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HOPONE INTERNET CORPORATION

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The foundation of Internet success.™



June 12, 2002

06-14-2002

U.S. Patent & TMOtc/TM Mail Rept-Dt. #70

To:
Assistant Commission for Trademarks
Trademark Trial & Appeal Board
2900 Crystal Drive
Arlington, VA 22202-3513
via courier (signature-on-delivery)
sent June 13th, 2002
proof of delivery & receipt on file

CC:
Molly Buck Richard
Thompson & Knight LLP
1700 Pacific Ave., Suite 3300
Dallas, TX 75201-4693
via courier (signature-on-delivery)
sent June 13th, 2002
proof of delivery & receipt on file

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

Hewlett-Packard Company (Opposer)
v.
HopOne Internet Corporation (Applicant)

Re: Opposition No.: 121,759
Re: Trademark Application No.: 75/858,178

APPLICANT'S RESPONSE TO OPPOSER'S AMENDED NOTICE OF OPPOSITION

Response to Opposer's Notice of Opposition, dated June 7th, 2002, follows.

Note: each numeral refers to the allegation in the aforementioned Notice of Opposition numbered the same.

1. All parts except the last sentence are admitted. The last sentence is denied. As earlier explained and plainly obvious, the letters H and P are never used consecutively, nor in a format similar to HP. The letters are always used in the following order: HopOne. There is an O between the H and the P (both in the typed Mark as well as in the Design – there is an O between the H and the P, and, in the Design, the P rests one full line higher than the H, while in the Opposer's Designs, the H and the P are consecutive, lower case, and at the same height/level; it is obvious that the marks bear no resemblance, other than containing the alphabet letters H and P – as do millions of other marks and words in the English as well as other Latin alphabet-based languages). As earlier outlined, it is frivolous for the Opposer to attempt to claim two letters of the alphabet as its trademark.
2. Denied. The mark has been used in connection with our services as of September, 1999.
3. Admitted.
4. Admitted.
5. Admitted.
6. Admitted.
7. Admitted.
8. Admitted.
9. Admitted.
10. Admitted.
11. Admitted.
12. Admitted.
13. Admitted.
14. Admitted.

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15. Admitted.
16. Admitted.
17. Admitted.
18. Admitted.
19. Admitted.
20. Admitted.
21. Admitted.
22. Admitted.
23. Admitted.
24. Admitted.
25. Admitted.
26. Admitted.
27. Admitted.
28. Denied, as earlier outlined and detailed.
29. Denied, as earlier outlined and detailed.
30. Denied, as earlier outlined and detailed.
31. Denied, since we believe that the registration of our unique Mark would cause no harm to the Opposer.
32. Denied, as earlier outlined and detailed, as we believe that the registration of our unique Mark would not dilute the Opposer's marks, given no real or noticeable similarity between our Mark and those of the Opposer.

If any further details regarding the admissions and denials above are required, please advise us accordingly.

We thank the Board in advance for its anticipated prompt attention to this matter and trust that the case will be dismissed and the Opposer will not be allowed to further delay the registration of our Mark.

Sincerely,

A handwritten signature in black ink, appearing to be 'H. Jass', written in a cursive style.

Haralds Jass
President