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

Proceeding	91217436
Party	Plaintiff Google Inc.
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Date	08/29/2018
Attachments	Opposers Reply_brief.pdf(212350 bytes)

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

GOOGLE LLC,)	
)	
)	Opposition No. 91217436 (parent)
Opposer,)	Opposition No. 91217437
)	
v.)	Application Ser. Nos. 85/674,799
)	and 85/674,801
HANGINOUT, INC.)	
)	
Applicant.)	

OPPOSER’ S REPLY BRIEF

Opposer, Google LLC¹ (hereinafter “Google” or “Opposer”) timely filed its Main Brief in this case on July 16, 2018.

Applicant’s Trial Brief was due August 15, 2018. It did not file a brief. Although a defendant in an opposition proceeding is not required by rule or statute to file a main brief, Applicant’s failure to do so here nevertheless is telling. Obviously, Applicant does not believe that it has a viable defense to Opposer’s claims: Applicant simply cannot point to or produce a single legitimate specimen showing use of its marks on or before the filing date of its applications.

This conclusion is inescapable given the evidentiary record and Applicant’s behavior before the Trademark Office. If Applicant *had* used its marks on or before the application date, it would have had no trouble producing legitimate specimens of use – not only during prosecution of its applications but also in this proceeding. Applicant instead went to great lengths to fabricate

¹ Formerly “Google Inc.”

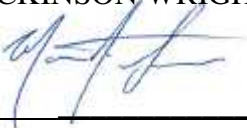
specimens in order to pull the wool over the Trademark Office's eyes for the purpose of securing registration. Now, when called to task on this behavior, Applicant has nothing to say for itself. Applicant has offered neither evidence nor argument in refutation of Opposer's fraud claim. Applicant has likewise offered neither evidence nor argument in refutation of Opposer's claim that its applications should be declared void *ab initio* for failure to demonstrate use in commerce.

I. CONCLUSION

For the reasons set forth above and in Opposer's Main Brief, this opposition should be sustained, and registration denied to Applicant.

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Dated: August 29, 2018


CERTIFICATE OF SERVICE

I hereby certify that on August 29, 2018, I served a true and correct copy of Opposer's

Reply Brief via electronic mail to:

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Dated: August 29, 2018



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