

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

MARKETQUEST GROUP, INC. (D/B/A ALL-
IN-ONE MFG., INC.

Petitioner,

v.

BIC CORPORATION,

Registrant.

Cancellation No. 92046316

Registration No. 2855077

Attorney Docket No. 401110-999692

TTAB

ANSWER AND AFFIRMATIVE DEFENSES

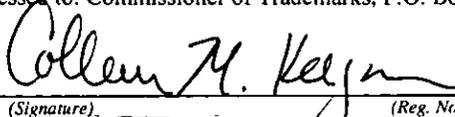
Registrant, Bic Corporation, by its attorneys, hereby answers the Petition to
Cancel as follows:

1. States that it is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1, and therefore denies the same.
2. Admits that Petitioner, MarketQuest Group, is the record owner of federal trademark application serial number 78/933,546, filed in International Class 16 in connection with "writing instruments, namely, pens, inks and delivery systems for writing instruments comprised of ink, balls and their housing", and alleges a first use date of January 2001. Except

CERTIFICATION UNDER 37 C.F.R. 1.10

I hereby certify that this paper is being deposited with the United States Postal Service as Express Mail, Label No. EV611707710US in the envelope addressed to: Commissioner of Trademarks, P.O. Box 1451, Alexandria, Virginia 22313-1451, on October 30, 2006.

Colleen M. Keegan
(Name)


(Signature)

(Reg. No.)

October 30, 2006
(Date of Signature)

as so admitted, applicant states that it is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 2, and therefore denies the same.

3. Admits that Registrant is a corporation having a place of business at 500 Bic Drive, Milford, Connecticut 06460, and is the owner of registration number 2,855,077 for EASY-GLIDE SYSTEM in International Class 16 in connection with “writing instruments, namely, pens, and inks and ink delivery systems for writing instruments comprised of ink, balls and their housing.” Except as so admitted, Registrant denies the remaining allegations in paragraph 3.

4. Admits that registration number 2,855,077 for EASY-GLIDE SYSTEM was filed on August 30, 2002, based on an intention-to-use, and assigned application serial number 78/159,491. Registration number 2,855,077 claims a date of first use and first use in commerce of November 21, 2003. Except as so admitted, Registrant denies the remaining allegations in in paragraph 4.

5. Denies the allegations of paragraph 5.

6. Denies the allegations of paragraph 6.

7. Denies the allegations of paragraph 7.

8. Denies the allegations of paragraph 8.

First Affirmative Defense

9. Petitioner’s claims are barred for failure to state a claim upon which relief may be granted.

Second Affirmative Defense

10. Petitioner’s claims are barred by reasons of laches, estoppel, and acquiescence.

Third Affirmative Defense

11. Upon information and belief, Petitioner lacks secondary meaning in the term EASY GLIDE for “writing instruments, namely, pens, inks and delivery systems for writing

instruments comprised of ink, balls and their housing” and lacked such secondary meaning at the time Petitioner filed application Ser. No. 78/933,546 for EASY GLIDE.

Fourth Affirmative Defense

12. Upon information and belief, the consumers of the parties’ respective products are different.

Fifth Affirmative Defense

13. Upon information and belief, the parties’ goods are sold through distinctly different and separate channels of trade.

Sixth Affirmative Defense

14. The commercial impression of the parties’ marks are distinguishable and convey different meanings in the marketplace.

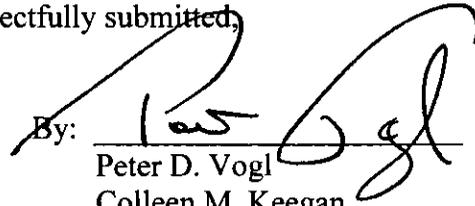
Seventh Affirmative Defense

15. Upon information and belief, Petitioner has not made proper trademark use of the designation EASY GLIDE in connection with each of the goods identified in application serial number 78/933,546.

WHEREFORE, Registrant prays that judgment be entered dismissing the Petition to Cancel herein.

Dated: October 30, 2006

Respectfully submitted,

By: 
Peter D. Vogl
Colleen M. Keegan

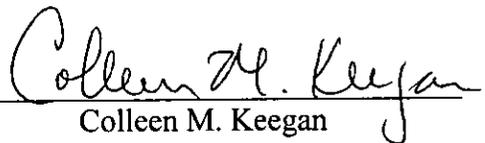
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New York, NY 10017
(212) 790-9090

Attorneys for Registrant
Bic Corporation

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of October, 2006, a copy of the foregoing **ANSWER AND AFFIRMATIVE DEFENSES** has been served upon the Petitioner by delivering the same via first class mail upon its counsel at the following address:

Todd A. Vaughn, Esq.
Breneman & Georges
3150 Commonwealth Avenue
Alexandria, Virginia 22305


Colleen M. Keegan