

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

In the matter of Application Serial No. 76/477,711  
for the mark **WE LIVE WHERE YOU LIVE**  
Published for Opposition in the  
Official Gazette of January 13, 2004

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STATE FARM MUTUAL AUTOMOBILE INSURANCE :  
COMPANY :

Opposition No. 91159750

Opposer, :

Serial No. 76/477,711

v. :

2.TO, INC. :



Applicant :

06-15-2004

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

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Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3514

**ANSWER TO APPLICANT'S COUNTERCLAIM-PETITION  
FOR CANCELLATION**

Plaintiff State Farm Mutual Automobile Insurance Company ("Opposer") hereby answers  
to the Counterclaim-Petition For Cancellation filed by 2.to, Inc. ("Applicant") as follows:

1. Opposer denies that Applicant is being damaged by Registration No.  
2,744,213 WE LIVE WHRE YOU LIVE held by Opposer as alleged in paragraph 1 of the  
Counterclaim and, without admitting that the Counterclaim-Petition for Cancellation contains  
any valid basis, admits that Applicant petitions to cancel Opposer's Registion No. 2,744,213 to  
WE LIVE WHERE YOU LIVE.

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2. Opposer denies the allegations of paragraph 2 of the Counterclaim with the exception of any allegations from Opposer's Opposition that have been admitted by Applicant.

3. Opposer is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in paragraph 3 of the First Counterclaim and, therefore, denies the same.

4. Opposer admits the allegations contained in paragraph 4 of the First Counterclaim.

5. Opposer is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in paragraph 5 of the First Counterclaim and, therefore, denies the same.

6. Opposer is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegation contained in paragraph 6 of the First Counterclaim and, therefore, denies the same.

7. Opposer denies the allegations contained in paragraph 7 of the First Counterclaim.

8. Opposer admits the allegations contained in paragraph 8 of the First Counterclaim.

9. Opposer admits the allegations contained in paragraph 9 of the First Counterclaim.

10. Opposer denies the allegations contained in paragraph 10 of the First Counterclaim.

11. Opposer denies the allegations contained in paragraph 11 of the First Counterclaim.

12. Opposer denies the allegations contained in paragraph 12 of the First Counterclaim.

13. Opposer denies the allegations contained in paragraph 13 of the First Counterclaim.

### **AFFIRMATIVE DEFENSES**

#### **First Affirmative Defense**

14. The Counterclaim-Petition for Cancellation fails to state a claim upon which relief can be granted.

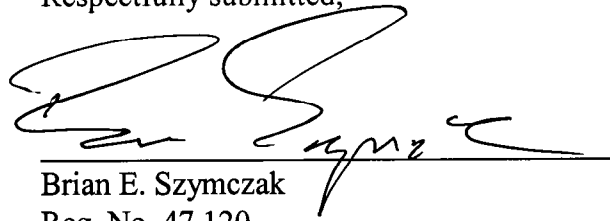
#### **Second Affirmative Defense**

15. Opposer's rights in the mark at issue in the Counterclaim-Petition for Cancellation are prior and superior to Opposer's purported rights in the mark asserted in the Counterclaim-Petition for Cancellation.

Opposer encloses a check in the amount of \$300.00 for the filing fee required under 37 CFR 2.6(a)(16), and believes no further fee is due at this time. Please charge any additional fees required to Deposit Account No. 50-2147 of Baker Botts L.L.P.

**WHEREFORE**, Opposer prays that the Counterclaim asserted against it by Applicant be rejected, that Application Serial No. 76/477,711 be refused, that no registration be issued to Applicant, and that the Court award Opposer all other relief to which it is entitled.

Respectfully submitted,



DATED: June 15, 2004

Brian E. Szymczak  
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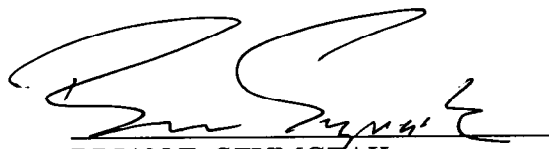
**CERTIFICATE OF SERVICE & MAILING**

It is hereby certified that a copy of the foregoing ANSWER TO APPLICANT'S COUNTERCLAIM-PETITION FOR CANCELLATION was served upon the United States Patent and Trademark Office under 37 CFR § 2.197 by Express Mail Delivery No. EV 003977736 US, and upon Applicant's attorney by mailing a true copy thereof by Express Mail Delivery No. EV 003977722 US, at the addresses identified below on June 15, 2004:

Commissioner for Trademarks  
Box TTAB - Fee  
2900 Crystal Drive  
Arlington, VA 22202-3514

-and-

Ericka K. Dewey  
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BRIAN E. SZYM CZAK

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June 15, 2004

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Re: ***State Farm Mutual Automobile Insurance Company vs. 2.to, Inc.***  
Serial No: 76/477,711  
**WE LIVE WHERE YOU LIVE** Trademark Opposition  
Opposition No. 91159750  
Our File: 015131.0155

Dear Sir or Madam:

We enclose for filing on behalf of State Farm Mutual Automobile Insurance Company the following:

1. Answer to Applicant's Counterclaim-Petition for Cancellation;
2. Check in the amount of \$300.00 for the filing fee required under 37 CFR 2.6(a)(16);
2. Certificate of Service and Mailing by Express Mail; and
3. Self-addressed stamped postcard.

We request that the enclosed Answer to Applicant's Counterclaim-Petition for Cancellation be filed with the Trademark Trial and Appeal Board (TTAB) and that the enclosed self-addressed postcard confirming your receipt of the same be returned to this office.

If you should have any questions, please do not hesitate to contact me at 512.322.2548.

Respectfully submitted,



Brian E. Szymczak  
BAKER BOTTS L.L.P.  
Attorney for Opposer

