

ESTTA Tracking number: **ESTTA118842**

Filing date: **01/10/2007**

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

Proceeding	91173177
Party	Plaintiff Treadways Corporation Treadways Corporation ,
Correspondence Address	Jordan A. LaVine Flaster Greenberg P.C. 1628 John F. Kennedy Boulevard Suite 1500 Philadelphia, PA 19103 UNITED STATES jordan.lavine@flastergreenberg.com
Submission	Answer to Counterclaim
Filer's Name	Jordan LaVine
Filer's e-mail	jordan.lavine@flastergreenberg.com
Signature	/Jordan LaVine/
Date	01/10/2007
Attachments	TreadwaysReplyCounterclaim.pdf ( 3 pages )(61939 bytes )

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

Treadways Corporation,	:	
	:	
Opposer,	:	
	:	Re: Application Serial Nos.
v.	:	78/772,815 and 78/752,330
	:	
The Goodyear Tire & Rubber Company,	:	Opposition No. <b>91173177</b>
	:	
Applicant.	:	

**Reply to Counterclaim**

Opposer, Treadways Corporation (“Opposer”) replies to Applicant’s Counterclaim for Cancellation of its Registration No. 3,175,595 as follows, with the numbered paragraphs below corresponding to the numbered paragraphs in Applicant’s Counterclaim.

1. Opposer is without information or knowledge sufficient to form a belief as to the true of the averments in this paragraph and therefore denies the same.
2. Opposer is without information or knowledge sufficient to form a belief as to the true of the averments in this paragraph and therefore denies the same.
3. Opposer is without information or knowledge sufficient to form a belief as to the true of the averments in this paragraph and therefore denies the same.
4. Opposer admits that Applicant is the record owner of Reg. No. 1,889,241 in the U.S. Patent and Trademark Office records, but otherwise denies the averments in this paragraph and leaves Applicant to its burden of proving its ownership of Reg. No. 1,889,241.

5. Opposer is without information or knowledge sufficient to form a belief as to the true of the averments in this paragraph and therefore denies the same.

6. Admitted. Opposer's application for the "Winter Quest" trademark matured to registration on November 21, 2006.

7. Opposer is without information or knowledge sufficient to form a belief as to the true of the averments in this paragraph and therefore denies the same.

8. Denied.

9. Denied.

10. Denied

#### **Affirmative Defenses**

1. Opposer raises the following Affirmative Defenses: laches, acquiescence, and abandonment.

Wherefore, Opposer prays that Applicant's Counterclaim for cancellation of Opposer's Reg. No. 1,889,241 be dismissed with prejudice.

Respectfully submitted,

Dated: January 10, 2007

s/Jordan A. LaVine/  
Jordan A. LaVine, Esquire  
FLASTER/GREENBERG P.C.  
1628 John F. Kennedy Blvd., Suite 1500  
Philadelphia, PA 19103  
Tel: (215) 279-9389  
Fax: (215) 279-9394  
ATTORNEYS FOR OPPOSER

**Certificate of Service**

I hereby certify that I served a true and correct copy of the foregoing Reply to Counterclaim via First Class Mail on counsel for the Applicant at the address indicated below on January 10, 2007:

Nicholas J. Valenziano, Jr.  
The Goodyear Tire & Rubber Company  
1144 East Market Street  
Akron, Ohio 44316

Dated: January 10, 2007

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