



EXHIBITS

Proceeding/Serial No: 91161954

Filed: 03-30-2009

Title: Opposer's Fourth Notice of Reliance

Document contains "Urban Cowboy" dvd.





TTAB

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March 26, 2009

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Re: Opposition No. 91161954 / No. 91161955
Serial Nos. 75/883,254 and 75/883,253;
Pabst Brewing Company v. Lone Star Steakhouse & Saloon.

Dear Commissioner:

Enclosed for filing is the original Opposer's Fourth Notice of Reliance in connection with the above referenced Opposition. Please file-stamp and return the enclosed self-addressed, postage-paid postcard.

Thank you for your assistance.

Sincerely, -

Linda G. Studer
Paralegal

Enclosures

cc: Phillip L. Free, Jr., OBA #15765
Marie S. Johnston, OBA # 19847
Crowe & Dunlevy, P.C.
20 North Broadway, Suite 1800
Oklahoma City, OK 73102-8273



03-30-2009

U.S. Patent & Trademark Office Form 934

5468357v.1 304191/00001

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

In the Matter of Application:
 Serial No.: 75/883,254 and 75/883,253
 Filed: December 29, 1999
 Applicant: Lone Star Steakhouse & Saloon, Inc.
 Mark: LONE STAR (AND DESIGN)
 Classes: 25
 Published in the *Official Gazette* on March 2, 2004 and March 23, 2004

PABST BREWING COMPANY,)	
Opposer)	
)	
v.)	Opposition No. 91161954
)	Opposition No. 91161955
LONE STAR STEAKHOUSE & SALOON,)	Application Serial Nos. 75/883,254 and
INC.,)	75/883,253
Applicant)	
)	

OPPOSER'S FOURTH NOTICE OF RELIANCE

Opposer, Pabst Brewing Company ("Pabst"), by and through its attorney of record, submits this Fourth Notice of Reliance pursuant to 37 CFR § 2.122(e). Specifically, Opposer relies on the attached publications available to the general public in libraries or in general circulation among members of the public which shows that Opposer's mark, LONE STAR, is famous and was used by Opposer on t-shirts in and prior to 1980.

Attached as Exhibit A is a Digital Versatile Disk ("DVD") of the movie "Urban Cowboy" copyrighted in 1980 by Paramount Pictures depicting Lone Star beer, and in particular, Lone Star beer t-shirts. Opposer introduces the following scenes showing Lone Star beer t-shirts:

Title 1, Chapter 5	Beginning from 17:00 to 18:11	Blue Lone Star t-shirt on female
Title 1, Chapter 12	Beginning from 55:10 to 55:25	White Lone Star t-shirt on male
Title 1, Chapter 4	Beginning from 13:10 to 13:20	Scene used for official movie poster of John Travolta holding a Lone Star beer

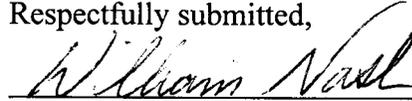
Attached as Exhibit B are screen shots taken from the Urban Cowboy video showing a female wearing a blue Lone Star t-shirt.

Attached as Exhibit C are screen shots taken from the Urban Cowboy video showing a male wearing a white Lone Star t-shirt.

Attached as Exhibit D are screen shots of the official movie poster and of the scene from the movie showing John Travolta holding a Lone Star beer which was used to make the official movie poster.

Dated: March 25, 2009

Respectfully submitted,



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Attorneys For Plaintiff

CERTIFICATE OF SERVICE

This is to certify that on this 26 day of March, 2009, a true and correct copy of the foregoing Opposer's Fourth Notice of Reliance was served via first class U.S. mail addressed to:

Phillip L. Free, Jr., OBA #15765
Marie S. Johnston, OBA # 19847
Crowe & Dunlevy, P.C.
20 North Broadway, Suite 1800
Oklahoma City, OK 73102-8273

