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

In the matter of Application Serial No. 76/024,587 NEW BALANCE ATHLETIC SHOE, INC., Opposer, v. H. John Campaign, Applicant.	Opposition No. 91/122,837

06-14-2002
U.S. Patent & TMOfc/TM Mail Rcpt Dt. #74

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

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TRADEMARK TRIAL AND APPEAL BOARD

Certificate of First Class Mailing (37 CFR 1.8(a))

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: BOX TTAB NO FEE, Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513 on the date set forth below.

June 12, 2002
Date of Signature and of Mail Deposit

By: Thomas V. Smurzynski
Thomas V. Smurzynski
Reg. No. 24,798
Attorney for Opposer

OPPOSER'S OPPOSITION TO APPLICANT'S MOTION FOR JUDGMENT ON COUNTERCLAIM FOR CANCELLATION AND TO DISMISS THE NOTICE OF OPPOSITION

Opposer opposes Applicant's motion, which states that an answer to the counterclaim was never served on Applicant.

Opposer attaches as an exhibit to this paper a copy of its Answer to Cancellation Counterclaim, which was filed with the Trademark Trial and Appeal Board on February 15, 2002, well within the time set by the Board in its order of February 8, 2002, and a copy of which

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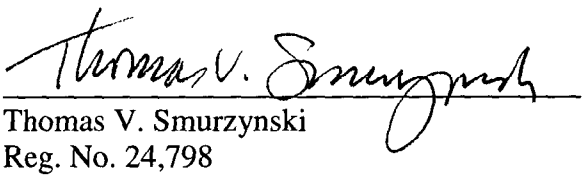
was served on Applicant by first class mail on February 15, 2002, as stated in the Certificate of Service on the Answer to Counterclaim.

Therefore, Opposer did serve its Answer to Counterclaim by mail on Applicant, and is not aware of any reason why it may not have been received by Applicant.

Applicant, at any rate, will receive the Answer to Counterclaim with service of this paper. Opposer requests that since it did all it could to serve the Answer to Counterclaim on February 15, 2002, Applicant's motion be denied.

Respectfully submitted,

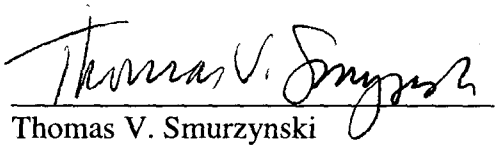


Thomas V. Smurzynski
Reg. No. 24,798
Attorney for Opposer
LAHIVE & COCKFIELD, LLP
28 State Street
Boston, MA 02109
(617) 227-7400

Dated: June 12, 2002

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing OPPOSER'S OPPOSITION TO APPLICANT'S MOTION FOR JUDGMENT ON COUNTERCLAIM FOR CANCELLATION AND TO DISMISS THE NOTICE OF OPPOSITION was served by first-class mail, postage prepaid, on Applicant, H. John Campaign, Esq., The Bar Building, 36 West 44th Street, New York, NY, 10036, on this 12th day of June, 2002.



Thomas V. Smurzynski

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

In the matter of Application Serial No. 76/024,587 NEW BALANCE ATHLETIC SHOE, INC., Opposer, v. H. John Campaign, Applicant.	Opposition No. 91122,837

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February 15, 2002
Date of Signature and of Mail Deposit

By: Thomas V. Smurzynski
Thomas V. Smurzynski
Reg. No. 24,798
Attorney for Opposer

ANSWER TO CANCELLATION COUNTERCLAIM

Opposer, New Balance Athletic Shoe, Inc., answers the Counterclaim for Cancellation as follows, the numbered paragraphs in this Answer corresponding to the numbered paragraphs in the Counterclaim:

5. Denied.

6. Denied.

7. Denied.

EXHIBIT

Wherefore, Opposer requests that the Counterclaim for Cancellation be dismissed.

Respectfully submitted,

Thomas V. Smurzynski
LAHIVE & COCKFIELD, LLP
28 State Street
Boston, MA 02109
(617) 227-7400

Attorney for Opposer
New Balance Athletic Shoe, Inc.

Dated: February 15, 2002

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing ANSWER TO CANCELLATION COUNTERCLAIM was served by first-class mail, postage prepaid, on Applicant, H. John Campaign, Esq., The Bar Building, 36 West 44th Street, Suite 1300, New York, NY, 10036, on this 15th day of February, 2002.

Thomas V. Smurzynski