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Filing date: **10/17/2011**

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

|                        |  |
|------------------------|--|
| Proceeding             | 92054465   |
| Party                  | Defendant<br>United Advertising Publications, Inc.   |
| Correspondence Address | SABINA A VAYNER<br>KILPATRICK TOWNSEND & STOCKTON LLP<br>1100 PEACHTREE STREET, SUITE 2800<br>ATLANTA, GA 30309-4528<br>UNITED STATES<br>svayner@ktslaw.com, jpowell@ktslaw.com, kteilhaber@htslaw.com,<br>tadmin@ktslaw.com |
| Submission             | Answer   |
| Filer's Name           | Sabina A. Vayner   |
| Filer's e-mail         | svayner@ktslaw.com, jpowell@ktslaw.com, tadmin@ktslaw.com,<br>kteilhaber@ktslaw.com  |
| Signature              | /Sabina A. Vayner/   |
| Date                   | 10/17/2011   |
| Attachments            | Ashamalla v. UAP - Answer and Affirmative Defenses.pdf ( 5 pages )(23826 bytes )   |

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

|                     |   |                                  |
|---------------------|---|----------------------------------|
| WADIE ASHAMALLA,    | ) |                                  |
|                     | ) | Cancellation No. 92054465        |
| Petitioner,         | ) |                                  |
|                     | ) | FORRENT.COM (Reg. No. 3,061,578) |
| v.                  | ) |                                  |
|                     | ) | FORRENT.COM (Reg. No. 3,510,549) |
| UNITED ADVERTISING  | ) |                                  |
| PUBLICATIONS, INC., | ) |                                  |
|                     | ) |                                  |
| Respondent.         | ) |                                  |

**RESPONDENT UNITED ADVERTISING  
PUBLICATIONS, INC.'S ANSWER AND AFFIRMATIVE DEFENSES**

In accordance with 37 C.F.R. § 2.114, Respondent United Advertising Publications, Inc. (“UAP”) sets forth the following Answer and Affirmative Defenses to the Petition for Cancellation filed by Petitioner Wadie Ashamalla (“Ashamalla”). Except as otherwise expressly admitted, UAP denies each and every allegation contained in the Petition for Cancellation.

As to the first unnumbered paragraph on page 1 of the Petition for Cancellation, UAP admits that it is the owner of Registration Nos. 3,061,578 and 3,510,549 of the FORRENT.COM mark. UAP also admits that Registration No. 3,061,578 covers services in Classes 35 and 36, was applied for by UAP, and was issued on February 28, 2006, and that Registration No. 3,510,549 covers goods in Class 16, was applied for by UAP on January 10, 2007, and was issued on October 7, 2008. UAP denies all remaining allegations contained in the first unnumbered paragraph on page 1 of the Petition for Cancellation.

As to the second unnumbered paragraph on page 1 of the Petition for Cancellation, UAP admits that Ashamalla has petitioned the Trademark Trial and Appeal Board for

cancellation of UAP's Registration Nos. 3,061,578 and 3,510,549. UAP is without sufficient knowledge or information to form a belief as to the truth of the allegations concerning Ashamalla's citizenship and residence and, therefore, denies the same. UAP denies all remaining allegations contained in the second unnumbered paragraph on page 1 of the Petition for Cancellation.

1. UAP is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 1 and, therefore, denies the same.

2. UAP is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 2 and, therefore, denies the same.

3. UAP admits that it is a corporation organized and existing under the laws of the State of Washington, but denies that its principal place of business is located at 100 W. Plume Street, Norfolk, Virginia 23510. UAP states that its principal place of business is instead located at 150 Granby Street, Norfolk, Virginia 23510.

4. UAP is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 4 and, therefore, denies the same.

5. UAP is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 5 and, therefore, denies the same.

6. UAP is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 6 and, therefore, denies the same.

7. UAP denies the allegations contained in Paragraph 7.

8. UAP denies the allegations contained in Paragraph 8.

9. UAP denies the allegations contained in Paragraph 9.

10. UAP denies the allegations contained in Paragraph 10.

11. UAP denies the allegations contained in Paragraph 11.

12. UAP admits that it has filed a lawsuit in the U.S. District Court for the Northern District of Georgia, captioned *United Advertising Publications, Inc. et al. v. Kinetoscope Media, Inc. et al.* (Civil Action. No. 1:11-CV-02403-RWS), in which it has alleged, *inter alia*, trademark infringement and unfair and deceptive trade practices as a result of the defendants' use of confusingly similar imitations of UAP's strong and well-known FOR RENT marks. UAP denies all remaining allegations contained in Paragraph 12.

13. UAP is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 13 and, therefore, denies the same.

14. UAP denies the allegations contained in Paragraph 14.

15. UAP is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 15 and, therefore, denies the same.

16. UAP admits that Ashamalla has petitioned the Trademark Trial and Appeal Board for cancellation of UAP's Registration Nos. 3,061,578 and 3,510,549 of the FORRENT.COM mark on grounds of genericness. UAP denies all remaining allegations contained in Paragraph 16.

As to the first unnumbered paragraph on page 4 of the Petition for Cancellation, UAP denies all allegations contained in this paragraph.

As to the second unnumbered paragraph on page 4 of the Petition for Cancellation, UAP admits that Ashamalla has petitioned the Trademark Trial and Appeal Board for cancellation of UAP's Registration Nos. 3,061,578 and 3,510,549.

**AFFIRMATIVE DEFENSES**

1. The Petition for Cancellation fails to state a claim upon which relief can be granted.
2. Ashamalla lacks standing to bring this cancellation action.
3. Ashamalla initiated this cancellation action for improper purposes.
4. Ashamalla's claims are barred in whole or in part by the doctrine of unclean hands.
5. UAP reserves the right to assert any additional affirmative defenses that may arise during the course of additional investigation and discovery.

WHEREFORE, UAP respectfully requests that Ashamalla's Petition for Cancellation be dismissed with prejudice.

This 17th day of October, 2011.

Respectfully submitted,



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Judith A. Powell  
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*Attorneys for Respondent  
United Advertising Publications, Inc.*

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

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| UNITED ADVERTISING  | ) |                                  |
| PUBLICATIONS, INC., | ) |                                  |
|                     | ) |                                  |
| Respondent.         | ) |                                  |

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing **Respondent United Advertising Publications, Inc.’s Answer and Affirmative Defenses** was served on Petitioner’s Attorney of Record and Correspondent Contact on October 17, 2011, via first-class mail addressed to:

David M. Adler, Esq.  
Leavens Strand Glover & Adler LLC  
203 N. LaSalle Street, Suite 2550  
Chicago, IL 60601



Sabina A. Vayner  
*Attorney for Respondent*

**CERTIFICATE OF TRANSMITTAL**

This is to certify that a true and correct copy of the foregoing **Respondent United Advertising Publications, Inc.’s Answer and Affirmative Defenses** is being filed electronically with the TTAB via ESTTA on this day, October 17, 2011.



Sabina A. Vayner  
*Attorney for Respondent*