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

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|---------------------------|---|
| Proceeding | 92049206 |
| Party | Defendant FACEBOOK, INC. |
| Correspondence Address | FACEBOOK, INC. 156 UNIVERSITY AVENUE PALO ALTO, CA 94301 UNITED STATES |
| Submission | Answer |
| Filer's Name | Anne H. Peck |
| Filer's e-mail | peckah@cooley.com |
| Signature | /anne h. peck/ |
| Date | 05/27/2008 |
| Attachments | ANSWER_20080527_144859.pdf (5 pages)(111714 bytes) |

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

THINK COMPUTER CORPORATION

Petitioner,

v.

FACEBOOK, INC.,

Respondent.

Cancellation No. 92049206

Mark: FACEBOOK

Reg. No. 3,122,052

Reg. Date: July 25, 2006

**REGISTRANT'S ANSWER TO PETITION FOR CANCELLATION
AND AFFIRMATIVE DEFENSES**

Facebook, Inc. ("Registrant"), for its answer to the Petition for Cancellation filed by Think Computer Corporation ("Petitioner") against Registrant's trademark FACEBOOK (the "Mark"), Registration No. 3,122,052, filed February 24, 2005, published in the *Official Gazette* October 4, 2005, and issued July 25, 2006, pleads as follows:

ANSWER

Preamble: Answering the preamble on page 1 of the Petition for Cancellation, Registrant is without information or belief sufficient to admit or deny the allegations concerning Petitioner's organization, location, and/or belief with respect to the Mark and, on that basis, denies those allegations and further denies that Petitioner will be damaged by continued registration of the Mark.

1. Registrant admits the allegations in Paragraph 1.

2. Registrant lacks information or belief sufficient to admit or deny the allegations in Paragraph 2, and on that basis denies those allegations and demands proof thereof.

3. Registrant lacks information or belief sufficient to admit or deny the allegation in Paragraph 3, and on that basis denies that allegation and demands proof thereof.

4. Registrant lacks information or belief sufficient to admit or deny the allegation in Paragraph 4, and on that basis denies that allegation and demands proof thereof.

COUNT I

(Priority of Use and Likelihood of Confusion)

5. Registrant restates and incorporates by reference its answers to the allegations contained within Paragraphs 1 through 4.

6. Registrant lacks information or belief sufficient to admit or deny the allegations in Paragraph 6, and on that basis denies those allegations and demands proof thereof.

7. Registrant lacks information or belief sufficient to admit or deny the allegations in Paragraph 7, and on that basis denies those allegations and demands proof thereof.

8. Registrant denies the allegations in Paragraph 8.

9. Registrant denies the allegations in Paragraph 9.

10. Registrant lacks information or belief sufficient to admit or deny the allegations in Paragraph 10, and on that basis denies those allegations and demands proof thereof.

COUNT II

(Genericness)

11. Registrant restates and incorporates by reference its answers to the allegations contained within Paragraphs 1 through 4.

12. Registrant lacks information or belief sufficient to admit or deny the allegations in Paragraph 12, and on that basis denies those allegations and demands proof thereof.

13. Registrant denies the allegations in Paragraph 13.

AFFIRMATIVE DEFENSES

In asserting the following affirmative defenses, Registrant does not concede that it has the burden of proof as to each of them.

1. The Petition for Cancellation fails to state a basis for the relief sought.
2. The Petition for Cancellation is barred by the doctrines of waiver, laches, and estoppel.
3. The Petition for Cancellation is barred by the doctrine of unclean hands.
4. Petitioner lacks standing to cancel registration of the Mark in that Petitioner does not have rights, superior or otherwise, sufficient to support the Petition for Cancellation of Registrant's rights in Registrant's famous Mark.
5. Petitioner lacks standing to cancel registration of the Mark in that Petitioner has abandoned any interest it may have had in its alleged marks "FACEBOOK," "FACE BOOK," "UNIVERSAL FACE BOOK," and "FACENET."
6. Petitioner lacks standing to cancel registration of the Mark in that Petitioner has knowingly acquiesced to registration of the Mark.
7. Petitioner lacks standing to cancel registration of the Mark in that Petitioner is not likely to be damaged by the continued registration of the Mark.

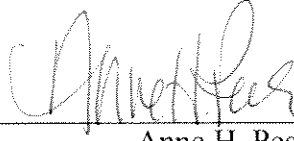
WHEREFORE, Registrant requests that the Petition for Cancellation be dismissed in its entirety and that Registrant's mark FACEBOOK in International Classes 35 and 38 remain in good standing.

ANSWER TO PETITION FOR CANCELLATION
CANCELLATION NO. 92049206

Dated: May 27, 2008

COOLEY GODWARD KRONISH LLP
MICHAEL G. RHODES (116127)
ANNE H. PECK (124790)
EMILY F. BURNS (228123)

By:



Anne H. Peck (124790)

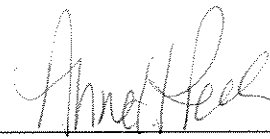
Attorneys for Respondent

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Registrant's ANSWER TO PETITION FOR CANCELLATION AND AFFIRMATIVE DEFENSES was mailed, first-class postage prepaid, to Petitioner:

Think Computer Corporation
Attn: Aaron Greenspan
884 College Avenue
Palo Alto, CA 94306-1303

Date: May 27, 2008



Anne H. Peck (124790)