

16. Bush admits that U.S. Trademark Registration No. 2,817,819 is based upon its use for furniture in Class 20 and retail store services in the field of furniture in Class 35.

17. Denied.

18. Bush incorporates by reference its responses to paragraphs 14-17 hereof as if set forth fully herein.

19. Bush admits only the averments contained in the first and second sentences of this paragraph. The remaining averments of this paragraph are denied.

20. Bush admits only the averments contained in the first sentence of this paragraph. The remaining averments of this paragraph are denied.

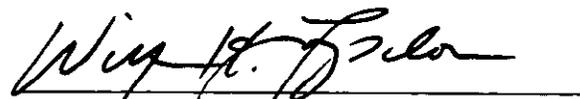
21. Denied.

WHEREFORE, Opposer Bush Industries, Inc, respectfully requests that the counterclaim for the cancellation of U.S. Trademark No. 2,817,819 be dismissed with prejudice, the opposition of U.S. Trademark Application No. 78/249,420 be sustained and that Bush Industries, Inc. be awarded its costs and attorneys fees.

Respectfully submitted,

WEBB ZIESENHEIM LOGSDON
ORKIN & HANSON, P.C.

Dated: June 25, 2004



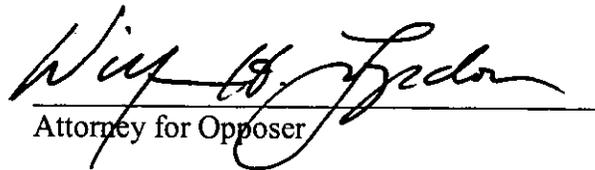
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Attorneys for Opposer

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of **OPPOSER'S ANSWER TO COUNTERCLAIM FOR CANCELLATION OF U.S. TRADEMARK REGISTRATION NO. 2,817,819** was served on June 25, 2004, by First Class Mail, postage prepaid, upon the following:

Lance J. Lieberman, Esq.
COHN, PONTANI, LIBERMAN & PAVANE
551 Fifth Avenue
New York, NY 10176


Attorney for Opposer

TTAB

Opposition No. 91160204

Date June 25, 2004
Case Docket No. 0137-043888

BOX TTAB
COMMISSIONER FOR TRADEMARKS
2900 CRYSTAL DRIVE
ARLINGTON, VA 22202-3513

Sir:

Transmitted herewith for filing with the United States Patent and Trademark
Office is:

REGISTRANT: Bush Industries, Inc.

FOR: Opposition of Trademark Application No. 78/249,420
for the mark "FURNITURE IN MOTION"

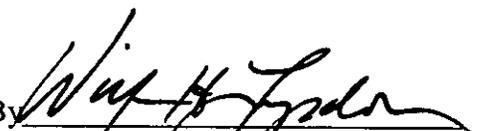
INCLUDING: Transmittal Form in Triplicate; Opposer's Answer to Counterclaim for
Cancellation of U.S. Trademark Registration No. 2,817,819 (3 pp.)

The Commissioner of Patents and Trademarks is hereby authorized to charge any
additional payment of the fees associated with this communication to Deposit Account No. 23-
0650. Please refund any overpayment to Deposit Account No. 23-0650.

The original and two copies of this transmittal sheet are enclosed.

Respectfully submitted,

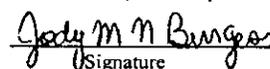
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By 

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I hereby certify that this correspondence is being deposited with the
United States Postal Service as first class mail in an envelope
addressed to the Commissioner for Trademarks, 2900 Crystal Drive,
Arlington, VA 22202-3513 on June 25, 2004

Jody M. N. Burgess
(Name of person mailing paper)

 6/25/04
Signature Date

{W0128451.1}

06-28-2004

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #72