

**In The United States Patent and Trademark Office
Trademark Trial and Appeal Board**

Our Ref: 1092-063

In the Matter of:

A.J. Boggs & Company

Petitioner

Trademark: 911.NET

Registration No. 2551269

v.

Cancellation No. 040559

Intrado Inc.
(General Electric Capital Corporation)

Registrant

Trademark Trial and Appeal Board
Assistant Commissioner of Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

ANSWER

On behalf of the registrant, Intrado Inc., a Delaware Corporation, with an address at 6285 Lookout Road, Boulder, CO 80301-3343, ("Registrant"), Gordon E. R. Troy, Esq. files this answer to the Petition to Cancel filed by A.J. Boggs & Company.

Registrant preliminarily states that General Electric Capital Corporation, has been improperly listed as the owner of the subject trademark registration due to the mis-filing of a security interest in the subject mark with the Patent and Trademark Office, which is in the process of being corrected. At Reel/Frame 002346/0190-198, a "Collateral Assignment and Security Agreement" was improperly labeled as an "assignment", on the "Recordation Cover Sheet." A corrective filing has been made with the Patent and Trademark Office, and registrant is awaiting further processing of that corrective recordation. As such, registrant respectfully requests that the caption for this matter be corrected to reflect that the defendant/registrant is Intrado Inc.

1. Registrant admits the allegations contained in paragraph 1 of the Petition to Cancel.

2. Registrant admits that United States Trademark Application Serial No. 78078405 is owned by Petitioner, further states that the official records of the Patent and Trademark Office speak for themselves, and therefore denies any such allegations in paragraph 2 of the Petition to Cancel that are inconsistent with the contents of the official records for Serial No. 78078405, and leaves petitioner to its proofs at the trial of the within matter.
3. Registrant denies the allegation that petitioner first used its trademark on May 16, 1996, as contained in paragraph 3 of the Petition to Cancel, and further states that it lacks information to admit or deny the allegation that petitioner first used its trademark in commerce on October 23, 2000, and therefore denies same and leaves petitioner to its proofs at the trial of the within matter.
4. Registrant admits that on January 19, 2000, it filed an application to register its 911.NET trademark, which was assigned Serial No. 75898002, further states that the official records of the Patent and Trademark Office speak for themselves, and therefore denies any such allegations in paragraph 4 of the Petition to Cancel that are inconsistent with the contents of the official records for Serial No. 75898002, and leaves petitioner to its proofs at the trial of the within matter.
5. Registrant admits that in the application referenced in paragraph 4 of the Petition to Cancel, it filed an Allegation of Use, claiming dates of first use, and first use in commerce of October 15, 2001, respectively. Registrant denies that it is under any additional obligations as suggested by petitioner in paragraph 5 of the Petition to Cancel, and therefore denies the remaining allegations contained in paragraph 5 of the Petition to Cancel.
6. Registrant lacks sufficient information to admit or deny the allegations contained in paragraph 6 of the Petition to Cancel, and therefore denies same.
7. Registrant lacks sufficient information to admit or deny the allegations contained in paragraph 7 of the Petition to Cancel, states that paragraph 7 of the Petition to Cancel

does not allege a fact, but rather states a hypothetical circumstance violative of the “actual case or controversy” requirement of the jurisdiction of the Trademark Trial and Appeal Board, further states that the official records of the Patent and Trademark Office speak for themselves, and as such, registrant denies such allegations and therefore leaves petitioner to its proofs at the trial of the within matter.

8. Registrant lacks sufficient information to admit or deny the allegations contained in paragraph 8 of the Petition to Cancel, states that paragraph 8 of the Petition to Cancel does not allege a fact, but rather states a hypothetical circumstance violative of the “actual case or controversy” requirement of the jurisdiction of the Trademark Trial and Appeal Board, further states that the official records of the Patent and Trademark Office speak for themselves, and as such, registrant denies such allegations and therefore leaves petitioner to its proofs at the trial of the within matter.
9. Registrant denies the allegations contained in paragraph 9 of the Petition to Cancel.
10. Registrant states that the official records of the Patent and Trademark Office for Registration No. 2551269 speak for themselves, and denies each and every allegation contained in paragraph 10 of the Petition to Cancel inconsistent therewith, and furthermore, denies that petitioner has any priority of right as alleged.
11. Registrant denies the allegations contained in paragraph 11 of the Petition to Cancel.
12. Registrant admits that petitioner’s proposed trademark represented in serial no. 78078405 violates registrant’s prior and subsisting rights to its trademark. To the extent that paragraph 12 of the Petition to Cancel makes allegations that are statements of law, no response is required, and petitioner therefore denies the remaining allegations contained in paragraph 12 of the Petition to Cancel to the extent they are inconsistent with its initial statement in this paragraph of its answer.
13. Registrant admits that petitioner’s proposed trademark represented in serial no. 78078405 violates registrant’s prior and subsisting rights to its trademark. To the extent that

paragraph 13 of the Petition to Cancel makes allegations that are statements of law, no response is required, and petitioner therefore denies the remaining allegations contained in paragraph 13 of the Petition to Cancel to the extent they are inconsistent with its initial statement in this paragraph of its answer.

