

of Petitioner's allegation that it began promoting and providing restaurant and bar services in association with the GUADALAJARA HACIENDA mark in 2000.

2. Registrant admits that Petitioner is attempting to register its entire mark GUADLAJARA HACIENDA and admits that Registrant has filed an opposition thereto, based on the following registrations:

<u>Mark</u>	<u>Reg. No./Reg. Date</u>	<u>Goods/Services</u>
HACIENDA (and Design)	1,331,341 4/16/1985	Restaurant and bar services.
HACIENDA	2,484,222 9/4/2001	Restaurant and bar services.
HACIENDA	2,466,961 7/10/2001	Hot sauce.

To the extent that paragraph 2 of the Counterclaim for Cancellation attempts to allege that Registrant's registrations are invalid or attempts to allege something more or different from what has been expressly admitted above, such allegations are denied.

3. Registrant admits that it is an Indiana corporation and it was created on September 25, 1995. Registrant admits that Registration No. 2,482,222 reflects a date of first use in commerce of June 14, 1978 for the HACIENDA mark. To the extent that paragraph 3 of the Counterclaim for Cancellation attempts to allege something more or different from this, such allegations are denied.

4. Registrant admits that Registration No. 1,331,341 reflects a date of first use in commerce of June 14, 1978 for the HACIENDA (and Design) mark. To the extent that paragraph 4 of the Counterclaim for Cancellation attempts to allege something more or different from this, such allegations are denied.

5. To the extent that by the allegations of its rhetorical paragraph 5 Cancellation Petitioner is attempting to allege that the registered mark HACIENDA is generic for Mexican style restaurants, such allegations are denied. Registrant is otherwise without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 5 of the Counterclaim for Cancellation, but states further that such allegations are of no legal consequence in any event.

6. Registrant is without knowledge or information sufficient to form a belief as to the truth of any and all material allegations contained in paragraph 6 of the Counterclaim for Cancellation, but states further that such allegations are of no legal consequence in any event.

7. Registrant denies the allegations of paragraph 7.

8. Registrant denies the allegations of paragraph 8.

9. Registrant admits that the Patent and Trademark Office has allowed and registered the mark JUAN'S HACIENDA where "Hacienda" has been disclaimed apart from the mark as shown. Registrant denies the remaining allegations of paragraph 9.

WHEREFORE, Registrant prays that the Counterclaim for Cancellation be dismissed, with prejudice, that U.S. Registration Nos. 2,484,222 and 1,331,341 not be cancelled, and for all other relief proper in the premises.

Respectfully submitted,
HMR ACQUISITION COMPANY, INC.
D/b/a Hacienda Mexican Restaurants,
Registrant

Date: _____

6/30/03

By: _____



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing has been deposited in the U.S. mail, first class postage prepaid, on this 30 day of June 2003, addressed to:

N. Elton Dry
Dry & Tassin, LLP
3200 Southwest Freeway, Ste 2355
Houston, TX 77027



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June 30, 2003

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

I hereby certify that this correspondence is being deposited with the United States Postal Services as first class mail in an envelope addressed to the U.S. Patent and Trademark Office, Trademark Trial and Appeal Board, 2900 Crystal Drive Arlington, Virginia 22202-3513.

June 30, 2003
(Date of Deposit)
Patti D. Ratcliff
Printed or Typed Name of the Person Signing the Certificate
Patti D. Ratcliff
Signature
June 30, 2003
Date of Signature

Re: Opposition No. 91155801 and Counterclaim for Cancellation for Registration Nos. 1,331,341 and 2,484,961

Dear Madam/Sir:

Enclosed please find a Reply to a Counterclaim for Cancellation in Opposition No. 91155801. A copy of the Reply is being served on the Petitioner's, Casual Dining, Inc.'s, attorney N. Elton Dry.

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If you have any questions concerning this Reply please contact the undersigned.

Sincerely,

ICE MILLER



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Enclosures: Reply to Counterclaim for Cancellation
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