

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

U.S. Pharmaceutical, Corporation)	
)	
Petitioner,)	
)	
v.)	
)	Cancellation No. 92040300
U.S. Pharmaceuticals, Inc.,)	
)	Box TTAB No Fee
Registrant)	
)	
)	


04-12-2002
U.S. Patent & TMO/TM Mail Rcpt Dt. #73

REGISTRANT'S ANSWER TO CANCELLATION

Registrant, U.S. Pharmaceuticals, Inc., by its attorney, hereby answers the allegations set forth in the Petition for Cancellation as follows:

FIRST DEFENSE

1. The Petition for Cancellation and each count thereof fails to state a claim upon which relief can be granted.

SECOND DEFENSE

2. Petitioner is estopped to assert the claims made in the Petition for Cancellation under the doctrines of laches and acquiescence.

THIRD DEFENSE

As and for specific answer to the specific allegations of the Petition, Registrant respectfully shows the Trademark Trial and Appeal Board as follows:

3. Registrant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 1 of the Petition for Cancellation and, therefore,

denies said allegations.

4. Registrant denies the allegations set forth in Paragraph 2 of the Petition for Cancellation.
5. Registrant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 3 of the Petition for Cancellation and, therefore, denies said allegation.
6. Registrant denies the allegations set forth in Paragraph 4 of the Petition for Cancellation.
7. Registrant denies the allegations set forth in Paragraph 5 of the Petition for Cancellation.
8. Registrant denies the allegations set forth in Paragraph 6 of the Petition for Cancellation.
9. Registrant denies the allegations set forth in Paragraph 7 of the Petition for Cancellation.
10. Registrant denies the allegations set forth in Paragraph 8 of the Petition for Cancellation.
11. Registrant denies the allegations set forth in Paragraph 9 of the Petition for Cancellation.
12. Registrant denies the allegations set forth in Paragraph 10 of the Petition for Cancellation.
13. Any allegation of the Petition not explicitly admitted above is denied and strict proof demanded thereof.

Wherefore, having made full answer to the Petition for Cancellation, Registrant requests

that the Petition for Cancellation be denied, that this action be dismissed with prejudice, and that
Registration No. 2,033,253 remain registered in the records of the U.S. Patent and Trademark
Office.

Respectfully submitted,

U.S. PHARMACEUTICALS, INC.

By:



Ira C. Edell

Alexander H. Buttermann

Attorneys for Registrant

EPSTEIN EDELL SHAPIRO FINNAN & LYTLE, LLC

1901 Research Boulevard, Suite 400

Rockville, Maryland 20850-3164

(301) 424-3640

CERTIFICATE OF SERVICE

I hereby certify that on the date set forth below, a true and correct copy of the foregoing Registrant's Answer to Cancellation Petition was served on the attorneys of record for Petitioner via the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to the following:

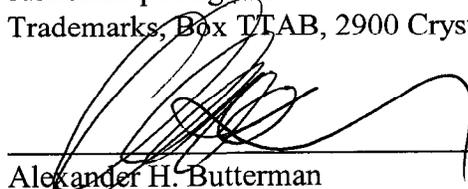
Theodore H. Davis Jr.
Christine M. Cason
KILPATRICK STOCKTON LLP
1100 Peachtree Street
Suite 2800
Atlanta, Georgia 30309-4530

Nancy L. McMullen
(Signature of person / mailing serving paper)

April 10, 2002
Date of Deposit

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to Assistant Commissioner for Trademarks, Box TTAB, 2900 Crystal Drive Arlington, Virginia 22202-3513 on April 10, 2002.


Alexander H. Buttermann

TTAB

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

In the Trademark Matter of:

Registration No. 2,033,253

Cancellation No. 92040300

Filing Date: January 28, 1997

Box TTAB NO FEE

Mark: U.S. PHARMACEUTICALS

Attorney Docket No. 2103.0005L

TRANSMITTAL



Assistant Commissioner for Trademarks
2900 Crystal Drive, Arlington, Virginia 22202-3513

04-12-2002

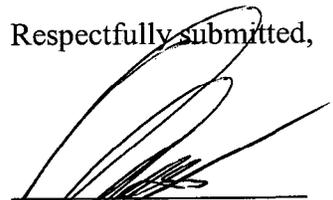
U.S. Patent & TMO/c/TM Mail Rcpt Dt. #73

Sir:

Enclosed herewith is a Registrant's Answer to Cancellation Petition and Certificate of Service filed on behalf of Registrant, U.S. Pharmaceuticals, Inc.

The Commissioner is also hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 05-0460.

Respectfully submitted,

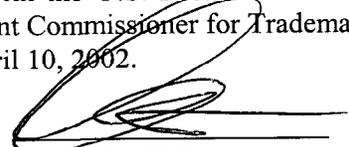

Alexander H. Butterman
Attorney for Applicant

02 APR 18 PM 5:22
TRADEMARK TRIAL AND APPEAL BOARD

EPSTEIN, EDELL, SHAPIRO, FINNAN & LYTLE, LLC
1901 Research Boulevard, Suite 400
Rockville, Maryland 20850
(301) 424-3640

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Alexander H. Butterman