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

Proceeding	92051816
Party	Defendant GILSTER-MARY LEE CORPORATION
Correspondence Address	GILSTER-MARY LEE CORPORATION 1037 State Street, P.O. Box 227 Chester, IL 62233 UNITED STATES
Submission	Answer
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Date	01/19/2010
Attachments	answer.pdf (3 pages)(194577 bytes)

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

MALT-O-MEAL COMPANY)	
)	
Petitioner)	
)	
V.)	Cancellation No. 92051816
)	
)	
GILSTER-MARY LEE CORPORATION)	
)	
Registrant)	

ANSWER

Registrant, Gilster-Mary Lee Corporation, through its undersigned counsel, hereby answers the Petition for Cancellation as follows:

1. Petitioner admits the allegations of Paragraph 1 of the Petition.
2. Registrant denies that its Registration No. 3489085 is causing damage to Petitioner, and demands strict proof thereof; and further, is without sufficient information or knowledge to form a belief as to the truth of the remaining allegations set forth in paragraph 2 of the Petition, and therefore denies same.
3. Registrant denies the allegations of paragraph 3 of the Petition, and demands strict proof thereof.
4. Registrant is without sufficient information or knowledge to form a belief as to the truth of the allegations set forth in paragraph 4 of the Petition, and therefore denies same.

5. Registrant denies the allegations of paragraph 5 of the Petition and demands strict proof thereof.
6. Registrant denies the allegations of paragraph 6 of the Petition and demands strict proof thereof.
7. Registrant denies the allegations of paragraph 7 of the Petition and demands strict proof thereof.
8. Registrant denies the allegations of paragraph 8 of the Petition and demands strict proof thereof.

AFFIRMATIVE DEFENSES

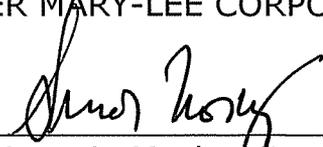
9. The Petition fails to state a claim upon which relief can be granted.
10. Registrant continues to use the CEREAL 2 GO trademark of Reg. No. 3489085 in connection with breakfast cereal, and heretofore has not ceased using the mark with an intent to abandon its use.

WHEREFORE, Registrant requests that the Petition for Cancellation be denied and dismissed with prejudice, and the Board order such other and further relief as it deems to be just and appropriate.

Respectfully submitted,

GILSTER MARY-LEE CORPORATION

By: _____


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Attorneys for Registrant

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of January, 2010, a true copy of the foregoing Answer was served by first-class mail, postage prepaid, upon counsel for Petitioner:

John A. Clifford, Esq.
Merchant & Gould P.C.
P.O. Box 2910
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