

belief as to the truth of the remainder of the allegations contained in Paragraph 4 of the Notice of Opposition and, therefore, denies same.

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

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

7. Applicant admits the allegations contained in Paragraph 7 of the Notice of Opposition.

8. Applicant admits the allegations contained in Paragraph 8 of the Notice of Opposition.

9. Applicant denies the allegations contained in Paragraph 9 of the Notice of Opposition.

10. Applicant denies the allegations contained in Paragraph 10 of the Notice of Opposition.

11. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 11 of the Notice of Opposition and, therefore, denies same.

12. Applicant denies the allegations contained in Paragraph 12 of the Notice of Opposition.

13. Applicant denies the allegations contained in Paragraph 13 of the Notice of Opposition.

14. Applicant denies the allegations contained in Paragraph 14 of the Notice of Opposition.

15. Applicant denies the allegations contained in Paragraph 15 of the Notice of Opposition.

16. Applicant denies the allegations contained in Paragraph 16 of the Notice of Opposition.

17. Applicant denies the allegations contained in Paragraph 17 of the Notice of Opposition.

AFFIRMATIVE DEFENSES

18. Opposer has failed to state a claim upon which relief can be granted.

19. The goods of the parties are sufficiently distinct, unrelated and travel in different channels of trade so as to avoid a likelihood of consumer confusion.

20. The goods of the parties are unrelated.

21. The marks of the parties are sufficiently different as to appearance, sound, meaning, spelling and commercial impression as to avoid a likelihood of consumer confusion.

WHEREFORE, Applicant requests that Opposer's claims be dismissed, with prejudice, and the registration of the term LUMAX be allowed.

It is believed that no fee is required for filing this paper. In the event that any fee is required, the Commissioner of Trademarks is authorized to charge the underpayment or any fees in connection herewith to Deposit Account No. 13-2725.

JAN 21, 2005



Date

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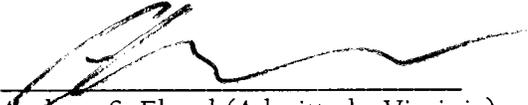
Attorneys for Applicant

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing APPLICANT'S ANSWER AND
AFFIRMATIVE DEFENSES has been served by first class mail, postage prepaid, this 21st day
January, 2005 as follows:

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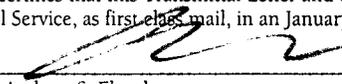
CPFilms Inc.,)
Opposer,)
)
v.) Opposition No. 91162122
Folia Tec Bohm GmbH & Co. Vertiebs KG,)
Applicant.)
)

78/210,594
73/137,983

Mark: LUMAX
Serial No.: 78/210,594
Docket Number: 11318.77-US-TA

Due Date: January 21, 2005

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described herein, are being deposited in the United States Postal Service, as first class mail, in an January 21, 2005.

By: 
Name: Andrew S. Ehard

Commissioner for Trademarks
P.C. Box 1451
Alexandria, Virginia 22313-1451

Dea Commissioner:

We are transmitting herewith the attached:

- Return postcard.
- Transmittal Sheet in duplicate containing Certificate Under 37 C.F.R. 1.8
- Applicant's Answer and Affirmative Defenses

Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate copy of this sheet is enclosed.

By: 
Name: Andrew S. Ehard
ASE/aes



01-25-2005

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(CONTESTED MATTER)