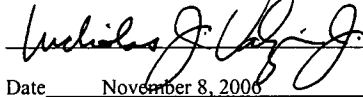


I hereby certify that this correspondence is being deposited with the US Postal Service as first class mail in an envelope with sufficient postage addressed to: Commissioner for Trademarks, Trademark Trial & Appeal Board, P.O. Box 1451, Alexandria, Virginia 22313-1451, on: November 8, 2006

Nicholas J. Valenziano, Jr.



Date November 8, 2006

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

In the Matter of  
Application Serial Nos. 78/772,815 and 78/752,330

Treadways Corporation,

Opposer,

v.

The Goodyear Tire & Rubber Company,

Applicant.

Opposition No.  
91173177

APPLICANT'S ANSWER AND COUNTERCLAIM

Applicant herein, The Goodyear Tire & Rubber Company, by its undersigned attorney, hereby answers the Notice of Opposition filed by Treadways Corporation and pleads a counterclaim as follows:

APPLICANT'S ANSWER

1. Applicant is without knowledge or information sufficient to form a belief as to the truth of the averments, and therefore denies them.



2. Applicant admits the averments of paragraph 2.
3. Applicant is without knowledge or information sufficient to form a belief as to the truth of the averment, and therefore denies it.
4. Applicant is without knowledge or information sufficient to form a belief as to the truth of the averment that opposer had a *bona fide* intent to use WINTER QUEST in commerce when it filed its application Serial No. 78/730,272, and therefore denies it. Applicant admits the remaining averments of paragraph 4.
5. Applicant admits the averments of paragraph 5.
6. Applicant admits the averments of paragraph 6.
7. Applicant admits the averments of paragraph 7.
8. Applicant denies the averment that priority is not an issue but admits the remaining averments of paragraph 8.
9. Applicant denies the averments of paragraph 9.
10. Applicant denies the averments of paragraph 10.
11. Applicant is without knowledge or information sufficient to form a belief as to the truth of the averment that applicant's and opposer's goods are likely to travel through the same or similar trade channels, and therefore denies it. Applicant admits the remaining averments of paragraph 11.
12. Applicant denies the averments of paragraph 12.
13. Applicant denies the averments of paragraph 13.
14. Applicant denies the averments of paragraph 14.

15. Applicant admits that if it is granted registration for its marks for the goods identified, it would obtain at least a *prima facie* exclusive right to use such marks. Applicant denies the remaining allegations of paragraph 15.

#### APPLICANT'S COUNTERCLAIM FOR CANCELLATION

1. Applicant, The Goodyear Tire & Rubber Company, an Ohio corporation having a principal place of business at 1144 East Market Street, Akron, Ohio 44316, believes it will be damaged by registration of the mark WINTER QUEST for "tires" (International Class 12), and hereby petitions to cancel the registration that applicant believes is going to soon issue from application Serial No. 78/730,272. The grounds for this petition to cancel are set forth below.

2. Applicant is now, and its predecessors in interest have been, engaged in the manufacture, distribution, and sale in interstate commerce of a wide variety of tire products, including without limitation, tires and tire inner tubes; and tire-related services.

3. For many years, and long prior to the date on which opposer filed its U.S. trademark application, Serial No. 78/730,272, for the mark WINTER QUEST, applicant has used and is using the mark CONQUEST in interstate commerce on and in connection with the sale of tires.

4. Applicant is the owner of the U.S. Registration No. 1,889,241 for the trademark CONQUEST for tires.

5. Ever since the adoption and use of the CONQUEST trademark, applicant has advertised, promoted and sold goods bearing such trademark. As a consequence of the inherent distinctiveness of the CONQUEST trademark, as well as the advertising,

promotion and sales, the consuming public and trade have come to recognize and do recognize the CONQUEST trademark as being used by applicant or by a single source, and to associate and identify applicant's CONQUEST mark with applicant, or with a single source, and applicant derives substantial goodwill and value from the aforesaid identification by the consuming public and trade.

6. Opposer is the owner of U.S. trademark application Serial No. 78/730,272 for the mark WINTER QUEST for "tires" on which it bases its Notice of Opposition, No. 91173177, against applicant's applications to register TERRA QUEST and STREET QUEST, Serial Nos. 78/772,815 and 78/752,330. Pursuant to the USPTO's TARR system, the final review before registration has been completed for opposer's application Serial No. 78/730,272, and the WINTER QUEST mark will register in due course. Accordingly, for reasons of economy, applicant is pleading this counterclaim for cancellation at this time, on the eve of registration.

