

ESTTA Tracking number: **ESTTA554030**

Filing date: **08/14/2013**

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

Proceeding	92057287
Party	Defendant Ga2oo, LLC
Correspondence Address	GA200 LLC 6253 HOLLYWOOD BLVD LOS ANGELES, CA 90028 UNITED STATES vfu@lcpgl.com
Submission	Answer
Filer's Name	Counsel for GA200, LLC
Filer's e-mail	vfu@lcpgl.com
Signature	/Victor T. Fu/
Date	08/14/2013
Attachments	2013 08 14 - Answer to Petition to Cancel.pdf(104425 bytes)

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

Cancellation No. 92057287

Registration No. 4242726 for the mark: "PALENDAR"

PAPAYA MOBILE, INC.

Petitioner,

v.

GA200, LLC

Registrant.

ANSWER TO PETITION FOR CANCELLATION

Registrant GA200, LLC ("Registrant") hereby answers the Petition for Cancellation (the "Petition") submitted by Petitioner Papaya Mobile, Inc. ("Petitioner") as follows:

1. In response to Paragraph 1 of the Petition, Registrant is without sufficient information or knowledge concerning the allegations to form a belief as to the truth of the allegations and, therefore, denies the allegations.
2. In response to Paragraph 2 of the Petition, Registrant admits the allegations.
3. In response to Paragraph 3 of the Petition, Registrant admits the allegations.
4. In response to Paragraph 4 of the Petition, Registrant admits the allegations.

5. In response to Paragraph 5 of the Petition, Registrant admits the allegations.

6. In response to Paragraph 6 of the Petition, Registrant denies all allegations contained therein.

7. In response to Paragraph 7 of the Petition, Registrant incorporates its admissions, denials and objections to Paragraphs 1 through 6 above as though set forth herein in full.

8. In response to Paragraph 8 of the Petition, Registrant denies all allegations contained therein.

9. In response to Paragraph 9 of the Petition, Registrant denies all allegations contained therein.

10. In response to Paragraph 10 of the Petition, Registrant incorporates its admissions, denials and objections to Paragraphs 1 through 6 above as though set forth herein in full.

11. In response to Paragraph 11 of the Petition, Registrant denies all allegations contained therein.

AFFIRMATIVE DEFENSES

Registrant submits the following affirmative defenses to the Petition:

FIRST AFFIRMATIVE DEFENSE

(LACK OF STANDING)

12. Petitioner has not been and will not be damaged by Registrant's PALENDAR® trademark registration and, therefore, Petitioner lacks standing to petition to cancel the registration.

SECOND AFFIRMATIVE DEFENSE

(ESTOPPEL)

13. Petitioner is estopped from seeking to petition to cancel the registration.

THIRD AFFIRMATIVE DEFENSE

(WAIVER)

14. Petitioner has waived any right to petition to cancel the registration.

FOURTH AFFIRMATIVE DEFENSE

(UNCLEAN HANDS)

15. Petitioner's Petition is barred by the doctrine of unclean hands.

FIFTH AFFIRMATIVE DEFENSE

(FAILURE TO STATE A CLAIM)

16. Petitioner's Petition fails to state a claim upon which relief may be granted.

SIXTH AFFIRMATIVE DEFENSE

(ACQUIESCENCE)

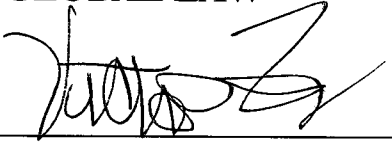
17. Petitioner has acquiesced in Registrant's adoption, registration of use of the mark that is the subject of the Petition.

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

Respectfully submitted,

DATE: August 14, 2013

LKP GLOBAL LAW

By: 

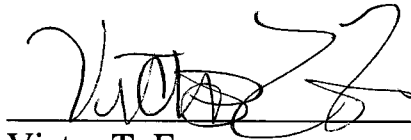
Victor T. Fu
Attorneys for Registrant,
GA200, LLC

CERTIFICATE OF SERVICE

I, the undersigned, declare that I served a true copy of the attached by causing a true copy thereof, enclosed in a sealed envelope, by placing said copy with U.S. mail, full postage paid, addressed to counsel of Petitioner, as follows:

Law Offices of Danning Jiang
271 North First Street
San Jose, California 95113

Executed on August 14, 2013 at Los Angeles, California.

A handwritten signature in black ink, appearing to read 'Victor T. Fu', written over a horizontal line.

Victor T. Fu
Attorneys for Registrant,
GA200, LLC