

ESTTA Tracking number: **ESTTA149390**

Filing date: **07/05/2007**

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

| | |
|------------------------|---|
| Proceeding | 91168038 |
| Party | Defendant Hawaii Kine Inc. Hawaii Kine Inc. 3rd Floor Omar Hodge Building, Wickhams Cay I VGX Tortola, |
| Correspondence Address | Douglas A. Miro Ostrolenk, Faber, Gerb & Soffen, LLP 7th Floor 1180 Avenue of the Americas New York, NY 10036 UNITED STATES squigley@ostrolenk.com |
| Submission | Motion to Amend/Amended Answer or Counterclaim |
| Filer's Name | Stephen J. Quigley |
| Filer's e-mail | squigley@ostrolenk.com |
| Signature | /stephen j quigley/ |
| Date | 07/05/2007 |
| Attachments | 00851180.PDF (6 pages)(156377 bytes) |

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

| | | |
|----------------------|---|-------------------------|
| THE GOLD CORPORATION | X | |
| | ⋮ | Opposition No. 91168038 |
| v. | ⋮ | Serial No. 78/429,184 |
| HAWAII KINE INC., | ⋮ | |
| | ⋮ | |
| Applicant. | ⋮ | |
| | X | |

ANSWER TO AMENDED NOTICE OF OPPOSITION

Applicant, through its attorneys Ostrolenk, Faber, Gerb & Soffen, LLP, answers the Amended Notice of Opposition as follows:

1. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 1 of the Notice of Opposition and, therefore, denies same.

2. Applicant admits that Opposer is listed as the record owner of Registration No. 2,265,081 according to US-PTO records. Applicant is without knowledge or information sufficient to form a belief as to the substance of Opposer’s claim of ownership, or as to the truth of the remaining allegations contained in Paragraph 2 of the Notice of Opposition, and therefore denies same.

3. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 3 of the Notice of Opposition and, therefore, denies same.

4. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 4 of the Notice of Opposition and, therefore, denies same.

5. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 5 of the Notice of Opposition and, therefore, denies same.

6. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 6 of the Notice of Opposition and, therefore, denies same.

7. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 7 of the Notice of Opposition and, therefore, denies same.

8. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 8 of the Notice of Opposition and, therefore, denies same.

9. Applicant denies the allegations contained in Paragraph 9 of the Notice of Opposition.

10. Applicant denies the allegations contained in Paragraph 10 of the Notice of Opposition.

11. Applicant admits the allegations contained in Paragraph 11 of the Notice of Opposition.

12. Applicant admits the allegations contained in Paragraph 12 of the Notice of Opposition.

13. Applicant denies the allegations contained in Paragraph 13 of the Notice of Opposition.

14. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 14 of the Notice of Opposition and, therefore, denies same.

15. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 15 of the Notice of Opposition and, therefore, denies same.

16. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 16 of the Notice of Opposition and, therefore, denies same.

17. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 17 of the Notice of Opposition and, therefore, denies same.

18. Applicant admits the allegations contained in Paragraph 18 of the Notice of Opposition.

19. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 19 of the Notice of Opposition and, therefore, denies same.

20. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 20 of the Notice of Opposition and, therefore, denies same.

21. Applicant denies the allegations contained in Paragraph 21 of the Notice of Opposition.

22. Applicant denies the allegations contained in Paragraph 22 of the Notice of Opposition.

23. Applicant denies the allegations contained in Paragraph 23 of the Notice of Opposition.

24. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 24 of the Notice of Opposition and, therefore, denies same.

25. Applicant denies the allegations contained in Paragraph 25 of the Notice of Opposition.

26. Applicant denies the allegations contained in Paragraph 26 of the Notice of Opposition.

27. Applicant denies the allegations contained in Paragraph 27 of the Notice of Opposition.

28. Applicant denies the allegations contained in Paragraph 28 of the Notice of Opposition.

29. Applicant denies the allegations contained in Paragraph 29 of the Notice of Opposition.

30. Applicant denies the allegations contained in Paragraph 30 of the Notice of Opposition.

31. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 31 of the Notice of Opposition and, therefore, denies same.

32. Applicant admits that its mark includes the term HAWAII and denies the remaining allegations contained in Paragraph 32 of the Notice of Opposition.

33. Applicant admits that its mark includes the term KINE. Applicant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 33 of the Notice of Opposition and, therefore, denies same.

34. Applicant denies the allegations contained in Paragraph 34 of the Notice of Opposition.

35. Applicant denies the allegations contained in Paragraph 35 of the Notice of Opposition.

WHEREFORE, it is respectfully requested that this Opposition be denied and that the registration sought by Application Serial No. 78/429,184 be granted.

Date: July 5, 2007
New York, New York

Respectfully submitted,



Douglas A. Miro
Stephen J. Quigley

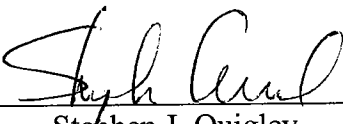
OSTROLENK, FABER, GERB & SOFFEN, LLP
1180 Avenue of the Americas
New York, New York 10036-8403
Tel: (212) 382-0700

Attorneys for Applicant

CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing ANSWER TO AMENDED NOTICE OF OPPOSITION was served upon counsel for Opposer this 5th day of July, 2007 by first-class mail, postage prepaid, as follows:

Martin E. Hsia, Esq.
CADES SCHUTTE LLP
1000 Bishop Street, Suite 1200
Honolulu, Hawaii 96813



Stephen J. Quigley