

3. Answering paragraph 3 of the Petition to Cancel, Respondent does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.

4. Answering paragraph 4 of the Petition to Cancel, Respondent denies the allegations contained therein.

5. Answering paragraph 5 of the Petition to Cancel, Respondent does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.

6. Answering paragraph 6 of the Petition to Cancel, Respondent denies the allegations contained therein.

7. Answering paragraph 7 of the Petition to Cancel, Respondent denies the allegations contained therein.

8. Answering paragraph 8 of the Petition to Cancel, Respondent admits the allegations contained therein.

9. Answering paragraph 9 of the Petition to Cancel, Respondent does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.

10. Answering paragraph 10 of the Petition to Cancel, Respondent admits the allegations contained therein.

11. Answering paragraph 11 of the Petition to Cancel, Respondent admits that Registration No. 2,089,082 disclaims the phrase "Packaging Corporation" apart from the mark as shown, but denies the remaining allegations contained therein inasmuch as those allegations call for a legal conclusion.

12. Answering paragraph 12 of the Petition to Cancel, Respondent does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.

13. Answering paragraph 13 of the Petition to Cancel, Respondent does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.

14. Answering paragraph 14 of the Petition to Cancel, Respondent does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.

15. Answering paragraph 15 of the Petition to Cancel, Respondent denies the allegations contained therein.

16. Answering paragraph 16 of the Petition to Cancel, Respondent admits that its continuing ownership and maintenance of Registration No. 2,089,082 is *prima facie* evidence of its right to exclusive use of the mark that is the subject thereof in connection with the goods covered by the registration, but denies the allegations to the extent that they relate to Petitioner's "previously established right to exclusive use of the BELL trademark."

17. Answering paragraph 17 of the Petition to Cancel, Respondent admits that "legal presumptions" are created if it is "permitted to continue to maintain Registration No. 2,089,082," but denies the allegations to the extent that they relate to Petitioner's "superior rights to the BELL trademark and tradename."

18. Answering paragraph 18 of the Petition to Cancel, Respondent does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.

19. Answering paragraph 19 of the Petition to Cancel, Respondent does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.

AFFIRMATIVE DEFENSES

1. Respondent affirmatively alleges that Petitioner's claims are barred by the doctrine of laches.

2. Respondent affirmatively alleges that Petitioner's claims are barred by the doctrine of estoppel.

3. Respondent affirmatively alleges that Petitioner's claims are barred by the doctrine of acquiescence.

4. Respondent affirmatively further alleges that the differences between the parties' marks are sufficient that purchasers are not likely to be confused by the contemporaneous use (if any be found) of the marks, especially in view of the sophisticated nature of the purchasers of the parties' goods and the relative care with which they are likely to make their purchasing decisions.

5. Respondent affirmatively further alleges that the differences between the parties' goods are sufficient that purchasers are not likely to be confused by the contemporaneous use (if any be found) of the marks, especially in view of the sophisticated nature of the purchasers of the parties' goods and the relative care with which they are likely to make their purchasing decisions.

WHEREFORE, Respondent prays that this Cancellation be dismissed.

Respectfully submitted,

By: 
Anita Nesser

BAKER BOTTS, L.L.P.

ATTORNEYS FOR REGISTRANT
BELL PACKAGING CORPORATION

2001 Ross Avenue
Suite 600
Dallas, Texas 75201-2980
(214) 953-6500
Date: July 9, 2001

CERTIFICATE OF SERVICE

I hereby certify that the attached ANSWER OF REGISTRANT, BELL PACKAGING CORPORATION, TO PETITION TO CANCEL has been mailed to the following via first class mail, postage prepaid, this the 9th day of July, 2001:

J.W. Gipple
GIPPLE & HALE
P.O. Box 40513
Washington, D.C. 20016

By: Anita Nesser
Anita Nesser

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 in an envelope addressed to:
BOX TTAB NO FEE, 2900 Crystal Drive,
Arlington, Virginia 22202-3513 on July 9th,
2001.

Willie Jiles
Name

EL 498402452 US
Express Mail Cert. No.