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12-16-2002

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #73

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

-----X
PBI/GORDON CORPORATION

Petitioner,

Cancellation No.: 32,698

v.

Mark: PROFORM

GARFIELD WILLIAMSON, INC. and
BARENBRUG USA INC.;

Respondent.
-----X

ANSWER TO PETITION FOR CANCELLATION

Registrant, through its attorneys Baker & Rannells, alleges in response to the Petition For Cancellation as follows:

1. Admitted except that the marks and the registrations therefor were acquired by Barenbrug USA Inc., a corporation of the State of Oregon.
2. Denied as to Barenbrug USA and Barenbrug Northeast being the same entity. Registrant states that Barenbrug Northeast, Inc. is a corporation of the State of New Jersey and has no interest in the mark and registrations sought to be cancelled.
3. Registrant has insufficient knowledge upon which to form a belief concerning the allegations of paragraph 3 and leaves Petitioner to its proofs.
4. Registrant has insufficient knowledge upon which to form a belief concerning the allegations of paragraph 4 and leaves Petitioner to its proofs, except that Registrant admits the filing of application Ser. No. 76/261,239.
5. Registrant has insufficient knowledge upon which to form a belief concerning the allegations of paragraph 5 and leaves Petitioner to its proofs.
6. Admitted.
7. Denied.
8. Denied.
9. Denied.
10. Denied.
10. Denied.

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11. Denied.
12. Denied.
13. Denied.
14. Denied.
15. Registrant has insufficient knowledge upon which to form a belief concerning the allegations of paragraph 15 and leaves Petitioner to its proofs.

WHEREFORE, Registrant prays that the Petitioner for Cancellation initiated by the Petitioner against Reg. Nos. 1416325 and 1521173 be dismissed.

Respectfully submitted,

BAKER & RANNELLS



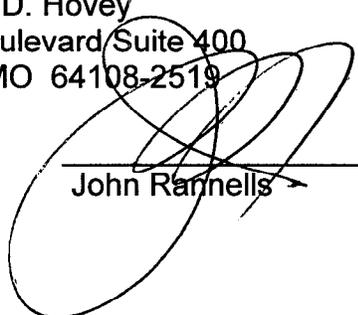
John Rannels
Attorney for Registrant
626 North Thompson St.
Raritan, NJ 08869
(908) 722-5640

Dated: December 12, 2002

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing ANSWER TO PETITION FOR CANCELLATION in re PBI/GORDON CORPORATION v. GARFIELD WILLIAMSON, INC. and BARENBRUG USA INC., Cancellation No. 32,698 was forwarded by first class postage pre-paid mail by depositing the same with the U.S. Postal Service on this 12th day of December, 2002 to the attorneys for the Petitioner at the following address:

Robert D. Hovey
2405 Grand Boulevard Suite 400
Kansas City, MO 64108-2519



John Rannels

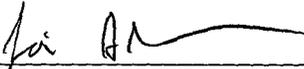
DATED: December 12, 2002

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202.

Date of deposit: December 12, 2002

Name of Registrant, Assignee,
or Registered Representative: Louis Sherman

Signature: 

Date of Signature: 12/12/02