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07-24-2002

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

U.S. Patent & TMO/TM Mail Rpt Dt. #26

In re: Trademark Registration No. 2,048,392
Registrant: S.M. Jaleel & Company Limited
Mark: **FRUTA**

LIBERTY IMPORTS USA, INC.
Petitioner,

vs.

S.M. JALEEL & COMPANY LIMITED
Respondent

)
)
) **CANCELLATION NO.: 92040678**
)
)
)

Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513
Attn: Trademark Trial and Appeal Board

Respondent's Answer to the Petition for Cancellation

In response to the Petition in this case, the Respondent answers the action identified above as follows:

TRADEMARK TRIAL AND
APPEAL BOARD
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- Respondent is without knowledge or information sufficient to form a belief as to the allegation that Petitioner is a Pennsylvania corporation or as to any information regarding Petitioner's address or place or places of business. Respondent denies that Petitioner has any trademark rights sufficient to justify a cancellation of Respondent's registration for its own **FRUTA** mark. Respondent denies that Petitioner is or will be damaged by the registration of Respondent's **FRUTA** mark under Reg. No. 2,048,392 (the "Registration") and denies that Petitioner has any legal

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ground for cancellation. Respondent further asserts that its mark should continue to be registered and that the instant cancellation petition should be dismissed with prejudice.

2. The allegations of Paragraph 2 are admitted.

3. Respondent is without knowledge or information sufficient to form a belief as to any of the allegations contained in Paragraph 3 of the Petition, and as a consequence those allegations stand denied. Respondent denies that its registered mark is likely to cause confusion, or to cause mistake or to deceive relative to any rights that may be owned by Petitioner with regard to its alleged trademark for “**dafruta (stylized)**.”

4. Respondent is without knowledge or information sufficient to form a belief as to any of the allegations contained in Paragraph 4 of the Petition, and as a consequence those allegations stand denied.

5. Respondent denies the allegations of Paragraph 5.

6. Respondent denies the allegations of Paragraph 6.

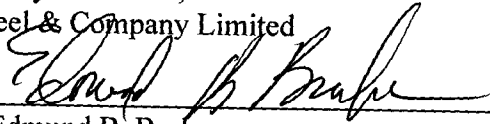
7. Respondent denies the allegations of Paragraph 7.

THEREFORE, Respondent respectfully requests that:

- (a) this cancellation proceeding be dismissed, with prejudice; and
- (b) Respondent prays for such other and further action from the Board as is deemed just and proper.

Respectfully submitted,
S.M. Jaleel & Company Limited

By: _____



Edmund B. Burke
Edmund B. Burke, LLC
Attorneys at Law
For Respondent **S.M. Jaleel & Co. Ltd.**
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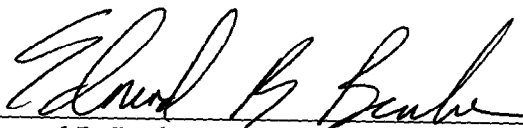
Date: July 23, 2002

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I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date and under the Express Mail mailing label specified above, and is addressed to the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513, Attn: TTAB.



Edmund B. Burke, Counsel for Respondent

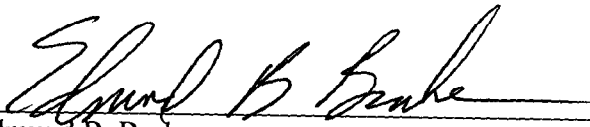
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Respondent's Answer to the Petition for Cancellation was sent by first class mail, postage prepaid, to

Sanford J. Pilch, Esq.
The Somach Building, Suite 201
1132 Hamilton Street
Allentown, PA 18101-1024

on this the 23 day of July, 2002.



Edmund B. Burke
Attorney for Respondent

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