7. Opposer's application to register WINTER QUEST covers "tires," goods that are identical to applicant's goods which bear the CONQUEST trademark, and which are covered by applicant's registration for CONQUEST identified above.

8. Opposer's mark WINTER QUEST is confusingly similar to applicant's CONQUEST trademark in sight, sound, meaning and overall commercial impression. Opposer's addition of the word "WINTER" to the word "QUEST" is not sufficient to distinguish the respective marks and further suggests and/or implies that opposer's products are among a line of "QUEST" products associated with applicant's CONQUEST products.

9. Opposer's mark WINTER QUEST, when applied to the identified goods, is likely to cause confusion and mistake and to deceive, with consequent injury to applicant, the consuming public and the trade.

10. Applicant will be damaged by opposer's registration because such registration will support and assist opposer in the confusing and misleading use of opposer's mark, and will give color and exclusive right to applicant in violation and derogation of prior and superior rights of applicant.

WHEREFORE, applicant requests that opposer's Notice of Opposition be dismissed with prejudice, that application Serial Nos. 78/772,815 and 78/752,330 be allowed, and that the registration resulting from opposer's application Serial No. 78/730,272 be cancelled. Should the Board find applicant's counterclaim to be premature, applicant reserves its right to file a petition to cancel the registration resulting from application Serial No. 78/730,272 and move to consolidate such proceedings with the instant proceedings.

In addition to the undersigned, please recognize as attorney for applicant in this proceeding Bruce J. Hendricks, a member of the Bar of the State of Ohio, whose office is located at 1144 East Market Street, Akron, Ohio, 44316, telephone (330) 796-3151.

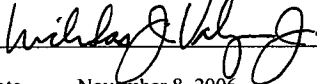
The Goodyear Tire & Rubber Company

Dated: Nov. 8, 2006

By: Nicholas J. Valenziano, Jr.  
Nicholas J. Valenziano, Jr.  
1144 East Market Street  
Akron, Ohio 44316  
Tel. (330) 796-3988  
Attorney for Applicant

I hereby certify that this correspondence is being deposited with the US Postal Service as first class mail in an envelope with sufficient postage addressed to: Commissioner for Trademarks, Trademark Trial & Appeal Board, P.O. Box 1451, Alexandria, Virginia 22313-1451, on: November 8, 2006

Nicholas J. Valenziano, Jr.



Date November 8, 2006

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

In the Matter of  
Application Serial Nos. 78/772,815 and 78/752,330

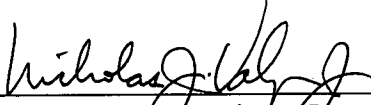
_____ )		
Treadways Corporation, )		
	Opposer, )	Opposition No.
		91173177
v. )		
The Goodyear Tire & Rubber Company, )		
	Applicant. )	
_____ )		

APPLICANT'S PAYMENT OF FILING FEE

Please charge the \$300.00 filing fee, as well as any additional charges associated with filing Applicant's Answer and Counterclaim in the above-referenced proceedings, to Deposit Account No. 07-1725.

The Goodyear Tire & Rubber Company

Dated: Nov. 8, 2006

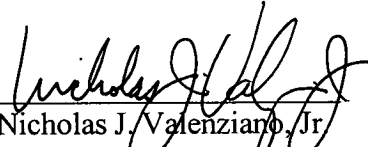
By:   
Nicholas J. Valenziano, Jr.  
1144 East Market Street  
Akron, Ohio 44316  
Tel. (330) 796-3988  
Attorney for Applicant

**CERTIFICATE OF SERVICE**

I, Nicholas J. Valenziano, Jr., hereby certify that on this date I served a true and complete copy of the foregoing APPLICANT'S ANSWER AND COUNTERCLAIM and APPLICANT'S PAYMENT OF FILING FEE on counsel for Treadways Corporation by causing a copy of the same to be deposited with the United States Postal Service, first-class mail postage prepaid, and addressed as follows:

Jordan A. LaVine, Esq.  
FLASTER/GREENBERG P.C.  
1628 John F. Kennedy Blvd., Suite 1500  
Philadelphia, PA 19103

This the 8th day of November, 2006.

  
Nicholas J. Valenziano, Jr.  
The Goodyear Tire & Rubber Company  
1144 East Market Street  
Akron, Ohio 44316  
Phone: (330) 796-3988