

# Vinson & Elkins

Peter E. Mims pmims@velaw.com  
Tel 713.758.2732 Fax 713.615.5703

TTAB

January 5, 2007

*Via Certified Mail/R.R.R. 7002 0860 0003 5317 5937*

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

# 74 037 469

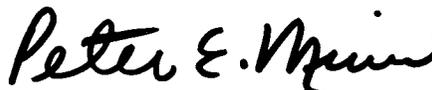
**Re: Cancellation No. 92/044104; Lee's Tackle, Inc. v. Taitex Enterprises Co.  
Reg. No. 1671682**

Dear Sir:

Please find enclosed for filing an original and three copies of Answer to Petition to Cancel.

Also, please acknowledge receipt of the enclosed document by date stamping the enclosed postcard and returning it to this office.

Sincerely yours,



Peter E. Mims

Encls.

cc: *Via Certified Mail/R.R.R. 7002 0860 0003 5317 5920*  
Mr. John Cyril Malloy III, Esq. (w/encl.)  
Mr. Andrew W. Ransom  
Malloy & Malloy, P.A.  
2800 S.W. Third Avenue  
Miami, Florida 33129

3086626v.1



01-08-2007

U.S. Patent & TMO/TM Mail Rcpt Dt. #34

Vinson & Elkins LLP Attorneys at Law  
Austin Beijing Dallas Dubai Hong Kong Houston  
London Moscow New York Shanghai Tokyo Washington

First City Tower, 1001 Fannin Street, Suite 2500  
Houston, TX 77002-6760  
Tel 713.758.2222 Fax 713.758.2346 [www.velaw.com](http://www.velaw.com)

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

_____	)	
Lee's Tackle, Inc.	)	
	)	
a Florida corporation,	)	
	)	
Petitioner	)	
	)	
vs.	)	Cancellation No. 92044104
	)	Reg. No. 1671682
Taitex Enterprises Co.	)	
	)	
a Texas Corporation,	)	
	)	
Registrant.	)	
_____	)	

**ANSWER TO PETITION TO CANCEL**

COME NOW Registrant, Taitex Enterprises Co. ("Taitex"), and file this its Answer to Petition to Cancel, and would show the Board as follows:

ANSWER

1. Taitex admits that it is a Texas corporation having a place of business at 10943 Day Road, Houston, Texas 77043 and that the '682 Registration was issued on the date and for the goods recited in the introductory paragraph of the Petition to Cancel. Taitex is without knowledge or information sufficient to form a belief as to the truth of the other assertions in the introductory paragraph of the Petition to Cancel, and thus Taitex denies them.
2. Taitex admits the assertion of paragraph 2 of the Petition to Cancel.
3. Taitex is without knowledge or information sufficient to form a belief as to the truth of the assertions in paragraph 3 to the Petition to Cancel, and thus Taitex denies each and every assertion in paragraph 3.

4. Taitex is without knowledge or information sufficient to form a belief as to the truth of the assertions in paragraph 4 to the Petition to Cancel, and thus Taitex denies each and every assertion in paragraph 4.

5. Taitex is without knowledge or information sufficient to form a belief as to the truth of the assertions in paragraph 5 to the Petition to Cancel, and thus Taitex denies each and every assertion in paragraph 5.

6. Taitex is without knowledge or information sufficient to form a belief as to the truth of the assertions in paragraph 6 to the Petition to Cancel, and thus Taitex denies each and every assertion in paragraph 6.

7. Taitex is without knowledge or information sufficient to form a belief as to the truth of the assertions in paragraph 7 to the Petition to Cancel, and thus Taitex denies each and every assertion in paragraph 7.

8. Taitex is without knowledge or information sufficient to form a belief as to the truth of the assertions in paragraph 8 to the Petition to Cancel, and thus Taitex denies each and every assertion in paragraph 8.

9. Taitex is without knowledge or information sufficient to form a belief as to the truth of the assertions in paragraph 9 to the Petition to Cancel, and thus Taitex denies each and every assertion in paragraph 9.

10. Taitex is without knowledge or information sufficient to form a belief as to the truth of the assertions in paragraph 10 to the Petition to Cancel, and thus Taitex denies each and every assertion in paragraph 10.

11. Taitex is without knowledge or information sufficient to form a belief as to the truth of the assertions in paragraph 11 to the Petition to Cancel, and thus Taitex denies each and every assertion in paragraph 11.

12. Taitex is without knowledge or information sufficient to form a belief as to the truth of the assertions in paragraph 12 to the Petition to Cancel, and thus Taitex denies each and every assertion in paragraph 12.

WHEREFORE, Taitex requests that Petitioner's petition to cancel be denied, and the Board grant Taitex such other relief to which Taitex may be entitled.

Respectfully submitted,

TAITEX ENTERPRISES CO.

By: Peter E. Mims

Peter E. Mims

Texas Bar No. 14173275

Cindy Y. Lee

Texas Bar No. 24036960

VINSON & ELKINS, L.L.P.

Attorney for Registrant

1001 Fannin Street, Suite 2300

Houston, Texas 77002

Telephone: (713) 758-2732

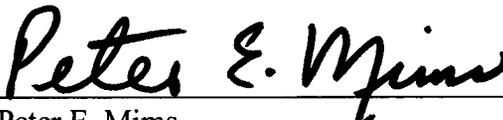
Facsimile: (713) 615-5703

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing ANSWER TO PETITION TO CANCEL has been served on Petitioner's counsel, John Cyril Malloy III, Esq., in accordance with the regulations applicable to this inter partes proceeding before the Trademark Trial and Appeal Board, including 37 C.F.R., by the following means:

- via First Class Mail, postage prepaid; and/or
- via First Class U.S. mail, post prepaid, sent Certified Mail, Return Receipt Requested; and/or
- via hand delivery (a) to the person being served or (b) by leaving a copy of the paper at said person's usual place of business, with someone in her employ; and/or
- via transmission by overnight courier; and/or
- via Express Mail Post Office to Addressee service of the U.S. Postal Service;

addressed to: John Cyril Malloy III, MALLOY & MALLOY, P.A., 2800 S.W. Third Avenue, Miami, Florida 33129; and Andrew W. Ransom, MALLOY & MALLOY, P.A., 2800 S.W. Third Avenue, Miami, Florida 33129, on this the 5<sup>th</sup> day of January, 2007.

  
\_\_\_\_\_  
Peter E. Mims