

TTAB

07-17-2003

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #22

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

In The Matter of Opposition No. 91156061
Mark: STEALTHRAY
Serial No.: 78/137180
Filing Date: 06/19/02
Pub. Date: 12/17/02
TTAB Atty: Christine Jones
Legal Asst.: Pauline Stewart

CENTRAL MFG. CO.,

Opposer,

vs.

Go Daddy Software, Inc.

Applicant.

APPLICANT'S ANSWER TO
CENTRAL MFG. CO.'S NOTICE OF
OPPOSITION

Applicant Go Daddy Software, Inc. ("Applicant") hereby responds to Central Mfg. Co.'s

("Opposer") Notice of Opposition ("Opposition") as follows:

1. Answering Paragraph 1 of the Opposition, Paragraph 1 is neither a factual or a complete sentence and is impossible to admit or deny. Therefore, Applicant cannot adequately respond to Paragraph 1 of the Opposition. Applicant hereby denies any allegations in the Opposition not expressly admitted herein.

2. Answering Paragraph 2 of the Opposition, Applicant denies the allegations therein. Applicant questions whether Opposer uses the "Stealth" mark as alleged and further alleges that any supposed use by third parties of Opposer's mark does not fully inure to Opposers benefit.

3. Answering Paragraph 3 of the Opposition, Applicant denies the allegations therein. Applicant incorporates its allegations in Paragraph 2 above.

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4. Answering Paragraph 4 of the Opposition, Applicant denies the allegations therein.
Applicant incorporates its allegations in Paragraph 2 above.

5. Answering Paragraph 5 of the Opposition, Applicant denies the allegations therein.
Applicant incorporates its allegations in Paragraph 2 above.

6. Answering Paragraph 6 of the Opposition, Applicant denies the allegations therein.
Applicant incorporates its allegations in Paragraph 2 above.

7. Answering Paragraph 7 of the Opposition, Applicant denies the allegations therein.
Applicant incorporates its allegations in Paragraph 2 above.

8. Answering Paragraph 8 of the Opposition, Applicant denies the allegations therein.

9. Answering Paragraph 9 of the Opposition, Applicant is without sufficient
information to form a belief as to the truth of the allegations contained therein and therefore denies
the same.

10. Answering Paragraph 10 of the Opposition, Applicant is without sufficient
information to form a belief as to the truth of the allegations contained therein and therefore denies
the same.

11. Answering Paragraph 11 of the Opposition, Applicant denies the allegations
therein.

12. Answering Paragraph 12 of the Opposition, Applicant denies the allegations
therein.

13. Answering Paragraph 13 of the Opposition, Applicant denies the allegations
therein.

14. Answering Paragraph 14 of the Opposition, Applicant denies the allegations
therein.

1 15. Answering Paragraph 15 of the Opposition, Applicant denies the allegations
2 therein.

3 16. Answering Paragraph 16 of the Opposition, Applicant denies the allegations
4 therein. Applicant incorporates its allegations in Paragraph 2 above.

5 17. Answering Paragraph 17 of the Opposition, Applicant denies the allegations
6 therein. Applicant incorporates its allegations in Paragraph 2 above.

7 18. Answering Paragraph 18 of the Opposition, Applicant denies the allegations
8 therein. Applicant incorporates its allegations in Paragraph 2 above.

9 19. Answering Paragraph 19 of the Opposition, Applicant denies the allegations
10 therein. Applicant incorporates its allegations in Paragraph 2 above.

11 20. Answering Paragraph 20 of the Opposition, Applicant denies the allegations
12 therein. Applicant incorporates its allegations in Paragraph 2 above. Applicant asserts the
13 Opposer's Paragraph 20 and other assertions in the Opposer's Opposition are redundant or
14 duplicative.

15 21. Answering Paragraph 21 of the Opposition, Applicant denies the allegations
16 therein. Applicant incorporates its allegations from Paragraphs 2 and 20 above.

17 22. Answering Paragraph 22 of the Opposition, Applicant denies the allegations
18 therein. Applicant incorporates its allegations from Paragraphs 2 and 20 above.

19 23. Answering Paragraph 23 of the Opposition, Applicant denies the allegations
20 therein. Applicant incorporates its allegations from Paragraphs 2 and 20 above.

21 24. Answering Paragraph 24 of the Opposition, Applicant denies the allegations
22 therein. Applicant incorporates its allegations from Paragraphs 2 and 20 above.

1 25. Answering Paragraph 25 of the Opposition, Applicant denies the allegations
2 therein. Applicant incorporates its allegations from Paragraphs 2 and 20 above.

3 26. Answering Paragraph 26 of the Opposition, Applicant denies the allegations
4 therein.

5 27. Answering Paragraph 27 of the Opposition, Applicant denies the allegations
6 therein.

7 28. Answering Paragraph 28 of the Opposition, Applicant denies the allegations
8 therein. Applicant incorporates its allegations from Paragraphs 2 and 20 above.

9 29. Answering Paragraph 29 of the Opposition, Applicant denies the allegations
10 therein. Applicant incorporates its allegations from Paragraphs 2 and 20 above.

