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Filing date: **05/20/2004**

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

<b>Proceeding</b>	91160123
<b>Party</b>	Defendant Christian Outfitters, Inc. Christian Outfitters, Inc. 2510 Mineral Wells Hwy. Weatherford, TX 76088
<b>Correspondence Address</b>	PURVI J. PATEL HAYNES AND BOONE, LLP 901 MAIN STREET, SUITE 3100 DALLAS, TX 75202-3789
<b>Submission</b>	Answer
<b>Filer's Name</b>	Purvi J. Patel
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<b>Signature</b>	/Purvi J. Patel/
<b>Date</b>	05/20/2004
<b>Attachments</b>	Answer.pdf ( 3 pages )

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

DEWEY W. BARBER d/b/a BARBER	§	
AND COMPANY,	§	Opposition No.: 91160123
Opposer	§	
	§	Serial No. 78/172,450
v.	§	
	§	Mark: CHRISTIAN OUTFITTERS
CHRISTIAN OUTFITTERS, INC.,	§	
Applicant	§	

**Box TTAB  
NO FEE**

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

**APPLICANT'S ANSWER TO NOTICE OF OPPOSITION**

Applicant, Christian Outfitters, Inc., by its attorneys of record, hereby submits its Answer to the Notice of Opposition filed by Dewey W. Barber and issued by the Board on April 13, 2004, against application for registration of Applicant's trademark CHRISTIAN OUTFITTERS, Serial No. 78/172,450, published in the Official Gazette of March 9, 2004, as follows:

1. In response to paragraph 1 of the Notice of Opposition, Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and accordingly, denies each and every such allegation.
2. In response to paragraph 2 of the Notice of Opposition, Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and accordingly, denies each and every such allegation.
3. In response to paragraph 3 of the Notice of Opposition, Applicant admits the allegations contained therein.
4. In response to paragraph 4 of the Notice of Opposition, Applicant admits the allegations contained therein.
5. In response to paragraph 5 of the Notice of Opposition, Applicant denies the allegations contained therein.

6. In response to paragraph 6 of the Notice of Opposition, Applicant denies the allegations contained therein.

7. In response to paragraph 7 of the Notice of Opposition, Applicant denies the allegations contained therein.

DEFENSES AND AFFIRMATIVE DEFENSES

8. Opposer is barred by laches, waiver, acquiescence, estoppel, unclean hands, and fraud from opposing the registration of Applicant's mark.

WHEREFORE, Applicant contends that this opposition is groundless and baseless in fact; and that Opposer, as the junior user and infringer of Applicant's mark, has not shown how it will be, or is likely to be, damaged by the registration of Applicant's trademark. Accordingly, Applicant denies that Opposer will be damaged in any manner by registration of Applicant's trademark CHRISTIAN OUTFITTERS shown in Serial No. 78/172,450, denies that Opposer is entitled to any of the relief requested in the Notice of Opposition, and requests:

- 1) that this Opposition be dismissed and Applicant be granted registration of its application for the mark CHRISTIAN OUTFITTERS; and
- 2) such other and further relief as is deemed just and proper.

Respectfully submitted,



Purvi J. Patel  
HAYNES AND BOONE, LLP  
*Attorneys for Applicant*

Date: May 20, 2004

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File: 34401.3

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 20<sup>th</sup> day of May, 2004, the foregoing *Applicant's Answer to Notice of Opposition* was served on the following counsel of record for Opposer, via email (confirmation copy to follow via first class mail, postage prepaid):

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Purvi J. Patel