

ESTTA Tracking number: **ESTTA61078**

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

Proceeding	92044589
Party	Defendant Lee's Manufacturing Co., Inc. Lee's Manufacturing Co., Inc. 1700 Smith Street North Providence, RI 02911
Correspondence Address	Lee's Manufacturing Co., Inc. 160 Niantic Avenue Providence, RI 02907-3118
Submission	Answer
Filer's Name	Robert Salter
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Signature	/Robert Salter/
Date	01/10/2006
Attachments	lees.pdf (3 pages)

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

Stuckey Diamond, Inc.	:	
Petitioner	:	
vs.	:	Cancellation No. 92044589
Lee’s Manufacturing Co., Inc.	:	
Respondent	:	

RESPONDENT’S ANSWER AND AFFIRMATIVE DEFENSES

COMES NOW the Respondent, Lee’s Manufacturing Co., Inc.(“Respondent”), and files its Answer to the Cancellation as follows:

ANSWER

Respondent is without sufficient information to form a belief as to the allegations as to the corporate identity and address of Petitioner and therefore denies same. Respondent admits that it is the owner of Registration No. 2527482 issued on January 8, 2002, but has changed its principal place of business to 160 Niantic Ave. Providence, RI. 02907-3118. Further, Respondent denies that Petitioner will be damaged by the presence of Registration No. 2527482 for the mark LM.

1. Respondent admits the allegations contained in Paragraph 1 of the Cancellation.
2. Respondent admits the allegations contained in Paragraph 2 of the Cancellation.
3. Respondent denies the allegations contained in Paragraph 3 of the Cancellation.

AFFIRMATIVE DEFENSES

4. The Cancellation fails to state a claim upon which relief can be granted.
5. Respondent has continuously used the instant mark in interstate commerce since May 21, 2001, the date of first use listed in its registration, and plans to continuously use said mark indefinitely into the future.
6. Petitioner's claim that Registrant has ceased use of the instant mark in commerce with no intention to resume such use is completely and wholly without merit.

WHEREFORE, Respondent prays that the Cancellation be dismissed with prejudice.

Dated January 10, 2006

Respectfully submitted,
Lee's Manufacturing Co., Inc.

By: /Robert S. Salter/

Robert S. Salter
Attorney for Respondent

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CERTIFICATE

I hereby certify that a copy of the foregoing Answer and Affirmative Defenses has been mailed to Robert F. Zielinski, Esq. Attorney for Petitioner, at Wolf, Block, Schorr and Solis-Cohen, LLP. 1650 Arch St., 22nd Floor, Philadelphia, PA. 19103-2097, this 10th day of January, 2006.

/Gretel Kelly/

Certifier