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

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|------------------------|--|
| Proceeding | 91184463 |
| Party | Defendant Accoona Corp. |
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| Submission | Answer |
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| Signature | /Douglas N. Masters/ |
| Date | 07/14/2008 |
| Attachments | Answer to Notice of Opposition against TWING.pdf (8 pages)(242691 bytes) |

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

In The Matter of Application Serial No. 77/312,525: TWING
Published in the *Official Gazette* of April 8, 2008

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|----------------------|---|-------------------------|
| RADAR NETWORKS INC., |) | |
| |) | |
| Opposer, |) | |
| |) | Opposition No. 91184463 |
| v. |) | |
| |) | |
| ACCOONA CORP., |) | |
| |) | |
| Applicant. |) | |

**APPLICANT’S ANSWER TO
OPPOSER’S NOTICE OF OPPOSITION**

Applicant, Accoona Corp., answers the Notice of Opposition as follows:

1. Opposer is a Delaware corporation having its principal place of business at 410 Townsend, Suite 150 San Francisco California 94107.

ANSWER: Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 1 and therefore denies the allegations of paragraph 1.

2. On information and belief, Applicant is a Delaware corporation having a principal place of business at 101 Hudson St. Jersey City, New Jersey 07302.

ANSWER: Admitted.

3. Opposer is the owner of applications serial numbers: 77/231,975, 77/975,464, and 77/439,619 (“Opposer’s Applications”), for the trademark TWINE (“Opposer’s Marks”).

ANSWER: Applicant admits that Opposer is identified as the owner of the U.S. trademark applications under Serial Nos. 77/231,975, 77/975,464, and 77/439,619, but denies the remaining allegations in paragraph 3.

4. Soft copies of Opposer's Applications, in the form of excerpts from the on-line records of the U.S. Patent & Trademark Office, are attached as Exhibit A hereto.

ANSWER: Applicant admits that it appears that printouts from the U.S. Patent & Trademark Office were attached to Opposer's Notice of Opposition, but is unsure as to the meaning of "soft copies" and "excerpts" and therefore denies the remaining allegations of paragraph 4.

5. Opposer's Applications cover those goods and services listed in Opposer's Applications attached as Exhibit A ("Opposer's Goods and Services").

ANSWER: Applicant admits that Opposer's Applications list various goods and services, but is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of paragraph 5 and therefore denies those allegations.

6. Opposer provides a variety of services under Opposer's Marks, including, inter alia, computer services, semantic storage and retrieval technologies, for use in searching; computer software, namely database applications based on semantic storage and retrieval technologies for use in searching. Applicant provides a variety of goods and services as listed in Exhibit A.

ANSWER: The goods and services provided by Applicant are not identified in Exhibit A, and Applicant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of paragraph 6 and therefore denies the allegations of paragraph 6.

7. Opposer's Applications 77/231,975 and 77/975,464 were filed on July 17, 2007.

ANSWER: Applicant admits that Applications 77/231,975 and 77/975,464 were filed on July 17, 2007.

8. Opposer's Application 77/439,619 was filed on April 3, 2008.

ANSWER: Applicant admits that Application 77/439,619 was filed on April 3, 2008.

9. The Application was filed on October 24, 2007 (“Applicant’s Filing Date”) based on an intent to use Applicant’s Mark in commerce, and was published in the Official Gazette on April 8, 2008.

ANSWER: Applicant admits that Application Serial No. 77/312,525 was filed on October 24, 2007 and was published on April 8, 2008, but denies the remaining allegations in paragraph 9, as Applicant’s Mark is not defined.

10. The goods listed in the Application are “computer services, namely, providing search engines for obtaining data on a global computer network” (“Applicant’s Goods”).

ANSWER: Applicant admits that the United States Patent & Trademark Office identifies the services listed in Application Serial No. 77/312,525 as “computer services, namely, providing search engines for obtaining data on a global computer network”.

11. On information and belief, Applicant has not used Applicant’s Mark in commerce with any of Applicant’s Goods prior to Applicant’s Filing Date of October 24, 2007.

ANSWER: Applicant admits it has not used its TWING mark in commerce prior to October 24, 2007, but denies the remaining allegations in paragraph 11.

12. On April 9, 2007, Opposer filed a request to extend the time to oppose registration of Applicant’s Mark. The Trademark Trial and Appeal Board granted Opposer’s request, resetting Opposer’s deadline to file a Notice of Opposition for June 7, 2008. *See* Exhibit B attached hereto.

ANSWER: Admitted.

13. Opposer’s Marks are distinctive for Opposer’s Goods and Services.

ANSWER: Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 13 and therefore denies the allegations of paragraph 13.

