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

Proceeding	91192554
Party	Plaintiff Cook Incorporated
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Submission	Answer to Counterclaim
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Date	01/14/2010
Attachments	3006-2799 Answer to Counter Claim.pdf ( 3 pages )(73781 bytes )

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

In the matter of trademark application Serial No. 77/625,209  
For the mark TRAPSAC  
Published in the Official Gazette on July 7, 2009

Cook Incorporated,  
Opposer

v.

Opposition No. 91192554

MTP Medical Technical Promotion GmbH,  
Applicant

ANSWER TO COUNTERCLAIM

In response to the Answer and Counter-Claim Petition to Cancel filed on December 14, 2009, by Applicant, MTP Medical Technical Promotion GmbH ("Applicant"), Opposer, Cook Incorporated ("Opposer"), hereby answers as follows:

1. Opposer is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 1 of the Petition to Cancel and therefore denies such allegations.

2. Admitted that Opposer is an Indiana corporation having an address of P.O. Box 489, Bloomington, Indiana, 47402, and is the current owner of U.S. Trademark Registration No. 1,790,969.

3. Admitted that Opposer filed a Notice of Opposition, designated No. 91192554, against Applicant's application to register the mark TRAPSAC. Admitted that Opposer is the owner of U.S. Trademark Registration No. 1,790,969 for the mark LAPSAC. All other allegations are denied.

4. Admitted that the goods identified in Opposer's U.S. Trademark Registration No. 1,790,969 for the mark LAPSAC include, drawstring surgical pouch used during surgery to remove organs and tissue, in International Class 10.

5. Denied.

6. Denied.

7. Denied.

8. Denied.

**AFFIRMATIVE DEFENSES**

1. Opposer's mark LAPSAC is not generic of Opposer's goods.


2. Opposer's mark LAPSAC has become distinctive of Opposer's goods.

3. Opposer's U.S. Trademark Registration No. 1,790,969 for the mark LAPSAC has acquired incontestable status.

WHEREFORE, Opposer requests that the Trademark Trial and Appeal Board dismiss the Petition to Cancel with prejudice.

Respectfully submitted,

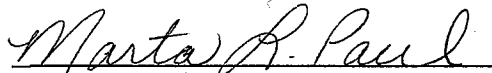
Cook Incorporated

By   
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Attorneys for Opposer  
Cook Incorporated

**CERTIFICATE OF SERVICE**

I hereby certify that on January 14, 2010, I served a copy of the foregoing ANSWER TO COUNTERCLAIM upon Applicant's Attorney of Record by depositing a copy thereof in the United States Mail, first class, postage prepaid and addressed as follows:

Wesley W. Whitmyer, Jr.  
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