

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

GO2 Systems, Inc. }

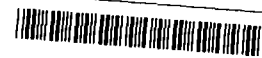
Opposer, }

v. }

Go2PharmSales, Inc. }

Applicant. }

Opposition No. 91150868



04-08-2002

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #70

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BOX TTAB - NO FEE  
Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

**ANSWER TO NOTICE OF OPPOSITION**

Go2PharmSales, Inc., by its attorneys, hereby Answers the Notice of Opposition of GO2 Systems, Inc. and admits, denies and alleges as follows:

1. Opposer operates a location-based directory and information service designed for the Internet and portable electronic devices, such as cell phones and vehicle navigation systems, called Go2. The Go2 system was conceived of and designed to facilitate real-world commerce and navigation by allowing users of the system to easily find locations nearest to them, select from alternative destinations, and obtain directions to such locations. The Internet is a key component of the Go2 system. Opposer's Internet home page, from which its entire Internet-based Go2 system can be accessed, is located at "www.go2.com" and "www.go2online.com". The Internet-based component of the Go2 system uses various "go2" Internet domain names, or addresses, in the format "go2\_\_.com." For example, if you type in the Internet address "go2coffee.com," the Go2 system will provide you with the coffee shops closest to your present

location, and will provide detailed maps to each location. To date, Go2 has reserved almost 5,000 domain names in the "go2\_\_\_\_.com" format as part of its Go2 system. Go2 currently operates approximately 500 websites in the "go2\_\_\_\_.com" format.

**RESPONSE: Without knowledge, therefore denied.**

2. Opposer is the owner of federal trademark Registration No. 2,364,791, registered July 4, 2000, for the mark Go2 for the following goods and services: "Downloadable software database for containing and/or generating alpha-numeric location identifiers and addresses, and downloadable computer software providing a means for accessing, manipulating and using the database for physical and electronic navigation, and digital maps containing alpha-numeric location identifiers and maintaining and providing access to the database on a global computer network, and providing software, namely digital maps, on a global computer network, in International Class 42."

**RESPONSE: Admit.**

3. Opposer's Registration No. 2,364,791 is based on an application filed in the United States Patent and Trademark Office on September 1, 1995. As a result of issuance of Registration No. 2, 364,791 to Opposer, Opposer is entitled to a nationwide right of priority for the mark Go2 as of September 1, 1995, the filing date of its application, for the goods and services specified in the registration.

**RESPONSE: Without knowledge as to Opposer's entitlement of priority over potentially senior common law users of the GO2 mark or substantially similar marks.**

4. Go2 also owns rights in and pending applications for registration of the following related "Go2" marks for use in connection with its Go2 system:

Mark:	Serial Number:	Filing Date:
GO2 and Design	75/600,074	12/04/98
GO THRU GO2	75/641,673	02/16/99
GO2 NETGATES	75/641,670	02/16/99

GO2ONLINE	75/746,089	07/08/99
GO2	75/941,566	03/10/00
GO2 and Design	76/048,317	05/15/00
GO2ONLINE.COM and Design	76/048,323	05/15/00
GO2RESTAURANTS.COM	78/009,803	05/24/00
GO2MOVIES.COM	78/009,794	05/24/00
GO2HOROSCOPES.COM	78/009,810	05/24/00
GO2	78/045,448	01/29/01
GOTO	75/548,658	09/04/98
GOTO.COM	75/548,665	09/04/98
GO2FINANCE	75/074,441	03/18/96
GO2HEALTH	75/073,925	03/18/96
GO2KIDS	75/073,875	03/18/96
GO2LASVEGAS	75/073,723	03/18/96
GO2NEWS	75/073,927	03/18/96
GO2POLITICS	75/073,877	03/18/96
GO2SCHOOL	75/074,433	03/18/96
GO2SEARCH	75/129,593	07/03/96
GO2SPORTS	75/074,427	03/18/96
GO2VISION	75/164,175	09/11/96
GO2DINNERANDMOVIE	76/219,881	03/05/01

**RESPONSE: Without knowledge of Opposer's actual rights in registered and pending applications therefore denied.**

5. Opposer relies upon its Registration No. 2,364,791 and its pending applications set forth in Paragraph 4 above, as well as any and all related common law trademark rights. In view of the similarity of Applicant's mark to Opposer's marks, Opposer alleges that Applicant's mark so resembles Opposer's GO2 mark and Opposer's other marks containing GO2 set forth above, as to be likely to cause confusion or to cause mistake

or to deceive.

**RESPONSE: Denied.**

**DEFENSES**

1. Opposer's claims are barred, in whole or in part, because Opposer has unclean hands.
2. Opposer's claims are barred, in whole or in part, by acquiescence.
3. Opposer is not the senior user and therefore lacks standing to oppose registration of Applicant's mark.
4. Applicant's and Opposer's services are not in competition with one another and Opposer's mark is not famous.
5. Applicant's and Opposer's respective marks, when considered as a whole, lack confusing similarity.

**MOTION AND STIPULATION TO EXTENSION OF TIME TO FILE ANSWER**

Applicant, through undersigned counsel, contacted opposing counsel Diana W. Prince on April 4, 2002. A stipulation was agreed to that this Answer, filed on the 41<sup>st</sup> day from the Board's mailing date would be considered timely file under FRCP 55(c) without objection by either party. Accordingly, Applicant respectfully motions the Board to extend time for filing this Answer by one day.

WHEREFORE, Applicant respectfully requests that the Notice of Opposition be dismissed with prejudice.

Respectfully submitted,

SMITH & HOPEN, P.A.

By: 

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Suite 220  
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(727) 507-8558  
Attorneys for Applicant, Go2PharmSales, Inc.

Enclosures  
Our Ref.: 1357.02

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513; and to Diana W. Prince, Esq., Knobbe, Martens, Olson & Bear, LLP, 620 Newport Center Drive, Sixteenth Floor, Newport Beach, CA 92660, on April 4, 2002.

Dated: April 4, 2002

By: 

Deborah Preza

TTAB

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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GO2 Systems, Inc.

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Applicant.

Opposition No. 91150868

Mark: GO2PHARMSALES & Design

Serial No.: 76/239,995



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2900 Crystal Drive

Arlington, VA 22202-3513

TRADEMARK TRIAL AND  
APPEAL BOARD  
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**TRANSMITTAL OF ANSWER TO NOTICE OF OPPOSITION**

Sir:

Enclosed please find:

1. Applicant's Answer to Notice of Opposition; and
2. Self-addressed postage prepaid post card to serve as a receipt for item 1.

The Commissioner is authorized to charge any additional fees, or credit any overpayment, to Deposit Account No. 500745. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

**SMITH & HOPEN, P.A.**

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15950 Bay Vista Drive, Ste. 220  
Clearwater, FL 33760  
(727) 507-8558  
Attorneys for Applicant

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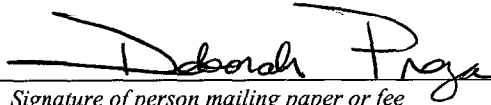
**CERTIFICATE OF MAILING**

37 C.F.R. § 1.8

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Deborah Preza

*Typed or printed name of person mailing paper or fee*



*Signature of person mailing paper or fee*