



TAB

03-15-2004

U.S. Patent & TMO/TM Mail Rcpt Ut. #73

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

In the Matter of Application Serial No. 78/220,579
Published in the Official Gazette on January 20, 2004

STARBUCKS U.S. BRANDS CORPORATION §
AND STARBUCKS CORPORATION DBA §
STARBUCKS COFFEE COMPANY, §

Opposer, §

v. §

Opposition No. 91159504

REX WAYNE BELL, §

Applicant. §

ANSWER TO NOTICE OF OPPOSITION

Applicant, REX WAYNE BELL, in reply to the Answer to the Notice of Opposition, filed by STARBUCKS U.S. BRANDS CORPORATION AND STARBUCKS CORPORATION DBA STARBUCKS COFFEE COMPANY (hereinafter referred to as "Opposer"), against the application for registration of the trademark "STARBOCK BEER", U.S. Application Serial No. 78/220,579, filed on March 1, 2003, and published in the Official Gazette on January 20, 2004, pleads and avers as follows:

1. Answering Paragraph 1 of the Notice of Opposition, Applicant admits the allegations.
2. Answering Paragraph 2 of the Notice of Opposition, Applicant does not have sufficient knowledge or information as to form a belief as to the truth or accuracy of the allegations contained therein and accordingly denies the allegations.
3. Answering Paragraph 3 of the Notice of Opposition, Applicant does not have sufficient knowledge or information as to form a belief as to the truth or accuracy of the

allegations contained therein and accordingly denies the allegations.

4. Answering Paragraph 4 of the Notice of Opposition, Applicant admits the existence of the cited registrations, but as to the other allegations set forth therein, Applicant does not have sufficient knowledge or information as to form a belief as to the truth or accuracy of the allegations contained therein and accordingly denies the allegations.

5. Answering Paragraph 5 of the Notice of Opposition, Applicant admits the existence of the cited registrations, but as to the other allegations set forth therein, Applicant does not have sufficient knowledge or information as to form a belief as to the truth or accuracy of the allegations contained therein and accordingly denies the allegations.

6. Answering Paragraph 6 of the Notice of Opposition, Applicant admits the filing date of the cited application to be March 1, 2003, but as to the other allegations set forth therein, Applicant does not have sufficient knowledge or information as to form a belief as to the truth or accuracy of the allegations contained therein and accordingly denies the allegations.

7. Answering Paragraph 7 of the Notice of Opposition, Applicant does not have sufficient knowledge or information as to form a belief as to the truth or accuracy of the allegations contained therein and accordingly denies the allegations.

8. Answering Paragraph 8 of the Notice of Opposition, Applicant does not have sufficient knowledge or information as to form a belief as to the truth or accuracy of the allegations contained therein and accordingly denies the allegations.

9. Answering Paragraph 9 of the Notice of Opposition, Applicant hereby states that there are no allegations contained in said paragraph.

10. Answering Paragraph 10 of the Notice of Opposition, while Applicant admits the

existence of the cited applications, and Applicant further admits that the goods listed in the Applicant's application for registration would be closely related so as to fall within the same channels of trade as the Opposer's applications for registration, Applicant denies that Applicant's application for registration would be closely related to or fall within the same channels of trade as Opposer's existing registrations.

11. Answering Paragraph 11 of the Notice of Opposition, Applicant does not have sufficient knowledge or information as to form a belief as to the truth or accuracy of the allegations contained therein and accordingly denies the allegations.

12. Answering Paragraph 12 of the Notice of Opposition, Applicant hereby states that there are no allegations contained in said paragraph.

13. Answering Paragraph 13 of the Notice of Opposition, Applicant specifically denies each and every allegation contained therein.

AFFIRMATIVE DEFENSE

1. Applicant affirmatively alleges that Opposer's Notice of Opposition fails to state a claim upon which relief can be granted.

WHEREFORE, Applicant contends that this opposition is groundless and baseless in fact; that Opposer has not shown wherein it will be, or likely to be, damaged by the registration of Applicant's trademark; that Applicant's trademark as used in association with alcoholic beverages is manifestly distinct from any alleged registered mark of the Opposer, and Applicant prays that this opposition will be dismissed with prejudice and that Applicant be granted registration of its trademark.

REX WAYNE BELL,
Applicant,

3-12-04
Date



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Attorney for Applicant

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JSE:ljc
Our File: 1990-1

CERTIFICATE OF MAILING

I hereby certify that Applicant's ANSWER TO NOTICE OF OPPOSITION is being sent by first class mail on this 12th day of March, 2004, to the attorney of record for Opposer at the following address:

Julia Anne Matheson
FINNEGAN, HENDERSON, FARABOW,
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1300 I Street, NW
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CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

Sir:

I hereby certify that the attached correspondence comprising:

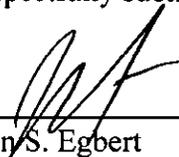
ANSWER TO NOTICE OF OPPOSITION

is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513

Respectfully submitted,

3-12-04
Date



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