AFFIRMATIVE DEFENSES

First Affirmative Defense

Registrant used its trademarks 911.NET, and related trademarks, long before petitioner, and as such has priority of right through prior use.

Second Affirmative Defense

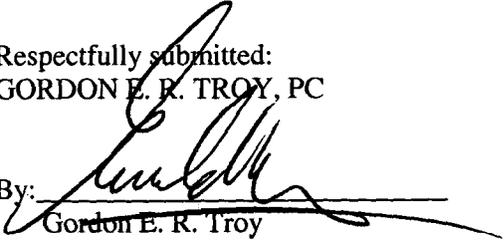
Petitioner fails to state a cause of action upon which relief can be granted

Third Affirmative Defense

Petitioner's petition fails to meet the "case or controversy" requirement of a justiciable issue.

WHEREFORE, registrant prays that the within Petition to Cancel be denied in all respects.

Respectfully submitted:
GORDON E. R. TROY, PC

By: 
Gordon E. R. Troy
Attorney for Registrant

EXPRESS MAILING CERTIFICATION

"Express Mail" mailing label number : EV098570313US

Date of Deposit : June 19, 2002

I hereby certify that this **Answer** and any attachments are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to the Assistant Commissioner of Trademarks 2900 Crystal Drive Arlington, VA 22202-3513.

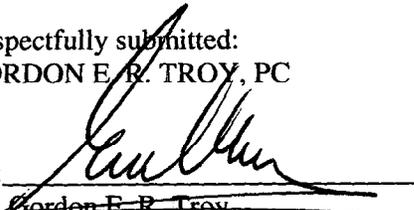
Certificate of Service

The undersigned hereby certifies that a copy of the foregoing **Answer** has been served on counsel for Petitioner by depositing same with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to:

Jeffrey A. Sadowski, Esq.
Howard & Howard Attorneys, PC
A.J. Boggs & Company
4265 Okemos Rd Ste D
Odemos, MI 48864-3285

on June 19, 2002.

Respectfully submitted:
GORDON E. R. TROY, PC

By: 

~~Gordon E. R. Troy~~

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*Practice Exclusively in the area of Intellectual Property Law
and Information Technology Matters*

June 19, 2002

Assistant Commissioner of Trademarks
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, VA 22202-3513

Re: A.J. Boggs & Company v. Intrado Inc. (General Electric Capital Corporation)
Trademark: 911.NET
Registration No. 2551269
Cancellation No. 040559
Our Ref : 1092-063

Dear Assistant Commissioner:

Kindly acknowledge and confirm receipt of the enclosed **Answer** by stamping and returning the self addressed stamped post card.

Registrant, Intrado Inc., advises the Trademark Trial and Appeal Board that General Electric Capital Corporation, has been improperly listed as the owner of the subject trademark registration due to the mis-filing of a security interest in the subject mark with the Patent and Trademark Office, which is in the process of being corrected. At Reel/Frame 002346/0190-198, a "Collateral Assignment and Security Agreement" was improperly labeled as an "assignment", on the "Recordation Cover Sheet." A corrective filing has been made with the Patent and Trademark Office, and registrant is awaiting further processing of that corrective recordation. As such, registrant respectfully requests that the caption for this matter be corrected to reflect that the defendant/registrant is Intrado Inc.

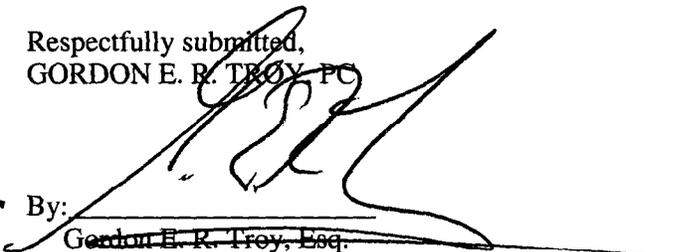
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Respectfully submitted,
GORDON E. R. TROY, PC

By: 
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Attorney for Registrant

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TRADEMARK TRIAL AND
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