



IN THE UNITED STATES PATENT AND TRADEMARK OF. . . .
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

208-295

Haggerty Enterprises, Inc.)

Petitioner,)

v.)

Ingram Enterprises, Inc.)

Respondent.)

) Cancellation No. 92046529

) In the Matter of

) Registration No. 3,080,845, issued: April
11, 2006

) Mark: LAVA LAMP

78/525,436

ANSWER TO PETITION TO CANCEL

Respondent, Ingram Enterprises, Inc., by and through its counsel, hereby
answers the Petition to Cancel as follows:

1. Respondent is without information sufficient to form a belief as to the truth or
falsity of the allegations set forth in paragraphs 1(a) though (g) of the Petition to Cancel
and, accordingly, denies same, leaving Petitioner to its proofs.

2. Respondent is without information sufficient to form a belief as to the truth or
falsity of the allegations set forth in paragraph 2 of the Petition to Cancel and,
accordingly, denies same, leaving Petitioner to its proofs.

3. Respondent is without information sufficient to form a belief as to the truth or
falsity of the allegations set forth in paragraph 3 of the Petition to Cancel and,
accordingly, denies same, leaving Petitioner to its proofs.

4. Respondent is without information sufficient to form a belief as to the truth or
falsity of the allegations set forth in paragraph 4 of the Petition to Cancel and,
accordingly, denies same, leaving Petitioner to its proofs.



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5. Respondent is without information sufficient to form a belief as to the truth or falsity of the allegations set forth in paragraph 5 of the Petition to Cancel and, accordingly, denies same, leaving Petitioner to its proofs.

6. Respondent admits that counsel for Ingram Enterprises, Inc. submitted a specimen of use in connection with the Statement of Use in support of Respondent's LAVA LAMP federal registration. Respondent otherwise denies the allegations set forth in paragraph 6 of the Petition to Cancel.

7. Respondent denies each and every allegation set forth in paragraph 7 of the Petition to Cancel.

8. Respondent denies each and every allegation set forth in paragraph 8 of the Petition to Cancel.

9. Respondent admits that it has not received "permission from Petitioner to use or register Respondent's mark," however Respondent denies that any such permission would be required or is even relevant to the present cancellation proceeding, particularly in view of the fact that the U.S. Patent & Trademark Office did not rely on any of Petitioner's marks or issued registrations as the basis for refusing registration of Respondent's mark under section 2(d) of the Lanham Act during prosecution of U.S. registration No. 3,080,845. Respondent denies the remaining allegations set forth in paragraph 9 of the Petition to Cancel.

10. Respondent admits the allegations set forth in paragraph 10 of the Petition to Cancel.

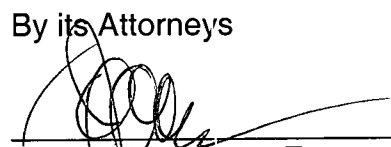
11. Respondent is without information sufficient to form a belief as to truth or falsity of the allegations set forth in paragraph 11 of the Petition to Cancel and, accordingly, denies same, leaving Petitioner to its proofs.

WHEREFORE, Respondent submits that the Petition to Cancel is without merit and should be dismissed, with prejudice.

Respectfully submitted,

INGRAM ENTERPRISES, INC.

By its Attorneys

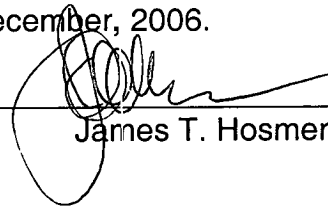


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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing "ANSWER TO PETITION TO CANCEL" was served on counsel for Petitioner, Lori S. Meddings, Esq., Michael Best & Friedrich LLP, 100 East Wisconsin Avenue, Suite 3300, Milwaukee, WI 53202-4108, by first-class mail this 27th day of December, 2006.



James T. Hosmer