

ESTTA Tracking number: **ESTTA612710**

Filing date: **06/28/2014**

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

Proceeding	91199193
Party	Defendant Alejandro E. Del Real
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Submission	Other Motions/Papers
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Date	06/28/2014
Attachments	GTYSvCTXS_AnswerTo-ReqAdmissions-Dated_June-20-2012.pdf(69062 bytes) GTYSvCTXS_AnswerTo-Interrogatories-Dated_June-20-2012.pdf(1231763 bytes) GTYSvCTXS_AnswerTo-ReqForProduction-Dated_June-20-2012.pdf(81232 bytes)

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

CITRIX ONLINE LLC,)
Opposer,)
v.)
ALEJANDRO E. DEL REAL,)
Applicant.)

Consolidated Opposition No. 91199193 (Parent File)
Serial No. 85/029,036 (GOTOYOURSITE)

CITRIX ONLINE LLC,)
Petitioner,)
v.)
GOTOYOURSITE.COM, LLC,)
ALEJANDRO E. DEL REAL)
Respondent.)

Cancellation No. 92054768
*Registration Nos: 3523791, 3520471, 3505161,
3611297, 3611298, 3611296, 3611325, 3611299,
3611301, 3611327, 3608381, 3684966, 3520499,
3520480*

ALEJANDRO E. DEL REAL,)
Opposer,)
v.)
CITRIX ONLINE LLC,)
Applicant.)

Opposition No. 91204641
85430869 (GOTOMYPERSONALCLOUD)

Alejandro E. Del Real, Adcuent Inc.,
GoToYourSite.com LLC, and/or
GoToYourSite/MD Corporation

**ANSWER TO
CITRIX REQUEST FOR ADMISSIONS
DATED JUNE 20th 2013**

Alejandro E. Del Real, Adcuent Inc, **GoToYourSite.com LLC and/or**
GoToYourSite/MD Corporation (Collectively "GTYS") respond to Citrix' Request for
Admissions dated June 20th 2013 as follows.

Preliminary Response and General Objections

1) GTYS objects Citrix Online LLC's and Citrix Systems, Inc's references of any of
their respective marks, as their "GOTO Marks", "GOTO Mark", "GoTo Marks", and/or
"GoTo Mark", on the grounds that Citrix Online, LLC. nor Citrix Systems, Inc. own neither

the mark nor the term “GOTO”. Furthermore, GTYS, GoToYourSite.com, LLC. and GoToYourSite/MD Corporation are here protesting to the TTAB, about the marketing strategies from Citrix Online, LLC. and Citrix Systems, Inc. when using the term “GoTo” and/or “GOTO” alone in their marketing materials, with the purpose to abusively impose a “secondary meaning” in the marketplace, which does not exist.

2) GTYS objects to Citrix Online LLC’s Definitions and Instructions described in all Discovery Requests in the grounds that are confusing, abusive and that define an infinite and/or never ending response.

3) GTYS reserves the right to supplement, amend or correct all or any part of the responses and objections provided herein, and the right to object to the admissibility in evidence of all or any of the information and/or documents identified and any information contained therein.

4) GTYS makes no incidental or implied admissions by the responses below. Any admissions are specific and explicit.

5) GTYS objects to the requests for admission to the extent that they call for the disclosure of information that is subject to and protected by the attorney-client privilege, the attorney work-product privilege, or any other privilege. Inadvertent disclosure of information subject to any privilege does not waive the privilege as to other information or documents regarding the same subject or content and does not waive GTYS’s right to object to the introduction of such privileged information or documents into evidence.

6) GTYS objects to the request for admissions to the extent that they seek confidential, proprietary, or trade secret information.

7) GTYS expressly reserves the right to object to further discovery into the subject matter of any of these requests for admissions. GTYS further reserves the right to challenge the competency, relevance, materiality or admissibility of any information it refers to in its responses, and does not wave any objection which might otherwise be made.

8) GTYS objects to the request to admissions to the extent they seek to impose obligations on GTYS greater than those provided for by the applicable Federal Rules of Civil Procedure, TTAB orders and laws governing the proper scope of discovery, or seek information or documentation not within GTYS’s possession, custody or control.

