

ESTTA Tracking number: **ESTTA286910**

Filing date: **06/01/2009**

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

Proceeding	92050224
Party	Defendant Taun Willis
Correspondence Address	Andrew P. Lahser Law Office of Andrew P. Lahser, PLC 13239 N. La Montana Drive, Suite 215 Fountain Hills, AZ 85268 UNITED STATES andrew@lahserpatent.com
Submission	Answer
Filer's Name	Andrew P. Lahser
Filer's e-mail	andrew@lahserpatent.com, andrew.lahser@azbar.org
Signature	/Andrew P. Lahser/
Date	06/01/2009
Attachments	20090531FirstAmendedAnswer.pdf (3 pages)(29307 bytes)

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

Patrick Klos)	
)	Cancellation No. 92050224
Petitioner)	
)	Registration No. 3,377,588
v.)	
)	Date of Issue: Feb. 2, 2008
)	
Taun Willis)	Subject Mark: PHISHCOPS
)	
Registrant)	
)	

**REGISTRANT'S FIRST AMENDED ANSWER TO
PETITION FOR CANCELLATION**

Registrant, Taun Willis, an individual with a mailing address of 10030 W. McDowell Rd #150-508, Avondale, AZ 85392, by and through his undersigned counsel, hereby respond to the petition for cancellation as follows:

Registrant is without knowledge or information sufficient to form a belief as to the unnumbered allegation of use of the term "phishcop.net" of the petition for cancellation and therefore denies the same.

Registrant is without knowledge or information sufficient to form a belief as to the unnumbered allegation of confusion between the mark PHISHCOPS and the term "phishcops.net" and therefore denies the same.

Registrant admits the unnumbered allegation that Registrant has demanded that Petitioner cease use of the term “phishcops.net”.

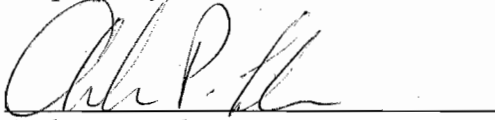
On information and belief, Registrant denies the unnumbered allegation that the Petitioner’s first use predates the Registrant’s first use.

AFFIRMATIVE DEFENSES

1. Respondent alleges that the grounds for opposition averred to in the unnumbered paragraph fail to state a claim for relief upon which relief can be granted.
2. Respondent alleges that the grounds for opposition set forth in the Notice of Opposition are barred by the equitable doctrine of unclean hands, laches, acquiescence and estoppel.
3. On information and belief, Respondent alleges Petitioner is not likely to be damaged by the registration of the mark PHISHCOPS, and therefore, lacks standing to cancel the registration of the same.
4. On information and belief, Respondent alleges Petitioner discontinued use of the term “phishcop.net”, and therefore, lacks standing to cancel the registration of the mark PHISHCOPS.
5. Respondent will assert any and all valid defenses which may be developed through discovery and/or the testimony periods in this Cancellation.

WHEREFORE, Registrant prays that the Cancellation be dismissed with prejudice.

Respectfully Submitted,

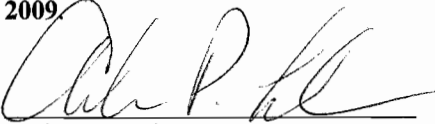


Andrew P. Lahser
Attorney for Registrant
Arizona Bar No. 56,559
Law Office of Andrew P. Lahser, PLC
13239 N. La Montana Drive, Suite 215
Fountain Hills, AZ 85268
andrew@lahserpatent.com
(480) 816-9383

June 1, 2009
Date

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being transmitted to the United States Patent and Trademark Trial and Appeal Board using the Electronic System of Trademark Trials and Appeals (ESTTA) on **June 1, 2009**.



Andrew P. Lahser

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **REGISTRANT'S FIRST AMENDED ANSWER TO PETITION OF CANCELLATION** been served on Brett Heavner, attorney for Mr. Klos, by mailing said copy on **June 1, 2009**, via first-class mail, postage prepaid to:

BRETT HEAVNER
Finnegan, Henderson, Farabow, Garrett & Dunner, LLP
901 New York Avenue, NW
Washington, DC 20001-4413



Andrew P. Lahser