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

In the matter of Registration No. 88,169
Issued on September 3, 1912

09-06-2005
U.S. Patent & TMOfc/TM Mail Rcpt Dt. #77

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Max Rohr, Inc. :

Petitioner : **Cancellation NO. 92044776**

King Edward Technology, Inc. :

Registrant :

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71/050,996

REGISTRANT'S ANSWER TO PETITION FOR CANCELLATION

Assistant Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313

S i r:

In response to the Petition for Cancellation in the above-identified Cancellation, the Registrant answers as follows:

1. Admit

2. Registrant is without knowledge or information sufficient to form a belief as to the truth of the averment therein and therefore denies the same.

3. Registrant is without knowledge or information

sufficient to form a belief as to the truth of the averment therein and therefore denies the same.

4. Registrant is without knowledge or information sufficient to form a belief as to the truth of the averment therein and therefore denies the same.

5. Registrant is without knowledge or information sufficient to form a belief as to the truth of the averment therein and therefore denies the same.

6. Registrant is without knowledge or information sufficient to form a belief as to the truth of the averment therein and therefore denies the same.

7. Deny

8. Deny

9. Deny

AFFIRMATIVE DEFENSES

1. Petitioner is barred by laches from seeking cancellation of Registration No. 88,169. Since on information and belief, the Petitioner was aware of the '169 registration for over 6 years during the

period of time which it was using its "M&G" trademark, there has been no damage to the Petitioner during this time, and Petitioner took no action during this time.

2. Petitioner is estopped from seeking cancellation of the '169 registration, since, on information and belief, Petitioner was aware of the '169 registration for over 6 years, during the time it was using its "M&G" trademark, there has been no damage to the Petitioner during this time, Petitioner took no action during this time, and Registrant relied on Petitioner's inaction during this time.

3. Petitioner is barred by its acquiescence from seeking cancellation of the '169 registration. Since, on information and belief, Petitioner was aware of the '169 registration for over 6 years during the time it was using its "M&G" trademark, there has been no damage to the Petitioner during this time, Petitioner has taken no action and has thus consented by implication to the '169 registration.

Registrant hereby requests that Petitioner's Petition be denied.

Respectfully submitted,

LUCAS & MERCANTI, LLP

By: Donald C. Lucas

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DCL/mr

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Date of Deposit: September 6, 2005

I hereby certify that this correspondence and/ or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Trademark Trial and Appeal Board, P.O. Box 1451, Alexandria, VA 22313-1450.

Donald C Lucas

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICES AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: Charles W. Grimes, 488 Main Avenue, 3rd Floor, Norwarlk, CT 06851.

Donald C Lucas — Sept 6, 2005

Donald C. Lucas
Registered Representative

September 6, 2005