, 16-16697]--[COURT UPDATE: Updated

		docket text to reflect content of filing. 01/06/2017 by SLM] (Greenstein, Neil) [Entered: 01/03/2017 04:19 PM]
01/05/2017	17	**Streamlined request [16], [15] by Appellee Embarcadero Technologies, Inc. in 16-16572, Appellant Embarcadero Technologies, Inc. in 16-16697 to extend time to file the brief is approved. Amended briefing schedule: Second brief on cross appeal due 02/13/2017 for Embarcadero Technologies, Inc.. Third brief on cross appeal due 03/15/2017 for Delphix Corp.. The optional reply brief is due 14 days from the date of service of the answering brief.** [10256441] [16-16572, 16-16697] (GS) [Entered: 01/05/2017 04:26 PM]
02/13/2017	18 60 pg, 582.45 KB	Submitted (ECF) Second Brief on Cross-Appeal for review. Submitted by Appellant Embarcadero Technologies, Inc. in 16-16697, Appellee Embarcadero Technologies, Inc. in 16-16572. Date of service: 02/13/2017. [10317808] [16-16697, 16-16572]--[COURT UPDATE: Attached corrected brief and updated docket text to reflect content of filing. 02/16/2017 by SLM] (Greenstein, Neil) [Entered: 02/13/2017 03:32 PM]
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02/13/2017	20 172 pg, 12.67 MB	Submitted (ECF) supplemental excerpts of record. Submitted by Appellant Embarcadero Technologies, Inc. in 16-16697, Appellee Embarcadero Technologies, Inc. in 16-16572. Date of service: 02/13/2017. [10317842] [16-16697, 16-16572]--[COURT UPDATE: Attached corrected excerpts of record. 02/16/2017 by SLM] (Greenstein, Neil) [Entered: 02/13/2017 03:40 PM]
02/13/2017	21	Filed (ECF) UNDER SEAL Appellant Embarcadero Technologies, Inc. in 16-16697, Appellee Embarcadero Technologies, Inc. in 16-16572 motion to file document under seal and submit sealed document. Type of document: excerpts of record. Date of service: 02/13/2017. [10317863] [16-16697, 16-16572]--[COURT UPDATE: Attached corrected motion and excerpts. 02/16/2017 by SLM] (Greenstein, Neil) [Entered: 02/13/2017 03:46 PM]
02/24/2017	22 36 pg, 1.72 MB	Filed Appellee Embarcadero Technologies, Inc. in 16-16572, Appellant Embarcadero Technologies, Inc. in 16-16697 motion to file ER Volume 2 UNDER SEAL. Deficiencies: None. Served on 02/13/2017. (Court-entered filing of motion submitted under seal at [21]) [10333162] [16-16572, 16-16697] (HC) [Entered: 02/24/2017 03:57 PM]
02/24/2017	23 1 pg, 32.65 KB	Filed order (Appellate Commissioner): Appellee and cross-appellant Embarcadero Technologies, Inc.'s motion to file volume 2 of the supplemental excerpts of record under seal (Docket Entry No. [21]) is granted. The Clerk shall file volume 2 of the supplemental excerpts of record under seal, and shall file the second brief on cross-appeal and volume 1 of the supplemental excerpts of record publicly. The existing briefing schedule shall continue in effect. (Sealed Documents) [10333175] [16-16572, 16-16697] (HC) [Entered: 02/24/2017 04:01 PM]
02/24/2017	24	Submitted (ECF) UNDER SEAL supplemental excerpts of record Volume 2 Submitted by Appellee Embarcadero Technologies, Inc. in 16-16572, Appellant Embarcadero Technologies, Inc. in 16-16697. Date of service: 02/13/2017. (Court-entered filing, excerpts of record originally submitted in [21].) [10333179] [16-16572, 16-16697] (HC) [Entered: 02/24/2017 04:05 PM]
02/24/2017	25 2 pg, 189.29 KB	Filed clerk order: The second brief on cross-appeal [18] submitted by Embarcadero Technologies, Inc. is filed. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in paper format, accompanied by certification, attached to the end of each copy of the brief, that the brief is identical to the version submitted electronically. Cover color: red. The paper copies shall be printed from the PDF version of the brief created from the word processing application, not from PACER or Appellate CM/ECF. The Court has reviewed the supplemental excerpts of record [20], [24] submitted by Embarcadero Technologies, Inc. Within 7 days of this order, filer is ordered to file 4 copies of the excerpts in paper format, with a white cover. The paper copies must be in the format described in 9th Circuit Rule 30-1.6. [10333219] [16-16572, 16-16697] (SML) [Entered: 02/24/2017 04:19 PM]
03/03/2017	26	Received 7 paper copies of Second Brief on Cross-Appeal [18] filed by Embarcadero Technologies, Inc. in 16-16572, 16-16697. [10342299] [16-16572, 16-16697] (RG) [Entered: 03/03/2017 12:58 PM]
03/03/2017	27	Filed 4 paper copies of supplemental excerpts of record [20], [24] in 2 volume(s) (Volume 2 UNDER SEAL) filed by Appellee/Cross-Appellant Embarcadero Technologies, Inc. [10342472] [16-16572, 16-16697] (SML) [Entered: 03/03/2017 01:57 PM]

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PROOF OF SERVICE

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 Silicon Valley Center, 801 California Street, Mountain View, California 94041. On the date indicated below, I served **DELPHIX CORP.'S CIVIL ACTION STATUS UPDATE** on the interested parties in said cause, by mailing a true copy thereof as indicated below, addressed as follows:

Martin R. Greenstein
TECHMARK a Law Corporation
4820 Harwood Road, 2ND Floor
San Jose, CA 95124

BY US MAIL: by deposit of the document(s) listed above in the United States Mail, first class postage prepaid, in an envelope addressed to Embarcadero Technologies, Inc.'s Correspondent of Record at his address given on the TTAB website.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed at Mountain View, California, this 8th day of March, 2017.

/Eric J. Ball/
Eric Ball