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Filing date: **12/10/2015**

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

Proceeding	91217436
Party	Defendant Hanginout, Inc.
Correspondence Address	ANDREW D SKALE MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO PC 3580 CARMEL MOUNTAIN RD, SUITE 300 SAN DIEGO, CA 92130-6768 UNITED STATES adskale@mintz.com
Submission	Answer
Filer's Name	Matthew A. Becker
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Signature	/Matthew A. Becker/
Date	12/10/2015
Attachments	Answer to Amended Notice of Opposition.pdf(15235 bytes)

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

IN THE MATTER OF APPLICATION:

Serial No.: **85674801 / 85674799**
For the Mark: HANGINOUT / HANGINOUT & Design
Applicant: Hanginout, Inc.
Filed: July 12, 2012

Atty. Docket No. HIO 652.02

GOOGLE INC.,

Opposer,

vs.

HANGINOUT, INC.,

Applicant.

Opposition No.: 91217436 (parent)
Opposition No.: 91217437

**APPLICANT'S ANSWER AND AFFIRMATIVE DEFENSES TO
FIRST AMENDED COMBINED NOTICE OF OPPOSITION**

Applicant, HANGINOUT, INC., (“Applicant”), by its undersigned counsel, hereby files its Answer and Affirmative Defenses to the Amended Notice of Opposition as follows:

ANSWER

1. Applicant is without information sufficient to form a belief as to the truth of the allegations contained in Paragraph 1, and, therefore, all such allegations are denied.
2. Applicant admits the allegations set forth in Paragraph 2 of the First Amended Combined Notice of Opposition.
3. Applicant admits the allegations set forth in Paragraph 3 of the First Amended Combined Notice of Opposition.

4. Applicant admits the allegations set forth in Paragraph 4 of the First Amended Combined Notice of Opposition.

5. Applicant admits the allegations set forth in Paragraph 5 of the First Amended Combined Notice of Opposition.

6. Applicant admits the allegations set forth in Paragraph 6 of the First Amended Combined Notice of Opposition.

7. Applicant denies the allegations set forth in Paragraph 7 of the First Amended Combined Notice of Opposition.

8. Applicant admits the allegations set forth in Paragraph 8 of the First Amended Combined Notice of Opposition.

9. Applicant admits the allegations set forth in Paragraph 9 of the First Amended Combined Notice of Opposition.

10. Applicant admits the allegations set forth in Paragraph 10 of the First Amended Combined Notice of Opposition.

11. Applicant denies the allegations set forth in Paragraph 11 of the First Amended Combined Notice of Opposition.

12. Applicant admits the allegations set forth in Paragraph 12 of the First Amended Combined Notice of Opposition.

13. Applicant denies the allegations set forth in Paragraph 13 of the First Amended Combined Notice of Opposition.

14. Applicant denies the allegations set forth in Paragraph 14 of the First Amended Combined Notice of Opposition.

15. Applicant denies the allegations set forth in Paragraph 15 of the First Amended Combined Notice of Opposition.

16. Applicant denies the allegations set forth in Paragraph 16 of the First Amended Combined Notice of Opposition.

17. Applicant denies the allegations set forth in Paragraph 17 of the First Amended Combined Notice of Opposition.

18. Applicant denies the allegations set forth in Paragraph 18 of the First Amended Combined Notice of Opposition.

19. Applicant admits the allegations set forth in Paragraph 19 of the First Amended Combined Notice of Opposition.

20. Applicant denies the allegations set forth in Paragraph 20 of the First Amended Combined Notice of Opposition.

AFFIRMATIVE DEFENSES

1. The First Amended Combined Notice of Opposition should be dismissed for failure to state a claim upon which relief can be granted.

2. Applicant has priority of use of its Mark over Opposer's mark and, therefore, Opposer's Opposition should be dismissed and Applicant's Mark should be granted registration.

3. Opposer's claims are barred as it does not have priority in the alleged mark over Applicant.

4. Opposer lacks standing to assert the claim in this Opposition.

5. Opposer's claims are barred by its unclean hands.

6. Opposer's Opposition is barred by principles of equity and fairness, including estoppel and/or laches.

7. Opposer's claims are barred by the doctrine of acquiescence.

8. This Opposition is still in its preliminary stages, and Applicant reserves all further Affirmative Defenses that are or may become available.

WHEREFORE, the First Amended Combined Notice of Opposition in this matter should be denied and Applicant's application should proceed through prosecution to registration.

Dated: December 10, 2015

Respectfully submitted,

/s/ Matthew A. Becker

MATTHEW A. BECKER
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PROOF OF SERVICE BY MAIL

I hereby declare:

I am over the age of 18 years and am not a party to this action. I am employed in San Diego, County. My business address is 1003 Isabella Avenue, Coronado, CA 92118.

On the date first written below, I served a true and correct copy of the attached document entitled:

**APPLICANT'S ANSWER AND AFFIRMATIVE DEFENSES TO
FIRST AMENDED COMBINED NOTICE OF OPPOSITION**

by causing it to be placed in a sealed envelope and deposited in the United States mail, first class postage fully prepaid and addressed to the following:

Matthew J. Snider
DICKINSON WRIGHT PLLC
International Square
1875 Eye Street, NW
Suite 1200
Washington, DC 20006

Dated: December 10, 2015

/s/ Matthew A. Becker

Matthew A. Becker