

- (2) Whether Counterclaim Petitioner Go Score LLC submitted evidence sufficient to overcome the 15 U.S.C. § 1057(b) presumption of validity which attaches to a registered mark; that is, was sufficient admissible evidence submitted to prove that American Soccer's registered trademark "SCORE" in International Class 25 for clothing is non-distinctive of any one source of origin of such goods, that is, it is descriptive, geographic, a surname, is functional or is generic?

Attached hereto is an alphabetical index of cases cited in the Brief along with a Table of Contents.

Pursuant to 37 C.F.R. § 2.123(k) and FRCP Rule 32(d)(3)(A) Counterclaim Respondent American Soccer Company, Inc. hereby objects to the admissibility of the following evidence submitted by Go Score LLC during its testimony period on the grounds that such is hearsay and is incompetent.

- (1) Exhibit 1 to the Deposition of Nitor Egbarin, a purported trademark search report. Also, objected to is the testimony of Nitor Egbarin with respect thereto, Egbarin Deposition page 9, line 17 through page 13, line 5 and page 25, line 17 through page 26, line 10. *(See pages 5 and 6 of the Brief).*
- (2) The material referred to as Printed Publications, Item C of Go Score LLC's Notice of Reliance, tabs 6(a) through 6(e) to American Soccer's Brief; printouts of internet website pages. Also, objected to is the testimony of Nitor Egbarin with respect thereto, page 16, line 16 through page 21, line 6. *(See pages 12-14 of the Brief).*

CONCLUSION

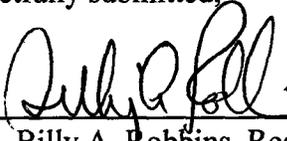
Counterclaim Respondent American Soccer respectfully submits that:

- (1) Go Score LLC does not have standing because the only pleaded damage is the filing by American Soccer of Opposition to registration of Go Score LLC's mark GO SCORE; and
- (2) Go Score LLC has not introduced one scintilla of admissible evidence to establish that American Soccer's registered trademark SCORE is non-distinctive, that is, it is descriptive, geographic, a surname or is generic as applied to clothing in International Class 25 and thus, has totally failed to overcome the 15 U.S.C. § 1057(b) presumption of validity which attached to American Soccer's registration No. 1,916,007.

Therefore, Counterclaim Respondent American Soccer Company, Inc. respectfully requests this Honorable Board to Deny the Petition for Cancellation of its Registration No. 1,916,007 for its trademark "SCORE".

Respectfully submitted,

Dated: November 12, 2002

By: 
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **COUNTERCLAIM RESPONDENT AMERICAN SOCCER COMPANY'S BRIEF AT FINAL HEARING** was served on the 12th day of November, 2002 via United States first class mail, postage prepaid, on the following counsel of record for Counterclaim Plaintiff:

Nitor Egbarin
P.O.Box 230421
Hartford, CT 06123-0421



Billy A. Robbins
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