14. For each of the use-based services listed in Opposer's Applications (attached hereto as Exhibit A), Opposer has continuously used Opposer's Marks in connection with such services since at least as early as the first use dates, as claimed in such applications.

ANSWER: Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 14 and therefore denies the allegations of paragraph 14.

15. Opposer has not abandoned Opposer's Marks in connection with any of Opposer's Goods and Services.

ANSWER: Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 15 and therefore denies the allegations of paragraph 15.

16. Opposer's Marks and Applicant's Mark are highly similar – TWINE and TWING.

ANSWER: Applicant denies the allegations of paragraph 16.

17. Applicant's Mark and Opposer's Marks can be difficult to distinguish when spoken.

ANSWER: Applicant denies the allegations of paragraph 17.

18. Applicant's Goods are related to Opposer's Goods and Services.

ANSWER: Applicant denies the allegations of paragraph 18.

19. Opposer has priority. Applicant's Application was filed October 24, 2007 after the first use of Opposer's Marks on or at least as early as October 3, 2007 for Opposer's use-

based services, and well after the filing dates of two of Opposer's three Applications on July 17, 2007.

ANSWER: Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 19 and therefore denies the allegations of paragraph 19.

20. In view of the highly similar nature of the parties' marks and the related nature of the goods and services of the parties, Applicant's Mark so resembles Opposer's Marks as to be likely to cause confusion, or to cause mistake, or to deceive as to the origin, sponsorship and approval of Applicant's Goods, and is likely to suggest an affiliation, connection or association of Applicant and Applicant's Goods with Opposer and Opposer's Goods and Services, with consequent injury to Opposer, the trade and to the public.

ANSWER: Applicant denies the allegations of paragraph 20.

21. The registration of Applicant's Mark would prevent Opposer from exercising exclusive control over the goodwill and reputation associated with Opposer's Marks. Therefore, the registration of Applicant's Mark would damage and injure Opposer.

ANSWER: Applicant denies the allegations of paragraph 21.

22. Opposer will also be damaged by the registration of Applicant's Mark because such registration will support statutory rights for Applicant in violation and derogation of Opposer's prior, superior and exclusive rights in Opposer's Marks.

ANSWER: Applicant denies the allegations of paragraph 22.

AFFIRMATIVE DEFENSES

Unclean Hands

1. On information and belief, Opposer has made false and misleading statements to the United States Patent & Trademark Office and others regarding the use in commerce of TWINE, including on services set forth in Application Serial No. 77/975,464.

2. On information and belief, the specimen of use submitted by Opposer to support a Statement of Use for application Serial No. 77/975,464 does not depict use in commerce of Opposer's mark.

3. Opposer's claims are barred by the doctrine of unclean hands.

Fraud

1. On April 3, 2008, Opposer filed a Statement of Use with alleged specimens of use for its application under Serial No. 77/975,464, claiming a first use in commerce date of October 3, 2007.

2. Upon information and belief, as of October 3, 2007, Opposer's mark under application Serial No. 77/975,464 was in a closed Beta testing and development period and its services were not open to the public.

3. Upon information and belief, the specimen of use submitted to support Opposer's Statement of Use for Opposer's mark under application Serial No. 77/975,464 does not evidence use of the mark in commerce.

4. Opposer has knowingly made the false and material statements, which have been relied on by the United States Patent & Trademark Office in its issuance of a Notice of Allowance for Opposer's application under Serial No. 77/975,464, and which false and material statements serve as the basis of Opposer's alleged priority of use claim as against Applicant.

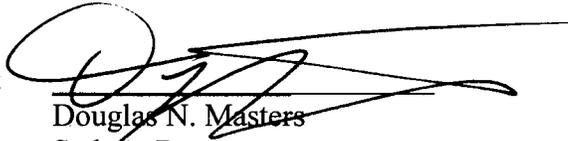
5. Such statements constitute fraud on the United States Patent & Trademark Office and Opposer's claims are barred due to its fraudulent underpinnings.

WHEREFORE, Applicant respectfully prays that the opposition be denied and that the Board order registration of the mark shown in Application Serial No. 77/312,525.

Date: July 14, 2008

LOEB & LOEB LLP

By:



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Attorneys for Applicant

CERTIFICATE OF SERVICE

I, Douglas N. Masters, hereby certify that a copy of the foregoing **APPLICANT'S ANSWER TO OPPOSER'S NOTICE OF OPPOSITION** has been served upon Brian R. Coleman, Perkins Coie, LLP, 101 Jefferson Drive, Menlo Park, CA 94025, this 14th day of July 2008, by first class mail, postage prepaid.

A handwritten signature in black ink, appearing to read 'D. N. Masters', is written over a horizontal line. The signature is stylized and cursive.