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

Proceeding	91197762
Party	Defendant Delphix Corp.
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Date	05/06/2019
Attachments	2019-05-06 Civil Action Status Update.pdf(101213 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 April 16, 2019 notice and request for an update on the status of the Civil Action that suspended Opposition No. 91197762 and Cancellation No. 92055153. The district court proceedings that served as the original basis of the prior suspension (Case No. 16-16572) were initially decided on procedural grounds. Both parties appealed the decision to the U.S. Court of Appeals for the Ninth Circuit. Following the parties' appeals, the district court proceedings have resumed to address issues which may have a bearing on this TTAB proceeding. The parties are actively litigating the district court proceedings and are scheduled to attend a settlement conference with the magistrate judge in the district court proceedings on May 8, 2019.

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: May 6, 2019

By: */Eric J. Ball/*

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Attorneys for Applicant
Delphix Corp.

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I hereby certify that on May 6, 2019, a true and complete copy of the accompanying **DELPHIX CORP.'S CIVIL ACTION STATUS UPDATE** was served by email upon the following:

Neil D. Greenstein
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Dated: May 6, 2019

By: */Eric J. Ball/*