

ESTTA Tracking number: **ESTTA59925**

Filing date: **12/30/2005**

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

Proceeding	92045147
Party	Defendant Gay & Lesbian Yellow Pages, Inc. Gay & Lesbian Yellow Pages, Inc. Ste. 480 4200 Montrose Blvd. Houston, TX 77006
Correspondence Address	Gay & Lesbian Yellow Pages, Inc. Ste. 480 4200 Montrose Blvd. Houston, TX 77006
Submission	Answer
Filer's Name	John C. Cain
Filer's e-mail	jcain@counselip.com, WCTrademark@CounselIP.com
Signature	/John C. Cain/
Date	12/30/2005
Attachments	Answer to Petition for Cancellation 92045147.pdf (2 pages)

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

METROQ,	§	
	§	Cancellation No. 92045147
Petitioner,	§	
	§	
v.	§	Registration No. 2,119,139
	§	
GAY AND LESBIAN YELLOW	§	
PAGES, INC.,	§	
	§	
Registrant	§	

ANSWER TO PETITION FOR CANCELATION

Registrant, Gay and Lesbian Yellow Pages, Inc. (“GLYP” or “Registrant”), by its undersigned attorneys, answers the Petition for Cancellation filed by MetroQ (“Petitioner”) regarding GLYP’s trademark Registration No. 2,119,139 for the mark GAY YELLOW PAGES as follows, with each numbered paragraph corresponding to each numbered paragraph in the “Petition for Cancellation”. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations in the introductory paragraph, and therefore denies the same.

1. Registrant admits that it is the owner of Registration Number 2,119,139 for the mark GAY YELLOW PAGES and that the registration covers “telephone directories and related advertising services directed at various gay and lesbian communities and markets nationwide”.

2. Denied.

3. Registrant admits that it executed a declaration dated May 6, 1996 that was filed with its application on July 1, 1996 and that included the language that “to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the above identified mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive.” Registrant further

admits that it has taken the position that Petitioner's current and/or proposed use of "Gay Pages" in connection with a classified directory that directly competes with Registrant's telephone directories and related advertising services is confusingly similar to Registrant's registered mark. Registrant denies the remaining allegations of this paragraph.

4. Registrant admits that it filed a declaration asserting substantially exclusive and continuous use of its mark for a period of five years preceding the date of the declaration. Registrant denies the remaining allegations of this paragraph.

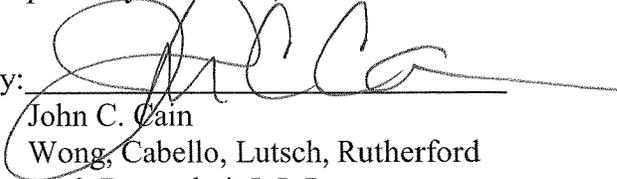
5. Denied.

Wherefore, Registrant respectfully requests that this cancellation proceeding be dismissed and its registration be maintained.

Date: 30 DECEMBER 2005

Respectfully submitted,

By:


John C. Cain
Wong, Cabello, Lutsch, Rutherford
& Brucculeri, L.L.P.
20333 SH 249, Suite 600
Houston, TX 77070
(832) 446-2400 Telephone
(832) 446-2424 Facsimile

ATTORNEY FOR REGISTRANT,
GAY AND LESBIAN YELLOW PAGES, INC.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Answer to Petition for Cancellation was served by first class mail, postage prepaid, on Petitioner's Counsel, Kenneth R. Glaser, Gardere Wynne Sewell LLP, 1601 Elm Street, Suite 3000, Dallas, TX 75201-4761 on this 30th day of December 2005.

