

admits that its mark, STI CHEM-CLAV is used in connection with steam sterilization systems, and that the systems utilize chemicals, but denies that the systems can be properly characterized as "chemically enhanced steam sterilization systems."

3. In response to paragraph 3 of the petition, Respondent admits that a copy of the registration certificate for Registration No. 1,002,699 was attached to the petition as Exhibit II; that the registration was based on an application filed prior to the filing of Respondent's application and prior to the date of Respondent's claimed date of first use; that a copy of the renewal certificate for Registration No. 1,002,699 was attached to the petition as exhibit III; and that the registration and renewal certificate issued in the name of MDT Chemical Company (California corporation) and MDT Corporation (Delaware corporation) respectively. Respondent denies that Respondent's registered mark so resembles Petitioner's registered mark, as to be likely to cause confusion, or to cause mistake or to deceive. Respondent is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of paragraph 3.

4. In response to paragraph 4 of the petition, Respondent denies that the respective marks are similar and that the parties' goods are similar or related, and denies that Respondent's registered mark so resembles Petitioner's registered mark, as to be likely to cause confusion, or to cause mistake or to deceive. Respondent is without knowledge or information sufficient to form a belief as to the truth of the remaining averments of paragraph 4.

5. The allegations of paragraph 5 are admitted.

AFFIRMATIVE DEFENSES

6. On information and belief, the respective marks of Petitioner and Respondent have both been in use for more than six years without any instances of actual confusion.

7. Petitioner's mark CHEMICLAVE, and Respondent's mark STI CHEM-CLAV, are sufficiently dissimilar that their continued use by the parties on and in connection with the parties' respective goods is not likely to cause confusion or mistake, or to deceive.

8. Petitioner's goods, namely, "dental, medical and surgical sterilization apparatus," in class 10, and Respondent's goods, namely, "waste treatment installations," in class 11, are so dissimilar that the continued use by the parties of their respective marks on and in connection with their respective goods is not likely to cause confusion or mistake, or to deceive.

WHEREFORE Respondent requests that the petition for cancellation be denied and that the Respondent be granted such other and further relief as may be appropriate.

Respectfully submitted,
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing ANSWER TO PETITION FOR CANCELLATION AND AFFIRMATIVE DEFENSES has been sent by first-class mail, postage prepaid, to Edward R. Williams, Jr., attorney for petitioner, 10 Pleasant Street, Suite 300, Portsmouth, NH 03801, this 28th day of December, 2001.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to:

BOX TTAB - NO FEE
Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

on December 28, 2001.



George A. Smith, Jr.