

ESTTA Tracking number: **ESTTA410072**

Filing date: **05/20/2011**

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

Proceeding	91196629
Party	Defendant Timothy P. Dunnigan
Correspondence Address	MORRIS E. TUREK YOURTRADEMARKATTORNEY.COM 167 LAMP & LANTERN VILLAGE #220 CHESTERFIELD, MO 63017-8208 UNITED STATES morris@yourtrademarkattorney.com
Submission	Answer
Filer's Name	Morris E. Turek
Filer's e-mail	morris@yourtrademarkattorney.com
Signature	/met20/
Date	05/20/2011
Attachments	Dunnigan Answer.pdf (5 pages)(23182 bytes)

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

Gamelink, LLC)
Opposer,)
v.) Opposition No. 91196629
Timothy P. Dunnigan)
Applicant.)
_____)

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

In answer to the Amended Notice of Opposition filed by Opposer Gamelink, LLC on February 1, 2011, Applicant Timothy P. Dunnigan states the following:

1. Applicant believes that Paragraph 1 of the Amended Notice of Opposition was stricken by the Board on May 4, 2011. In the event it has not been stricken, Applicant denies each and every allegation set forth in Paragraph 1 of the Amended Notice of Opposition.

2. Applicant believes that Paragraph 2 of the Amended Notice of Opposition was stricken by the Board on May 4, 2011. In the event it has not been stricken, Applicant denies each and every allegation set forth in Paragraph 2 of the Amended Notice of Opposition.

COUNT I – PRIORITY AND LIKELIHOOD OF CONFUSION

3. Applicant believes that Paragraph 3 of the Amended Notice of Opposition was stricken by the Board on May 4, 2011. In the event it has not been stricken, Applicant denies each and every allegation set forth in Paragraph 3 of the Amended Notice of Opposition.

4. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 4 of the Amended Notice of Opposition and, accordingly, denies each and every allegation set forth therein.

5. Applicant admits only that his application for GAME LINK states a first use date in commerce of June 21, 2009. Applicant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in Paragraph 5 of the Amended Notice of Opposition and, accordingly, denies each and every remaining allegation set forth therein.

6. Applicant admits only that his GAME LINK mark is used in connection with the services recited in his application, that his services are advertised online through his own website and social networking sites, and that the ® mistakenly appears on his website next to the GAME LINK mark. Applicant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in Paragraph 6 of the Amended Notice of Opposition and, accordingly, denies each and every remaining allegation set forth therein.

7. Applicant admits only that the PTO initially refused registration of Applicant's mark on the basis of a likelihood of confusion with Registration Nos. 1710174, 3023336, and 3241492. To the extent there are any other allegations, Applicant denies each and every remaining allegation set forth in Paragraph 7 of the Amended Notice of Opposition.

8. Applicant denies each and every allegation set forth in Paragraph 8 of the Amended Notice of Opposition.

COUNT II – FALSE SUGGESTION OF A CONNECTION

9. Applicant believes that Paragraph 9 of the Amended Notice of Opposition was stricken by the Board on May 4, 2011. In the event it has not been stricken, Applicant incorporates by reference all statements made in Paragraphs 1-8 of his Answer.

10. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 10 of the Amended Notice of Opposition and, accordingly, denies each and every allegation set forth therein.

11. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 11 of the Amended Notice of Opposition and, accordingly, denies each and every allegation set forth therein.

12. Applicant admits only that Opposer is not connected with the services rendered by Applicant in connection with his GAME LINK mark. Applicant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in Paragraph 12 of the Amended Notice of Opposition and, accordingly, denies each and every remaining allegation set forth therein.

13. Applicant denies each and every allegation set forth in Paragraph 13 of the Amended Notice of Opposition.

COUNT III – MERE DESCRIPTIVENESS

Count III of the Amended Notice of Opposition was stricken by the Board on May 4, 2011.

COUNT IV - FRAUD

Count IV of the Amended Notice of Opposition was stricken by the Board on May 4, 2011.

COUNT V - DILUTION

1. Applicant believes that Paragraph 1 of Count V of the Amended Notice of Opposition was stricken by the Board on May 4, 2011. In the event it has not been stricken, Applicant incorporates by reference all statements made in Paragraphs 1-13 of his Answer.

2. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 2 of Count V of the Amended Notice of Opposition and, accordingly, denies each and every allegation set forth therein.

3. Applicant denies each and every allegation set forth in Paragraph 3 of Count V of the Amended Notice of Opposition.

4. Applicant admits only that the quote allegedly from Applicant's website may have appeared on Applicant's website at one time. Applicant denies each and every remaining allegation set forth in Paragraph 4 of Count V of the Amended Notice of Opposition.

5. Applicant admits only that the quote referred to by Opposer appears in Applicant's response to an office action dated October 2, 2009. To the extent there are any other allegations, Applicant denies each and every remaining allegation set forth in Paragraph 5 of Count V of the Amended Notice of Opposition.

6. Applicant denies each and every allegation set forth in Paragraph 6 of Count V of the Amended Notice of Opposition.

7. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 7 of Count V of the Amended Notice of Opposition and, accordingly, denies each and every allegation set forth therein.

