

ESTTA Tracking number: **ESTTA357812**

Filing date: **07/14/2010**

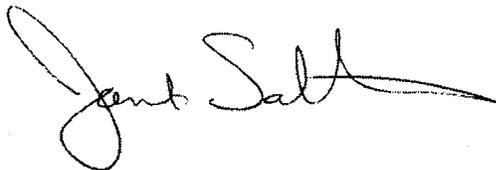
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91194973
Party	Plaintiff Navigon AG
Correspondence Address	JANET F. SATTERTHWAITE VENABLE LLP 575 7TH STREET NW WASHINGTON, DC 20004 UNITED STATES jfsatterthwaite@venable.com,trademarkdocket@venable.com,pjwyles@venable.com
Submission	Motion to Strike
Filer's Name	Janet F. Satterthwaite
Filer's e-mail	jfsatterthwaite@venable.com,trademarkdocket@venable.com,pjwyles@venable.com
Signature	/Janet F. Satterthwaite/
Date	07/14/2010
Attachments	MOTION TO STRIKE.pdf (3 pages)(95606 bytes)

veiled claim of fraud on the Trademark Office or some other deficiency in the federal registrations. As such this affirmative defense is an impermissible collateral attack on Opposer's registered trademarks. *See* TBMP Section 311.02(b) "the Board will not entertain a defense that attacks the validity of a registration pleaded by a plaintiff unless the defendant timely files a counterclaim or separate petition to cancel the registration." *See also Space Base Inc. v. Stadis Corp*, 17 USPQ2d 1216 (TTAB 1990) (motion to strike affirmative defense on facts alleged in counterclaim as in effect a collateral attack on registration.) Therefore, Affirmative defense 2 and related statement made in paragraph 3 of the Answer should be stricken from the Answer.

Moreover, it is in the interest of judicial economy to strike this inappropriate material from the Answer and narrow the issues for trial or summary judgment.

Respectfully submitted,



Date: July 14, 2010

Janet F. Satterthwaite
VENABLE, LLP
575 7th St NW
Washington, DC 20004
Phone: (202) 344-4974
Fax: (202) 344-8300

Attorney for Opposer

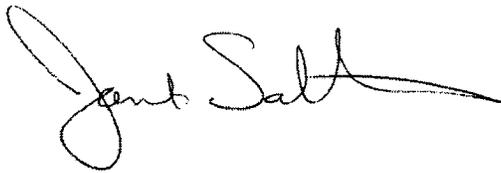
CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I hereby certify that I caused a copy of the foregoing NOTICE OF OPPOSITION
to be served by first class mail on counsel for Applicant

LAWRENCE H. BINDEROW
BINDEROW LAW OFFICES
1330 CAMINO DEL MAR STE 250
DEL MAR, CA 92014-2508

This 14th day of July, 2010.

A handwritten signature in black ink, appearing to read "Janet Satterthwaite". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Janet F. Satterthwaite