

MAB



PATENTS  
15750-0530CAN

06-18-2003

U.S. Patent & TMO/TM Mail Rcpt Dt. #22

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

In the Matter of Trademark Registration No. 2,485,171  
Registered: September 4, 2001  
Mark: Factor X

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KENT INTERNATIONAL INC., )  
 )  
 )  
Petitioner )  
 )  
v. )  
 )  
HEDSTROM CORPORATION, )  
 )  
 )  
Registrant )  
\_\_\_\_\_ )

Cancellation No.: 92041969

Cesari and McKenna, LLP  
88 Black Falcon Avenue  
Boston, MA 02210  
June 18, 2003

**EXPRESS-MAIL DEPOSIT**

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X ANSWER



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Assistant Commissioner for Trademarks  
Box TTAB  
2900 Crystal Drive  
Arlington, VA 22202-3513  
June 18, 2003

**ANSWER**

Registrant, Hedstrom Corporation, hereby answers the like-numbered paragraphs of the petition as follows:

1. Admitted.
2. Admitted.
3. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 3 and therefore denies same.

4. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 4 and therefore denies same.
5. Registrant admits that Petitioner is the record owner of Application Serial No. 75/806,138. Registrant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 5 and therefore leaves Petitioner to its proof.
6. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 7 and therefore denies same.
7. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 7 and therefore denies same.
8. Denied.
9. Registrant denies that the goods of the parties are substantially related; Registrant admits the remaining allegation in paragraph 9.
10. Denied.
11. Denied.
12. Registrant has no knowledge of Petitioner's beliefs; Registrant denies that Petitioner will be damaged by the continuation of Reg. No. 2,485,171.
13. Admitted.

Affirmative Defense: Laches

The parties have apparently been marketing their respective goods under their respective marks for well over two years without any conflict and Registrant's registration of its mark issued 1 1/2 years ago. Since Petitioner knew or should have known of Registrant's registered mark at that time, Petitioner is guilty of laches in waiting so long to file its petition.

Respectfully submitted,  
CESARI AND MCKENNA, LLP



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John F. McKenna  
Attorney for Registrant  
88 Black Falcon Avenue  
Boston, MA 02210-2414  
(617) 951-2500

CERTIFICATE OF MAILING & SERVICE

I hereby certify that this ANSWER TO PETITION FOR CANCELLATION PURSUANT TO 15 U.S.C. SECTION 1064 (a) is being deposited by Express Mail on the date shown below with the U.S. Post Office Addressed to: Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513.

And I hereby certify that copy of said ANSWER was served via first class mail on the following attorneys of record for the Petitioner on June 18, 2003:

Stephen L. Baker, Esq.  
BAKER & RANNELLS  
626 North Thompson Street  
Raritan, NJ Zip1 08869

Date: 6/18/03

  
\_\_\_\_\_  
Assistant to Attorney for Registrant