

ESTTA Tracking number: **ESTTA341936**

Filing date: **04/12/2010**

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

Proceeding	91193319
Party	Plaintiff Palm, Inc.
Correspondence Address	Connie L. Ellerbach, Esq. Fenwick & West LLP 801 California Street, Silicon Valley Center Mountain View, CA 94041 UNITED STATES trademarks@fenwick.com
Submission	Answer to Counterclaim
Filer's Name	Connie L. Ellerbach, Esq.
Filer's e-mail	trademarks@fenwick.com
Signature	/cle1087/
Date	04/12/2010
Attachments	Answer to Counterclaim for Cancellation.pdf ( 4 pages )(78754 bytes )

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

In the matter of  
Trademark Serial No. 77/691,186  
Filed: March 14, 2009  
Published: September 15, 2009  
Mark: TEO

Palm, Inc.	)	
	)	
Opposer and Respondent,	)	
	)	
vs.	)	Opposition No. 91193319
	)	
Hill, Stephen R.	)	
	)	
Applicant and Counterclaimant.	)	
	)	

**ANSWER TO COUNTERCLAIM FOR CANCELLATION**

Opposer and Respondent, Palm, Inc., by and through its attorneys, hereby admits, denies and pleads to the Counterclaim for Cancellation as follows:

1. Respondent admits the allegations contained in Paragraph 1 of the Counterclaim.
2. Respondent admits the allegations contained in Paragraph 2 of the Counterclaim.
3. Respondent denies each and every allegation contained in Paragraph 3 of the Counterclaim.

4. Respondent admits that it does not use the TREO mark identical products to those claimed in Applicant's Application Serial No. 77/691,186, but contends that that is irrelevant to whether Applicant's use and registration of the term TEO for such services is likely to lead to consumer confusion. Registrant denies the remaining allegations of Paragraph 4 of the Counterclaim.

5. Respondent denies each and every allegation contained in Paragraph 5 of the Counterclaim.

6. Respondent denies each and every allegation contained in Paragraph 6 of the Counterclaim.

**FIRST AFFIRMATIVE DEFENSE**

7. Respondent alleges that the Counterclaim fails to allege facts sufficient to entitle Petitioner to the remedy sought.

**SECOND AFFIRMATIVE DEFENSE**

8. Petitioner is barred from challenging Registration No. 3,689,699 by the doctrine of unclean hands.

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**WHEREFORE**, Respondent prays that Petitioner's Counterclaim for Cancellation be dismissed and that judgment be entered in favor of Registrant, Palm, Inc.

Dated: April 12, 2010

By:   
Connie L. Ellerbach, Esq.  
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Mountain View, California 94041  
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Attorney for Opposer and Respondent  
Palm, Inc.

PROOF OF SERVICE BY MAIL

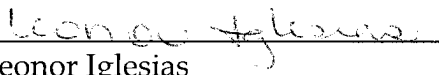
I declare that:

I am employed in the County of Santa Clara, California.

I am over the age of eighteen years and not a party to the within cause; my business address is Fenwick & West LLP, Silicon Valley Center, 801 California Street, Mountain View, CA 94041. On April 12, 2010, I served the within ANSWER TO COUNTERCLAIM FOR CANCELLATION on the interested parties in said cause, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Mountain View, California, addressed as follows:

Kalai Lau Wineland  
PATENTIQUE PLLC  
P.O. Box 5803  
Bellevue, WA 98006

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed at Mountain View, California, this 12 day of April, 2010.

  
\_\_\_\_\_  
Leonor Iglesias