

TTAB

MCCAIN-USA 10.5R-219

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

Advance Food Company, Inc., :
 :
 Petitioner, :
 :
 v. :
 :
 Anchor Food Products, Inc., :
 :
 Registrant. :
 _____ X

Cancellation No. 92042722



04-30-2004

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

Box TTAB No Fee
Commission for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514

ANSWER TO PETITION FOR CANCELLATION

Registrant, McCain Foods USA, Inc., by its undersigned attorneys, makes the following answer to the numbered paragraphs of the Petition for Cancellation:

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

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Trademark Trial and Appeal Board, Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3514 on April 27, 2004.

(Signature)

Robert B. Cohen

(Typed or Printed Name of Person Signing Certificate)

the same. Registrant admits that Petitioner has filed applications to register the marks MUNCHEZE and MUNCHEZE BREADED APPETIZERS and Design on the Principal Register of the U.S. Patent and Trademark Office.

3. Registrant is without knowledge or information sufficient to form a belief as to each of the allegations of paragraph 3, and therefore denies the same.

4. Registrant denies the allegations set forth in paragraph 4.

5. Registrant denies the allegations set forth in paragraph 5.

FIRST AFFIRMATIVE DEFENSE

The Petition for Cancellation fails to state a claim upon which relief can be granted.

WHEREFORE, the Registrant requests that the Petition for Cancellation be dismissed with prejudice.

Respectfully submitted,

Dated: April 27, 2004

By: 

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CERTIFICATE OF SERVICE

I hereby certify that on April 27, 2004, a true copy of the foregoing ANSWER TO PETITION FOR CANCELLATION was served on the attorney for Petitioner via first-class mail, postage prepaid, addressed as follows:

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