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

Proceeding	92048742
Party	Defendant Weather Channel, Inc., The
Correspondence Address	Weather Channel, Inc., The 300 Interstate North Parkway Atlanta, GA 30339 UNITED STATES
Submission	Answer
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Date	02/25/2008
Attachments	WEATHERQUEST - Answer to Petition to Cancel.pdf ( 3 pages )(16370 bytes )

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

QWEST COMMUNICATIONS )  
INTERNATIONAL INC., )  
 )  
Petitioner, )  
 ) Cancellation No. 92048742  
v. )  
 ) Reg. No. 2,660,469  
THE WEATHER CHANNEL, INC., ) For the mark WEATHERQUEST  
 )  
Registrant. )  
 )  
 )  
 )

**ANSWER TO PETITION TO CANCEL**

Registrant The Weather Channel, Inc. (“TWC”) files this Answer to Petition to Cancel the International Class 38 services from Reg. No. 2,660,469, filed by Petitioner Qwest Communications International Inc. (“Qwest”). Registrant denies any averments not expressly admitted and responds to the Petition to Cancel (the “Petition”) as follows:

In response to the first unnumbered paragraph of the Petition, TWC admits that Reg. No. 2,660,469 includes services in International Class 38. TWC denies that Reg. No. 2,660,469 is causing Qwest damage. TWC is without information or knowledge sufficient to form a belief as to the truth or falsity of the remaining allegations in the first unnumbered paragraph, and therefore denies such allegations.

1. TWC interprets Qwest’s use of the term “Opposer” to refer to Petitioner, Qwest. TWC denies that Qwest filed the referenced application, rather, records from the PTO seem to indicate that Quest Communications Corporation filed the application. TWC denies that Reg. No. 1,966,694 was registered for the services Qwest claims, however, the error appears to be nonsubstantive and typographical in nature. TWC is without information or knowledge

sufficient to form a belief as to the truth or falsity of the remaining allegations in paragraph 1, and therefore denies such allegations.

2. TWC interprets Qwest's use of the term "Opposer" to refer to Petitioner, Qwest. The application for Serial No. 75/384,354 was not attached to the Petition, and TWC is without information or knowledge sufficient to identify the entity who applied for Serial No. 75/384,354 or the services identified in the application. TWC denies that Reg. No. 2,210,992 is for the mark QWEST, rather it appears that the registration is for the mark QWEST (stylized). TWC denies that Reg. No. 2,210,992 was registered for the services Qwest claims, however, the errors appear to be nonsubstantive and typographical in nature. TWC is without information or knowledge sufficient to form a belief as to the truth or falsity of the remaining allegations in paragraph 2, and therefore denies such allegations.

3. TWC denies the allegations in paragraph 3 of the Petition.

4. TWC denies the allegations in paragraph 4 of the Petition.

#### **FIRST AFFIRMATIVE DEFENSE**

Qwest's claim asserted in the Petition fails to state a claim upon which relief can be granted.

#### **SECOND AFFIRMATIVE DEFENSE**

Qwest's claim asserted in the Petition fails for lack of standing.

#### **THIRD AFFIRMATIVE DEFENSE**

Qwest's claim asserted in the Petition is barred by the doctrine of laches.

#### **FOURTH AFFIRMATIVE DEFENSE**

Qwest's claim asserted in the Petition is barred by the doctrine of estoppel.

**FIFTH AFFIRMATIVE DEFENSE**

Qwest's claim asserted in the Petition is barred by the doctrine of acquiescence.

TWC reserves the right to amend its Answer to add additional or other affirmative defenses or to delete or withdraw affirmative defenses as may become necessary after a reasonable opportunity for appropriate discovery.

WHEREFORE, TWC prays that the Petition be dismissed and that TWC's registration be maintained in full.

Dated: February 25, 2008

Respectfully submitted,

/Alex S. Fonoroff/  
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**CERTIFICATE OF SERVICE**

This is to certify that on February 25, 2008, a true and correct copy of the foregoing ANSWER TO PETITION TO CANCEL was electronically filed with the Trademark Trial and Appeal Board and served on the following attorney of record via first-class mail:

Gretchen L. Testerman  
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