

ESTTA Tracking number: **ESTTA117377**

Filing date: **12/29/2006**

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

Proceeding	92046650
Party	Defendant French, Darin French, Darin No. 802-346, 930 Tahoe Blvd. Incline Village, NV 89451
Correspondence Address	French, Darin No. 802-346, 930 Tahoe Blvd. Incline Village, NV 89451 UNITED STATES
Submission	Answer
Filer's Name	Robert Simon
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Date	12/29/2006
Attachments	Answer TTAB-Auctoogle.pdf (6 pages)(19435 bytes)

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

3
4 GOOGLE, INC.,)
5)
6 Petitioner,) Cancellation No.: 92046650
7)
8 vs.)
9)
10 DARIN FRENCH,)
11)
12) Registration No.: 3,146,380
13) Filing Date: May 13, 2004
14) Registrant.) Registration Date: Sept. 19, 2006
15) Mark: AUCTOOGLE
16)

17 ANSWER TO PETITION FOR CANCELLATION

18 Registrant, Darin French, through his undersigned counsel, the Law Offices of Mark
19 Wray, hereby answers the *Petition for Cancellation* filed on October 27, 2006 as follows:

20 1. Lacks knowledge or information sufficient to form a belief as to the truth of the
21 allegations of paragraph 1, and basing his denial thereon, denies each and every allegation
22 contained therein.

23 2. Denies the allegations of paragraph 2.

24 3. Lacks knowledge or information sufficient to form a belief as to the truth of the
25 allegations of paragraph 3, and basing his denial thereon, denies each and every allegation
26 contained therein.

27 4. Lacks knowledge or information sufficient to form a belief as to the truth of the
28 allegations of paragraph 4, and basing his denial thereon, denies each and every allegation
contained therein.

5. Lacks knowledge or information sufficient to form a belief as to the truth of the
allegations of paragraph 5, and basing his denial thereon, denies each and every allegation
contained therein.

6. Lacks knowledge or information sufficient to form a belief as to the truth of the
allegations of paragraph 6, and basing his denial thereon, denies each and every allegation
contained therein.

1 7. Lacks knowledge or information sufficient to form a belief as to the truth of the
2 allegations of paragraph 7, and basing his denial thereon, denies each and every allegation
3 contained therein.

4 8. Lacks knowledge or information sufficient to form a belief as to the truth of the
5 allegations of paragraph 8, and basing his denial thereon, denies each and every allegation
6 contained therein.

7 9. Lacks knowledge or information sufficient to form a belief as to the truth of the
8 allegations of paragraph 9, and basing his denial thereon, denies each and every allegation
9 contained therein.

10 10. Lacks knowledge or information sufficient to form a belief as to the truth of the
11 allegations of paragraph 10, and basing his denial thereon, denies each and every allegation
12 contained therein.

13 11. Lacks knowledge or information sufficient to form a belief as to the truth of the
14 allegations of paragraph 11, and basing his denial thereon, denies each and every allegation
15 contained therein.

16 12. Lacks knowledge or information sufficient to form a belief as to the truth of the
17 allegations of paragraph 12, and basing his denial thereon, denies each and every allegation
18 contained therein.

19 13. Lacks knowledge or information sufficient to form a belief as to the truth of the
20 allegations of paragraph 13, and basing his denial thereon, denies each and every allegation
21 contained therein.

22 14. Lacks knowledge or information sufficient to form a belief as to the truth of the
23 allegations of paragraph 14, and basing his denial thereon, denies each and every allegation
24 contained therein.

25 15. Admits the allegations of paragraph 15.

26 16. Admits the allegations of paragraph 16.

27 17. Admits the allegations of paragraph 17.

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1 18. Lacks knowledge or information sufficient to form a belief as to the truth of the
2 allegations of paragraph 18, and basing his denial thereon, denies each and every allegation
3 contained therein.

4 19. Denies the allegations of paragraph 19.

5 20. Lacks knowledge or information sufficient to form a belief as to the truth of the
6 allegations of paragraph 20, and basing his denial thereon, denies each and every allegation
7 contained therein.

8 21. Lacks knowledge or information sufficient to form a belief as to the truth of the
9 allegations of paragraph 21, and basing his denial thereon, denies each and every allegation
10 contained therein.

11 22. Lacks knowledge or information sufficient to form a belief as to the truth of the
12 allegations of paragraph 22, and basing his denial thereon, denies each and every allegation
13 contained therein.

14 23. Lacks knowledge or information sufficient to form a belief as to the truth of the
15 allegations of paragraph 23, and basing his denial thereon, denies each and every allegation
16 contained therein.

17 24. Lacks knowledge or information sufficient to form a belief as to the truth of the
18 allegations of paragraph 24, and basing his denial thereon, denies each and every allegation
19 contained therein.

20 25. Lacks knowledge or information sufficient to form a belief as to the truth of the
21 allegations of paragraph 25, and basing his denial thereon, denies each and every allegation
22 contained therein.

23 26. Denies the allegations of paragraph 26.

24 27. Lacks knowledge or information sufficient to form a belief as to the truth of the
25 allegations of paragraph 27, and basing his denial thereon, denies each and every allegation
26 contained therein.

27 28. Denies the allegations of paragraph 28.

28 29. Denies the allegations of paragraph 29.

1 30. Denies the allegations of paragraph 30.

2 31. Lacks knowledge or information sufficient to form a belief as to the truth of the
3 allegations of paragraph 31, and basing his denial thereon, denies each and every allegation
4 contained therein.

5 32. Lacks knowledge or information sufficient to form a belief as to the truth of the
6 allegations of paragraph 32, and basing his denial thereon, denies each and every allegation
7 contained therein.

8 33. Denies the allegations of paragraph 33.

9 34. Denies the allegations of paragraph 34.

10 35. Denies the allegations of paragraph 35.

11 36. Denies the allegations of paragraph 36.

12 37. Denies the allegations of paragraph 37.

13 As and for separate and affirmative defenses, Registrant alleges:

14 FIRST AFFIRMATIVE DEFENSE

15 The Petition for Cancellation fails to state a claim upon which relief can be granted.

16 SECOND AFFIRMATIVE DEFENSE

17 Registrant's and Petitioner's relevant goods and services are sufficiently distinct, thus
18 avoiding any likelihood of confusion.

19 THIRD AFFIRMATIVE DEFENSE

20 Registrant's and Petitioner's marks are sufficiently distinct, thus avoiding any likelihood
21 of confusion.

22 FOURTH AFFIRMATIVE DEFENSE

23 No damage or injury has resulted, will result or can result from the continued registration
24 of Registrant's mark.

25 FIFTH AFFIRMATIVE DEFENSE

26 Petitioner is barred by the doctrines of laches and estoppel.

27 SIXTH AFFIRMATIVE DEFENSE

28 The registration and use of the trademark was done in good faith.

