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Filing date: **02/15/2011**

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

Proceeding	92053426
Party	Plaintiff Bachmann Industries, Inc.
Correspondence Address	ROBERTA JACOBS-MEADWAY ECKERT SEAMANS CHERIN & MELLOTT LLC 50 SOUTH 16TH STREET, TWO LIBERTY PLACE 22ND FLOOR PHILADELPHIA, PA 19102 UNITED STATES rjacobsmeadway@eckertseamans.com, jmeadway@eckertseamans.com, smcconnell@eckertseamans.com
Submission	Answer to Counterclaim
Filer's Name	Roberta Jacobs-Meadway
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Signature	/Roberta Jacobs-Meadway/
Date	02/15/2011
Attachments	ANSWER TO COUNTERCLAIM TO CANCEL 92053426.PDF (5 pages) (209336 bytes)

as to the truth or falsity of the allegations of Paragraph 5 of the Counterclaim to Cancel and so denies the same and leaves Scientific to its proof.

6. The allegations of Paragraph 6 of the Counterclaim to Cancel are denied.

7. The allegations of Paragraph 7 of the Counterclaim to Cancel are denied.

8. The allegations of Paragraph 8 of the Counterclaim to Cancel are denied.

9. Bachmann denies that there was a discontinuation of use and denies that there was no intention to [resume] use as alleged in Paragraph 9 of the Counterclaim to Cancel.

10. Bachmann denies that there was any discontinuation of use to be resumed and denies that there is no present intention to [resume] use as alleged in Paragraph 10 of the Counterclaim to Cancel.

11. The allegations of Paragraph 11 of the Counterclaim to Cancel are denied.

12. The allegations of Paragraph 12 of the Counterclaim to Cancel are denied.

13. Bachmann admits that it has alleged a likelihood of confusion between the respective marks as applied to the goods identified in Scientific's registration which is the subject of this proceeding and specifically to "toys, namely, remote controlled, radio controlled, and battery operated vehicles, trains, and train sets" Except to the extent admitted, the allegations of Paragraph 13 of the Counterclaim to Cancel are denied.

14. The allegations of Paragraph 14 of the Counterclaim to Cancel are admitted.

15. The allegations of Paragraph 15 of the Counterclaim to Cancel are denied.

16. Bachmann admits that the registration issued with the goods identified therein. Except to the extent admitted, the allegations of Paragraph 16 of the Counterclaim to Cancel are denied.

17. Bachmann admits that Exhibit A is a printout of information from the PTO database showing what it shows. Except to the extent admitted, Bachmann is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of Paragraph 17 of the Counterclaim to Cancel and so denies the same and leaves Scientific to its proof.

18. Bachmann admits that Exhibit B is a printout of information from the PTO database showing what it shows. Except to the extent admitted, Bachmann is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of Paragraph 18 of the Counterclaim to Cancel and so denies the same and leaves Scientific to its proof.

19. The allegations of Paragraph 19 of the Counterclaim to Cancel are denied.

20. The allegations of Paragraph 20 of the Counterclaim to Cancel are denied.

21. The allegations of Paragraph 21 of the Counterclaim to Cancel are denied.

22. The allegations of Paragraph 22 of the Counterclaim to Cancel are denied.

23. The allegations of Paragraph 23 of the Counterclaim to Cancel are denied.

24. The allegations of Paragraph 24 of the Counterclaim to Cancel are denied.

25. The allegations of Paragraph 25 of the Counterclaim to Cancel are admitted.

26. The allegations of Paragraph 26 of the Counterclaim to Cancel are admitted.

27. Bachmann admits that Exhibit D is a printout of information from the PTO database showing what it shows. Except to the extent admitted, Bachmann is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of Paragraph 27 of the Counterclaim to Cancel and so denies the same and leaves Scientific to its proof.

28. The allegations of Paragraph 28 of the Counterclaim to Cancel are admitted.

29. The allegations of Paragraph 29 of the Counterclaim to Cancel are denied.
30. The allegations of Paragraph 30 of the Counterclaim to Cancel are denied.
31. The allegations of Paragraph 31 of the Counterclaim to Cancel are denied.
32. The allegations of Paragraph 32 of the Counterclaim to Cancel are denied.
33. Bachmann admits that the PTO has granted and maintained the registration.

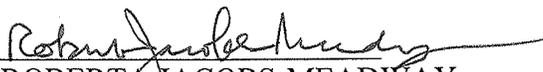
Except to the extent admitted, the allegations of Paragraph 33 of the Counterclaim to Cancel are denied.

34. The allegations of Paragraph 34 of the Counterclaim to Cancel are denied.
35. The allegations of Paragraph 35 of the Counterclaim to Cancel are denied.

WHEREFORE, Bachmann respectfully requests that the Counterclaim be dismissed with prejudice.

Respectfully submitted,

Date: February 15, 2011

By: 
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ATTORNEYS FOR PETITIONER/
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the attached Answer to Counterclaim to Cancel was served on the correspondent for Respondent/Counterclaim Petitioner below on the dated listed below via electronic mail and Federal Express Overnight mail.

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Date:

February 16, 2011

By:

Mary T. Boesenhofer
Mary T. Boesenhofer