139619-00058

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

TTAB

In re Registration of: Howard Berger Co., Inc.
Registration No. 1,129,463
Mark: GUARD & Design

CANAROPA (1954) INC.,

Petitioner,

v.

HOWARD BERGER CO., INC.,

Registrant.

73092693

CANCELLATION NO.: 92043034

November 15, 2004

ANSWER TO PETITION FOR CANCELLATION

Howard Berger Co., Inc., a New York Corporation, located and doing business at 1 South Middlesex Avenue, Monroe Township, NJ 18830-3726 ("Registrant") in the above-referenced Cancellation Proceeding hereby answers the Petition for Cancellation filed by Canaropa (1954) Inc. ("Petitioner") as follows:

1. Admitted.

2. Registrant is without sufficient knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 2 of the Petition for Cancellation and on that basis denies the same.

11-17-2004
U.S. Patent & TMOfc/TM Mail Rcpt Dt. #72

3. Denied.

WHEREFORE, Registrant prays that the Petition for Cancellation be dismissed with prejudice and that the Board grant such further relief to Registrant as may be deemed necessary or appropriate under the circumstances.

Respectfully submitted,

KRAMER LEVIN NAFTALIS & FRANKEL LLP
Attorneys for Applicant

Dated: 11/15/04

By: _____
William J. Spatz, Esq.

Kramer Levin Naftalis & Frankel LLP
919 Third Avenue
New York, New York 10022
(212) 715-9100

CERTIFICATE OF MAILING

Answer to Petition for Cancellation

Cancellation No.: 92043034

Date of Mailing: November 15, 2004

I hereby certify that the above-identified correspondence, which is attached, is being deposited as first class mail with the United States Postal Service under 37 C.F.R. 1.08 on the date indicated above and is addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, Virginia 22313-1451.

William J. Spatz

CERTIFICATE OF SERVICE

I hereby certify that on this date I caused a true copy of the within ANSWER TO PETITION FOR CANCELLATION to be served on Petitioner, Canaropa (1954) Inc., by sending the papers via first class mail, postage paid, to Petitioner's Attorney, John H. Weber, Esq., Baker & Hostetler LLP, Washington Square, Suite 1100, 1050 Connecticut Avenue, N.W., Washington, D.C. 20036-5304.

Dated: November 15, 2004

William J. Spatz