11 30. Answering Paragraph 30 of the Opposition, Applicant denies the allegations
12 therein. Applicant incorporates its allegations from Paragraphs 2 and 20 above.

13 31. Answering Paragraph 31 of the Opposition, Applicant denies the allegations
14 therein.

15 32. Answering Paragraph 32 of the Opposition, Applicant denies the allegations
16 therein.

17 33. Answering Paragraph 33 of the Opposition, Applicant is without sufficient
18 information to form a belief as to the truth of the allegations contained therein and therefore denies
19 the same. Applicant incorporates its allegations in Paragraph 2 above.

20 34. Answering Paragraph 34 of the Opposition, Applicant denies the allegations
21 therein.

22 35. Answering Paragraph 35 of the Opposition, Applicant denies the allegations
therein. Applicant further affirmatively alleges that Opposer's allegations in Paragraph 35 of its

1 Opposition are frivolous and baseless. Applicant further alleges that Opposer has no good faith
2 basis to assert any purported "fraudulent" basis for Applicants pursuit of federal trademark
3 registration of the mark "STEALTHRAY."

4 36. Answering Paragraph 36 of the Opposition, Applicant denies the allegations
5 therein. Applicant further affirmatively alleges that Opposer's allegations in Paragraph 36 of its
6 Opposition are frivolous and baseless. Applicant further alleges that Opposer has no good faith
7 basis to assert any purported "fraudulent" basis for Applicants pursuit of federal trademark
8 registration of the mark "STEALTHRAY."

9 37. Answering Paragraph 37 of the Opposition, Applicant denies the allegations
10 therein.

11 38. Answering Paragraph 38 of the Opposition, Applicant denies the allegations
12 therein.

13 39. Answering Paragraph 39 of the Opposition, Applicant denies the allegations
14 therein.

15 40. Answering Paragraph 40 of the Opposition, Applicant denies the allegations
16 therein. Applicant incorporates its allegations in Paragraphs 35 and 36 above.

17 41. Answering Paragraph 41 of the Opposition, Applicant denies the allegations
18 therein. Applicant incorporates its allegations in Paragraphs 35 and 36 above. Applicant
19 affirmatively alleges that Opposer has no good faith basis to assert that Applicant submitted any
20 "false" statements to the Patent and Trademark Office in connection with its Application for
21 federal registration of the mark "STEALTHRAY."
22

1 42. Answering Paragraph 42 of the Opposition, Applicant is without sufficient
2 information to form a belief as to the truth of the allegations contained therein and therefore denies
3 the same. Applicant incorporates its allegations in Paragraph 2 above.

4 43. Answering Paragraph 43 of the Opposition, Applicant denies the allegations
5 therein. Applicant incorporates its allegations in Paragraphs 35, 36 and 41 above. Applicant also
6 affirmatively alleges that Opposer restates allegations in a redundant fashion.

7 44. Answering Paragraph 44 of the Opposition, Applicant denies the allegations
8 therein. Applicant incorporates its allegations in Paragraphs 35, 36, 41 and 43 above.

9 45. Answering Paragraph 45 of the Opposition, Applicant denies the allegations
10 therein. Applicant incorporates its allegations in Paragraphs 35, 36, 41 and 43 above.

11 46. Answering Paragraph 46 of the Opposition, Applicant denies the allegations
12 therein. Applicant incorporates its allegations in Paragraph 2 above.

13 47. Answering Paragraph 47 of the Opposition, Applicant denies the allegations
14 therein. Applicant incorporates its allegations in Paragraph 2 above.

15 48. Answering Paragraph 48 of the Opposition, Applicant denies the allegations
16 therein. Applicant incorporates its allegations in Paragraphs 35, 36, 41 and 43 above.

17 49. Answering Paragraph 49 of the Opposition, Applicant denies the allegations
18 therein. Applicant incorporates its allegations in Paragraph 2 above.

19 50. Answering Paragraph 50 of the Opposition, Applicant denies the allegations
20 therein. Applicant incorporates its allegations in Paragraph 2 above.

21 51. Answering Paragraph 51 of the Opposition, Applicant denies the allegations
22 therein. Applicant incorporates its allegations in Paragraphs 35, 36, 41 and 43 above.

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available under this Board's Rules, federal law or the Lahnam Act for Opposer's frivolous,
baseless and fraudulent actions.

DATED this 16th day of July 2003,

Respectfully submitted,
GO DADDY SOFTWARE, INC.



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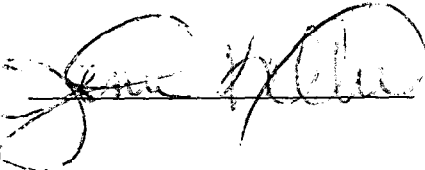
U.S. Patent & TMO/c/TM Mail Rcpt Dt. #2:

CERTIFICATE OF SERVICE

I hereby certify that the Original Applicant's Answer to Central Mfg. Co.'s Notice of Opposition is being deposited on July 16, 2003 with Federal Express in an envelope addressed to the United States Patent and Trademark Office, Trademark Trial and Appeal Board and one copy mailed via U.S. Mail to Leo Stoller:

United States Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

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