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

Proceeding	91205208
Party	Defendant Google Inc.
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Submission	Answer
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Date	06/18/2012
Attachments	Answer to RIPL Opposition.pdf (5 pages)(55947 bytes)

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

In the matter of Registration No. 85454969
Trademark: RIPPLES
Publication Date: March 20, 2012

RIPL CORP.,

Opposer,

v.

GOOGLE INC.,

Applicant

Opposition No. 91205208

**GOOGLE INC.’S ANSWER TO OPPOSER’S OPPOSITION TO
GOOGLE INC.’S APPLICATION FOR THE RIPPLES MARK**

Applicant Google Inc. (“Google”) by and through its attorneys hereby answers Opposer RIPL Corp.’s Opposition in the above-entitled matter as follows:

Google lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Opposer’s first unnumbered paragraph at the beginning of the Opposition and therefore denies them.

Google admits the allegations in Opposer’s second unnumbered paragraph at the beginning of the Opposition.

Google denies the allegations in Opposer’s third unnumbered paragraph at the beginning of the Opposition. Google further specifically denies any alleged damaged to Opposer.

1. Google lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1 of the Opposition and therefore denies them.

2. Google lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 2 of the Opposition and therefore denies them.

3. Google lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 3 of the Opposition and therefore denies them.
4. Google admits the allegations in paragraph 4 of the Opposition.
5. Google denies the allegations in paragraph 5 of the Opposition.
6. Google denies the allegations in paragraph 6 of the Opposition.
7. Google denies the allegations in paragraph 7 of the Opposition.

All allegations in the Opposition, whether explicit or implicit and including averments, which require an answer are denied to the extent that those allegations are not expressly and specifically admitted herein. Moreover, pursuant to Rule 8(b)(6) of the Federal Rules of Civil Procedure, allegations in the Opposition, to which no responsive pleading is required shall be deemed as denied.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE (Failure to State a Claim)

The Opposition fails to plead facts sufficient to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE (Fraud)

Opposer's claims are barred due to its material and intentional misrepresentations to the USPTO in applying for registration of its alleged mark, upon which the USPTO relied in registering the alleged mark, including: (1) on information and belief, Opposer's material and intentional misrepresentations concerning its abandonment of United States Trademark Application No. 78851967 in response to the September 14, 2006 office action; (2) on information and belief, Opposer's material and intentional misrepresentations concerning its abandonment of United States Trademark Application No. 78851967 for failing to file a timely statement of use; (3) on information and belief, Opposer's lack of any bona fide intent to use the RIPL mark for goods and services listed in United States Trademark Application No. 78851967;

and (4) on information and belief Opposer's failure to use the RIPL mark for goods and services listed in United States Trademark Application No. 78851967.

**THIRD AFFIRMATIVE DEFENSE
(Limited Rights to the RIPL mark in a Crowded Field)**

Any purported rights Opposer has in the RIPL mark are limited due to the number and nature of similar marks in use on similar goods and services.

**FOURTH AFFIRMATIVE DEFENSE
(Abandonment)**

Opposer's claims are barred by the doctrine of trademark abandonment.

**FIFTH AFFIRMATIVE DEFENSE
(Non-Ownership of the RIPL mark for Purposes Asserted)**

Opposer's claims are barred as they do not own the RIPL mark for the purposes asserted.

**SIXTH AFFIRMATIVE DEFENSE
(Unclean Hands)**

Opposer's claims are barred by their unclean hands including, but not limited to, on information and belief their unlawful use of their goods and services offered in connection with the RIPL mark.

These answers and affirmative defenses are based on the knowledge and information currently available to Google, and Google reserves the right to seek amendment of these answers or affirmative defenses pursuant to Federal Rule of Civil Procedure 15 and any other applicable rule, statute or case law, based on facts later discovered, pled, or offered.

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WHEREFORE, Google prays that Opposer's Opposition be denied and that judgment be entered in favor of Applicant, Google Inc.

Respectfully submitted this 18th day of June, 2012.

By: /s/ Eric J. Ball
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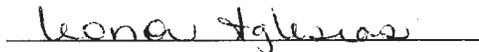
PROOF OF SERVICE BY MAIL

I declare that:

I am employed in the County of Santa Clara, California. I am over the age of eighteen years and not a party to the within cause; my business address is Silicon Valley Center, 801 California Street, Mountain View, CA 94041. On the date indicated below, I served the within **GOOGLE INC.'S ANSWER TO OPPOSER'S OPPOSITION TO GOOGLE INC.'S APPLICATION FOR THE RIPPLES MARK**, on the interested parties in said cause, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Mountain View, California, addressed as follows:

Michael G. Atkins, Esq.
Atkins Intellectual Property, PLLC
93 South Jackson Street #18483
Seattle, WA 98104-2818

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed at Mountain View, California, this 18th day of June, 2012.



Leonor Iglesias