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

Proceeding	91169178
Party	Plaintiff AB Melka AB Melka ,
Correspondence Address	Timothy H Hiebert Samuels & Hiebert LLC Two International Place 23rd Fl Boston, MA 02110-4104 UNITED STATES hiebert@samuelsTM.com
Submission	Answer to Counterclaim
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Date	08/23/2006
Attachments	Answer to Counterclaim.PDF (3 pages)(56473 bytes)

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

AB MELKA

Opposer

v.

SUSAN MARY POYZER and
MICHAEL JAMES POYZER

Applicants

Opposition No. 91169178

Mark: TENSILE

Serial No. 78/387,272

OPPOSER AND COUNTERCLAIM DEFENDANT'S ANSWER TO COUNTERCLAIM

Opposer and Counterclaim Defendant AB Melka answers the counterclaim petition for cancellation as follows:

1. AB Melka admits that it has opposed Application Serial No. 78/387,272. AB Melka lacks sufficient knowledge or information to form a belief as to the remaining allegations contained in Counterclaim Paragraph No. 1, and therefore denies them.

2. AB Melka lacks sufficient knowledge or information to form a belief as to the allegations contained in Counterclaim Paragraph No. 2, and therefore denies them.

3. AB Melka admits the allegations contained in Counterclaim Paragraph No. 3.

4. AB Melka lacks sufficient knowledge or information to form a belief as to the allegations contained in Counterclaim Paragraph No. 4, and therefore denies them.

5. AB Melka lacks sufficient knowledge or information to form a belief as to the allegations contained in Counterclaim Paragraph No. 5, and therefore denies them.

6. AB Melka lacks sufficient knowledge or information to form a belief as to whether the Poyzers will be damaged by continued registration of the TENSON mark, and therefore denies the allegation of such damage. AB Melka denies the remaining allegations contained in Counterclaim Paragraph No. 6.

AFFIRMATIVE DEFENSES

The counterclaim fails to state a claim upon which relief can be granted.

The Poyzers are estopped by laches from petitioning to cancel AB Melka's registration.

WHEREFORE, AB Melka prays that the counterclaim petition for cancellation be rejected.

Respectfully submitted,

Date: August 23, 2006

/Timothy H. Hiebert/

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