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

Proceeding	92047013
Party	Plaintiff NeTrack, Inc.
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Registration No. 3,064,820  
Mark: NETTRAK  
Registered March 7, 2006

Netrack, Inc., Petitioner	)	
	)	
v.	)	Cancellation No. 92047013
	)	
Internet FX, Inc., Registrant	)	
	)	

**Commissioner for Trademarks**  
P.O. Box 1451  
Alexandria, VA 22313-1451

**NOTICE OF RELIANCE**

Pursuant to TBMP § 704.02, the Petitioner hereby notifies the Board and the Registrant that, in support of the Petitioner's Cancellation Action, the Petitioner is relying on the following Registrant admissions contained in the Registrant's Answer to the Petitioner's Cancellation Petition. Accordingly, the Petitioner introduces said Answer-based admissions and respectfully requests that said Answer-based admissions be admitted into evidence:

**Registrant-Answer Admission 1:** In paragraph 5 of the Registrant's Answer, the Registrant admits that the records of the United States Patent and Trademark Office show a registration date of February 24, 1998 for the mark NETRACK, Registration No. 2,139,229.

**Registrant-Answer Admission 2:** In paragraphs 6 and 38 of the Registrant's Answer, the Registrant admits that the records from the United States Patent and Trademark Office on-line database shows that the following goods are listed for the mark NETRACK, Registration No. 2,139,229: telecommunications services, namely, providing access to a global computer network

by server collocation, and providing computer leased line and frame relay connectivity for electronic transmission and reception of information.

**Registrant-Answer Admission 3:** In paragraphs 9 and 10 of the Registrant's Answer, the Registrant admits that the Registrant claims a date of first use of the mark NETTRAK, as shown in Registration No. 3,064,820, of at least as early as January 10, 2000.

**Registrant-Answer Admission 4:** In paragraph 11 of the Registrant's Answer, the Registrant admits that the Registrant claims a date of first use in commerce of the mark NETTRAK, as shown in Registration No. 3,064,820, of at least as early as February 1, 2000.

**Registrant-Answer Admission 5:** In paragraph 12 of the Registrant's Answer, the Registrant admits that the records from the United States Patent and Trademark Office on-line database shows a filing date of August 23, 2004 for Application Serial No. 76/608,800 for the mark NETTRAK, which application matured to Registration No. 3,064,820.

**Registrant-Answer Admission 6:** In paragraph 13 of the Registrant's Answer, the Registrant admits that the Registrant filed Application Serial No. 76/608,800 for the mark NETTRAK, which matured to Registration No. 3,064,820, on paper and not electronically.

**Registrant-Answer Admission 7:** In paragraph 14 of the Registrant's Answer, the Registrant admits that the application to register the mark NETTRAK, which matured to Registration No. 3,064,820, was assigned Application Serial No. 76/608,800.

**Registrant-Answer Admission 8:** In paragraph 15 of the Registrant's Answer, the Registrant admits that Application Serial No. 76/608,800 for NETTRAK identified the following goods: computer software for web-based sales lead management for automobile dealerships.

**Registrant-Answer Admission 9:** In paragraphs 16 and 37 of the Registrant's Answer, the

Registrant admits that Registration No. 3,064,820 identifies the following goods: computer software for use by automobile dealership [sic] management in tracking web based sales.

**Registrant-Answer Admission 10:** In paragraph 17 of the Registrant's Answer, the Registrant admits that the domain name <nettraklm.com> is registered to Chris Garver with an address of 19202 Foxtree Lane, Houston, TX 77094.

**Registrant-Answer Admission 11:** In paragraph 18 of the Registrant's Answer, the Registrant admits that the "WhoIs" information for the domain name <nettraklm.com> shows a "Creation Date" of March 29, 2005.

**Registrant-Answer Admission 12:** In paragraph 22 of the Registrant's Answer, the Registrant admits that i[t] uses the mark NETTRAK in the following form, among others: NetTrak.

**Registrant-Answer Admission 13:** In paragraph 23 of the Registrant's Answer, the Registrant admits that the records of the United States Patent and Trademark Office on-line database lists Registrant's address as 19202 Foxtree Lane, Houston, TX 77094.

**Registrant-Answer Admission 14:** In paragraph 26 of the Registrant's Answer, the Registrant admits that the website located at the domain name <nettraklm.com> promotes Registrant's NETTRAK products, that it provides information on Registrant's NETTRAK products, and that it provides a mechanism for customers and potential customers to contact Registrant for further information about NETTRAK products, including ordering such products.

**Registrant-Answer Admission 15:** In paragraph 26 of the Registrant's Answer, the Registrant admits that the website located at the domain name <nettraklm.com> promotes Registrant's NETTRAK products, that it provides information on Registrant's NETTRAK products, and that it provides a mechanism for customers and potential customers to contact Registrant for further information about NETTRAK products, including ordering such products.