9) GTYS objects to the requests for admissions to the extent that any of them call for “all”, “each”, “any” or “every”, on the grounds they are overly broad and unduly burdensome. It is impossible to represent, even after a reasonable and diligent search, that all, each, or every bit

of information falling within a description can be or has been assembled. Information or documents may be known by many people and may be kept in a myriad of locations and files. GTYS cannot warrant or represent that each or all or every bit of information requested has been provided, only that GTYS has disclosed that information which it could gather in response to Opposer's requests for admissions within the personal knowledge of the respondent.

10) GTYS objects to the requests for admission to the extent they create or imply a legal duty on GTYS which GTYS is otherwise not required to provide.

11) All of GTYS's general objections shall be deemed continuing throughout the responses to the specific Interrogatories that follow, even when not further referenced to in said requests for admissions.

ANSWER TO REQUESTS FOR ADMISSION

REQUEST NO. 1: Admit that Adcuent, Inc. is the owner of the registrations listed below:

Mark	Registration No.
GO TO YOUR	3,523,791
GO TO YOUR SITE	3,520,471
GOTOYOURSITE.COM	3,505,161
GOTOYOURSITE/ALUMNI	3,611,297
GOTOYOURSITE/COM	3,611,298
GOTOYOURSITE/EDU	3,611,296
GOTOYOURSITE/KIDS	3,611,325
GOTOYOURSITE/MOBI	3,611,299
GOTOYOURSITE/NAME	3,611,301
GOTOYOURSITE/TEENS	3,611,327
GTYS	3,608,381
GOTOYOURTV	3,684,966
GOTOCLEANINTERNET	3,520,499
GOTOGREENPLANET	3,520,480

Answer: Denied, the owner is GoToYourSite.com LLC

REQUEST NO. 2: Admit that Applicant Del Real controls use of the GOTOYOURSITE designation and controls the quality of the goods and services offered under the GOTOYOURSITE designation.

Answer: Denied, the owner is GoToYourSite.com LLC

REQUEST NO. 3: Admit that you were aware of Citrix Online LLC at the time you adopted the GOTOYOURSITE Marks.

Answer: Denied. GTYS was aware of marks, services and/or companies using the prefix “GoTo” and not owned nor operated by Citrix Online LLC and/or Citrix Systems Inc. GTYS was also aware that Citrix Systems Inc had no rights to the term “GoTo” alone.

REQUEST NO. 4: Admit that you were aware of Opposer’s Mark at the time you adopted the GOTOYOURSITE Marks.

Answer: Denied. GTYS was not aware of the existence of opposer.

REQUEST NO. 5: Admit that the services offered by you under the GOTOYOURSITE Marks are related to those offered under Citrix’s GOTO Mark.

Answer: Denied.

REQUEST NO. 6: Admit that the channels of trade for your services offered under the GOTOYOURSITE Marks are similar to those channels of trade for the goods and services offered in connection with Citrix’s GOTO Marks.

Answer: Denied to the extent that GTYS is not aware of the channels of trade from opposer.

REQUEST NO. 7: Admit that the consumers of your services offered under the GOTOYOURSITE Marks are likely to overlap with consumers of the goods and services offered in connection with Citrix’s GOTO Marks.

Answer: Denied to the extent that this request does not specify what is within the “GOTO marks”.

REQUEST NO. 8: Admit that your use of the GOTOYOURSITE Marks is likely to cause confusion as to source, affiliation or sponsorship of your services with those of Citrix.

Answer: Denied as the services are provided by GoToYourSite.com LLC and/or GoToYourSite/MD Corporation, which are a different legal entities from Citrix Online LLC and/or Citrix Systems Inc., therefore there is no confusion.

REQUEST NO. 9: Admit that your use of the GOTOYOURSITE Marks has caused confusion as to source, affiliation or sponsorship of your services with those of Citrix.

Answer: Denied as the services are provided by GoToYourSite.com LLC and/or GoToYourSite/MD Corporation, which are a different legal entities from Citrix Online LLC and/or Citrix Systems Inc., therefore there is no confusion.

By: /Alejandro E. Del Real/
Alejandro E. Del Real
Adcuent, Inc.
GoToYourSite.com, LLC
GoToYourSite/MD Corporation

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