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

Proceeding	91220707
Party	Plaintiff ClickAClinic.com, Inc.
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Date	09/23/2016
Attachments	Answer to Second Amended Counterclaim.pdf(33209 bytes)

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

Serial No.: 86-382,929
Mark: CLICKITCLINIC
Opposition No.: 91220707
Filed: September 2, 2014
Classes: 44
Published: February 17, 2015
Applicant: Dr. Latisha Rowe
Our File No. 31116-05

**OPPOSER CLICKACLINIC.COM, INC.'S ANSWER TO APPLICANT'S SECOND
AMENDED COUNTERCLAIM TO CANCEL OPPOSER'S REGISTRATION NOS.
4,689,046 AND 4,638,147**

Opposer ClickAClinic.com, Inc. ("Opposer") by and through its undersigned counsel, hereby submits its Answer to Applicant Dr. Latisha Rowe's ("Applicant") Second Amended Counterclaim ("Counterclaim").

A. Fraud

On August 26, 2016, the Board granted Opposer's motion to dismiss Applicant's Fraud Counterclaim and dismissed said claim with prejudice. Thus, no Answer to said claim is required.

B. Opposer lacked a bona fide intent to use the mark in commerce as registered with the USPTO.

Opposer admits that it filed a trademark registration application and received a US Trademark Registration, Registration No. 4,689,046 for the word mark CLICKACLINIC.COM for the following services:

1. “Providing a website for the electronic storage of health and medical records.”, in International Class 39; and
2. “Medical Consultations via internet based chat.”, in International Class 44.

Opposer admits that it filed a trademark registration application and received a US Trademark Registration, Registration No. 4,638,147 for the design mark CLICKACLINIC for the following services:

1. “Patient Management Services, namely, providing appointment scheduling services and doctor referrals via an internet website.”, in International Class 35;
2. “Providing a Website for the electronic storage of Health and Medical Records.”, in International Class 39; and
3. “Medical Consultations via internet based chat.”, in International Class 44.

Opposer admits that the date of first use indicated in the Statement of Use for US Trademark Registration, Registration No. 4,689,046 for the word mark CLICKACLINIC.COM is August 18, 2014.

Opposer admits that the date of first use indicated in the Statement of Use for US Trademark Registration, Registration No. 4,638,147 for the design mark CLICKACLINIC is August 18, 2014.

Opposer is without knowledge or information sufficient to form a belief as to the truth of the allegation that “[t]his website printout [Exhibit B to the Counterclaim] was done after August 18, 2014” and on this basis denies said allegation.

Opposer denies all remaining allegations in Paragraph B of the Counterclaim.

C. Abandonment

On August 26, 2016, the Board granted Opposer's motion to dismiss Applicant's Abandonment Counterclaim and dismissed said claim. Thus, no Answer to said claim is required.

WHEREFORE, Opposer requests that registration of Applicant's CLICKITCLINIC mark be refused and that judgment be entered in favor of Opposer and against Applicant on Applicant's Counterclaim.

Respectfully submitted,

LEWIS BRISBOIS BISGAARD & SMITH LLP

Dated: September 23, 2016

By:  _____

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