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

Proceeding	91170258
Party	Defendant VODAFONE GROUP PLC VODAFONE GROUP PLC THE COURTYARD 2 - 4 LONDON ROAD, NEWBURY GBX BERKSHIRE RG14 1JX,
Correspondence Address	BREWSTER TAYLOR LARSON & TAYLOR PLC 1199 NORTH FAIRFAX ST STE 900 ALEXANDRIA, VA 22314
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Date	04/18/2006
Attachments	ANSWER.pdf (5 pages)(191081 bytes)

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

DANIEL A. MENDOZA)	
)	
v.)	
)	Opposition No. 91170258
)	
VODAFONE GROUP PLC)	
)	
Applicant.)	

ANSWER

Pursuant to 37 C.F.R. § 2.106, **VODAFONE GROUP PLC.** (hereinafter "Applicant"), a public limited company organized under the laws of the United Kingdom, with principal offices located at The Courtyard, 2-4 London Road, Newbury, Berkshire RG14 1JX, United Kingdom, hereby answers the Notice of Opposition filed by **DANIEL A. MENDOZA** (hereinafter "Opposer"), as follows:

1. Applicant is without knowledge or information sufficient to form a belief as to the truth of the unnumbered introductory allegation concerning Opposer's place of business and belief that he will be damaged by registration of Applicant's mark in U.S. Trademark Application Serial No. 76/462,142 (hereinafter "Applicant's mark") in class 38 and therefore denies the same. Applicant denies that Opposer will be damaged by the registration of Applicant's mark in class 38.

2. With respect to the allegations of Paragraph 1, Applicant admits that on November 4, 1998, an application was filed for registration of a mark and was accorded serial no. 75/582,634, but denies that the application filed was for registration of the mark shown in said paragraph for the services identified in said paragraph and is otherwise without knowledge or information sufficient to form a belief as to the truth of the matters asserted therein and therefore denies the same.

3. Applicant denies the allegations of Paragraph 2.

4. Applicant denies the allegations of Paragraph 3.

5. With respect to the allegations of Paragraph 4, Applicant admits that on November 4, 1998, an application was filed for registration of a mark but denies that the application filed was for registration of the mark shown in said paragraph for the services identified in said paragraph and is otherwise without knowledge or information sufficient to form a belief as to the truth of the matters asserted therein and therefore denies the same.

6. With respect to the allegations of Paragraph 5, Applicant is without knowledge or information sufficient to form a belief as to the truth of the matters asserted therein and therefore denies the same.

7. With respect to the allegations of Paragraph 6, Applicant is without knowledge or information sufficient to form a belief as to the truth of the matters asserted therein and therefore denies the same.

8. With respect to the allegations of Paragraph 7, Applicant is without knowledge or information sufficient to form a belief as to the truth of the matters asserted therein and therefore denies the same.

9. With respect to the allegations of Paragraph 8, Applicant admits that on October 23, 2002, it filed U.S. application Serial No. 76/462,142 for registration of the mark shown in Exhibit C attached to the Notice of Opposition but denies that Opposer has properly described the mark in said application, denies that the application was filed for registration of the mark for the services identified in said paragraph and otherwise denies the allegations of said paragraph.

10. With respect to the allegations of Paragraph 9, Applicant admits the allegations to the extent that they are understood as meaning that its application was filed on October 23, 2002, based on "intent to use" and on the priority of the filing date of

a United Kingdom application filed on August 8, 2002, but Applicant denies that its application was filed based on a United Kingdom registration and is otherwise without sufficient understanding of the meaning of the allegations of said paragraph to form a belief as to their truth and therefore denies the same.

11. Applicant denies the allegations of Paragraph 10.

12. Applicant denies the allegations of Paragraph 11.

13. To the extent that the allegations of Paragraph 12 are understood as meaning that Applicant's mark is descriptive of "telephony, telephone communication services and the global communications network" and related services, Applicant denies said allegations, and Applicant otherwise is without sufficient understanding of the meaning of the allegations to form a belief as to their truth and therefore denies the same.

14. To the extent that the allegations of Paragraph 13 are understood as meaning that the use of Applicant's mark is likely to cause confusion with Opposer's allegedly earlier used alleged mark, Applicant denies said allegations, and Applicant otherwise is without sufficient understanding of the meaning of the allegations to form a belief as to their truth and therefore denies the same.

15. Applicant denies the allegations of Paragraph 14.

16. Applicant denies the allegations of Paragraph 15.

17. Applicant denies the allegations of Paragraph 16.

18. With respect to the allegations of Paragraph 17, Applicant admits that if the application for registration of Applicant's mark proceeds to registration, the registration would be prima facie evidence of Applicant's exclusive ownership and right to use its mark in connection with the goods and services in the registration, but Applicant otherwise denies the allegations of said paragraph.

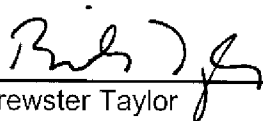
19. To the extent that the allegations of Paragraph 18 are understood as seeking to effectuate legally effective notice and reservation of any rights Opposer may have with respect to the use or registration of Applicant's mark anywhere in the world, Applicant denies said allegations, and Applicant otherwise is without sufficient understanding of the meaning of the allegations to form a belief as to their truth and therefore denies the same.

AFFIRMATIVE DEFENSES

1. The Notice of Opposition fails to state a claim upon which relief can be granted.
2. Applicant's mark is not confusingly similar to the alleged mark of Opposer in the Notice of Opposition.

WHEREFORE, Applicant denies that Opposer is entitled to the relief requested in its Notice of Opposition and requests that the Notice of Opposition be dismissed.

Respectfully Submitted,
STITES & HARBISON

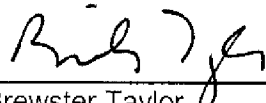


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April 18, 2006

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing ANSWER was **mailed via first class mail**, postage prepaid, to Opposer, Daniel A. Mendoza, Post Office Box 193156, San Francisco, California 94119-3156 on this the **18th day of April 2006**.



Brewster Taylor