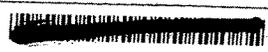


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03-10-2003

U.S. Patent & TMO/c/TM Mail Rcpt Dt.

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

Kevin T. McCarney , dba
POQUITO MAS,
Opposer,

Opposition No. 91155019

v.

UNA MAS RESTAURANTS, INC.,
Applicant

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box TTAB, NO FEE, Trademark Trial and Appeal Board, Washington, D.C. 22202-3513 on March 4, 2003.

Lisa Jeanetta

Lisa Jeanetta

Assistant Commissioner for Trademarks
Box TTAB - No Fee
2900 Crystal Drive
Arlington, Virginia 22202-3513

APPLICANT'S ANSWER TO OPPOSITION

Applicant, UNA MAS RESTAURANTS, INC., hereby answers the similarly numbered paragraphs of the Notice of Opposition of Opposer, KEVIN T. MCCARNEY, as follows:

1. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 1 of the Notice of Opposition and therefore denies the same.
2. Applicant admits the allegations of paragraph 2 of the Notice of Opposition.
3. Applicant denies the allegations of paragraph 3 of the Notice of Opposition
4. Applicant denies the allegations of paragraph 4 of the Notice of Opposition
5. Applicant hereby incorporates its answers to paragraphs 1 to 4.

[Handwritten mark]

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6. To the extent "prior to 1991" means "prior to January 1, 1991," Applicant admits the allegations of paragraph 8 of the Notice of Opposition.

7. Applicant denies the allegations of paragraph 7 of the Notice of Opposition.

8. Applicant admits the allegations of paragraph 8 of the Notice of Opposition.

9. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 9 of the Notice of Opposition and therefore denies the same.

10. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 10 of the Notice of Opposition and therefore denies the same.

11. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 11 of the Notice of Opposition and therefore denies the same.

12. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 12 of the Notice of Opposition and therefore denies the same.

13. Applicant denies the allegations of paragraph 13 of the Notice of Opposition.

14. Applicant denies the allegations of paragraph 14 of the Notice of Opposition.

AFFIRMATIVE DEFENSES

Applicant as its affirmative defenses to the Notice of Opposition alleges:

1. There is no likelihood of confusion as to source because, inter alia, Applicant's mark and the pleaded mark of Opposer are not confusingly similar.

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2. There is no likelihood of confusion, mistake or deception because, inter alia, Applicant's mark is not confusingly similar to the pleaded mark of Opposer. Any similarity, if at all, between Applicant's mark and the pleaded marks of the Opposer is in the formative "MAS." Upon information and belief, there are many third party registrations, adoptions and uses of the formative "MAS" for goods and services related to the goods and services of Opposer, as well as a variety of noncompeting goods and services. Therefore, "MAS" cannot be distinctive to Opposer; any trademark rights that Opposer may have in the formative "MAS" are narrowly circumscribed to its existing marks and existing goods and services offered under its marks with the formative "MAS," and Opposer cannot base similarity between its pleaded marks and the mark of Applicant on the formative "MAS."

3. There is no likelihood of confusion as to source, mistake or deception because, inter alia, the design feature of Applicant's is distinctive.

In view of the foregoing, Applicant contends that this opposition is groundless and baseless in fact; that Opposer has not shown that it will be, or is likely to be, damaged by registration of Applicant's mark; and that Applicant's mark is manifestly distinct from any alleged mark of Opposer. Wherefore, Applicant respectfully prays that the Notice of Opposition be dismissed and that Applicant be granted the registration of the mark.

Respectfully submitted,

DORSEY & WHITNEY LLP

Dated: 3/4/03

By David J. Brezner
David J. Brezner

Four Embarcadero Center, Suite 3400
San Francisco, CA 94111-4187
(415) 781-1989

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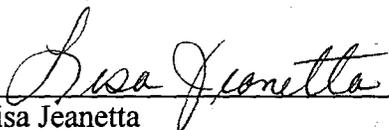
CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of March 2003, a true and correct copy of the foregoing APPLICANT'S ANSWER TO OPPOSITION was served on Opposer's Attorney by mailing the same first-class, postage prepaid to:

Robert V. Vickers
Fay Sharpe Fagan Minnich & McKee LLP
1100 Superior Avenue, 7th Floor
Cleveland, OH 44114-2579

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 4, 2003 at San Francisco, California.



Lisa Jeanetta