Attorney for Lone Star Steakhouse & Saloon



William B. Nash
Attorney for Opposer

Exhibit

A

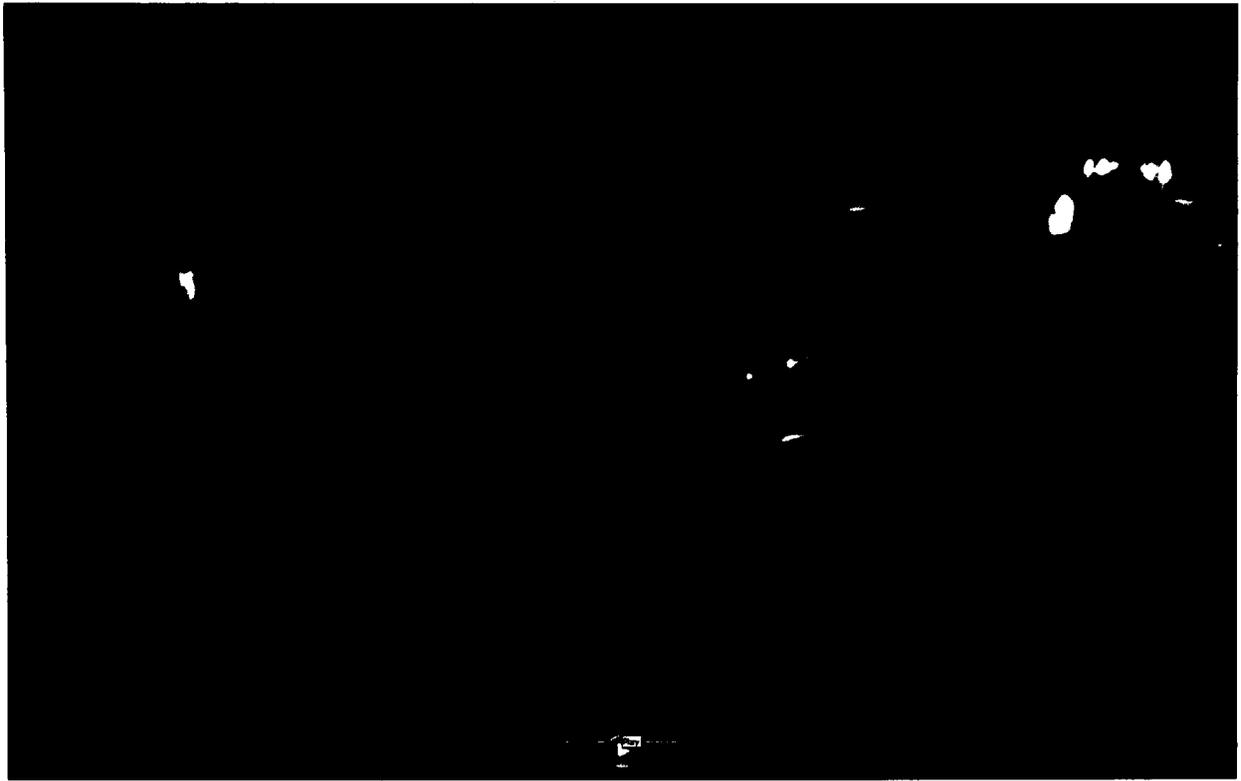
90

Exhibit

B







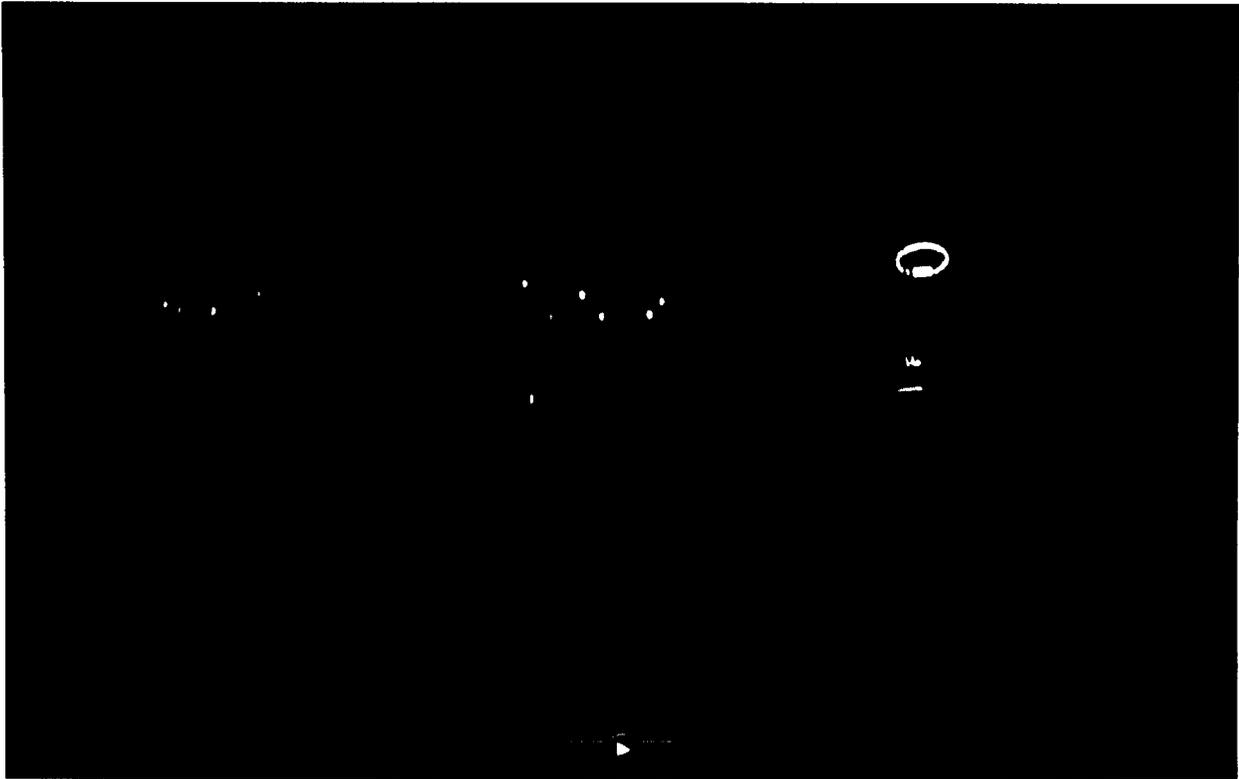


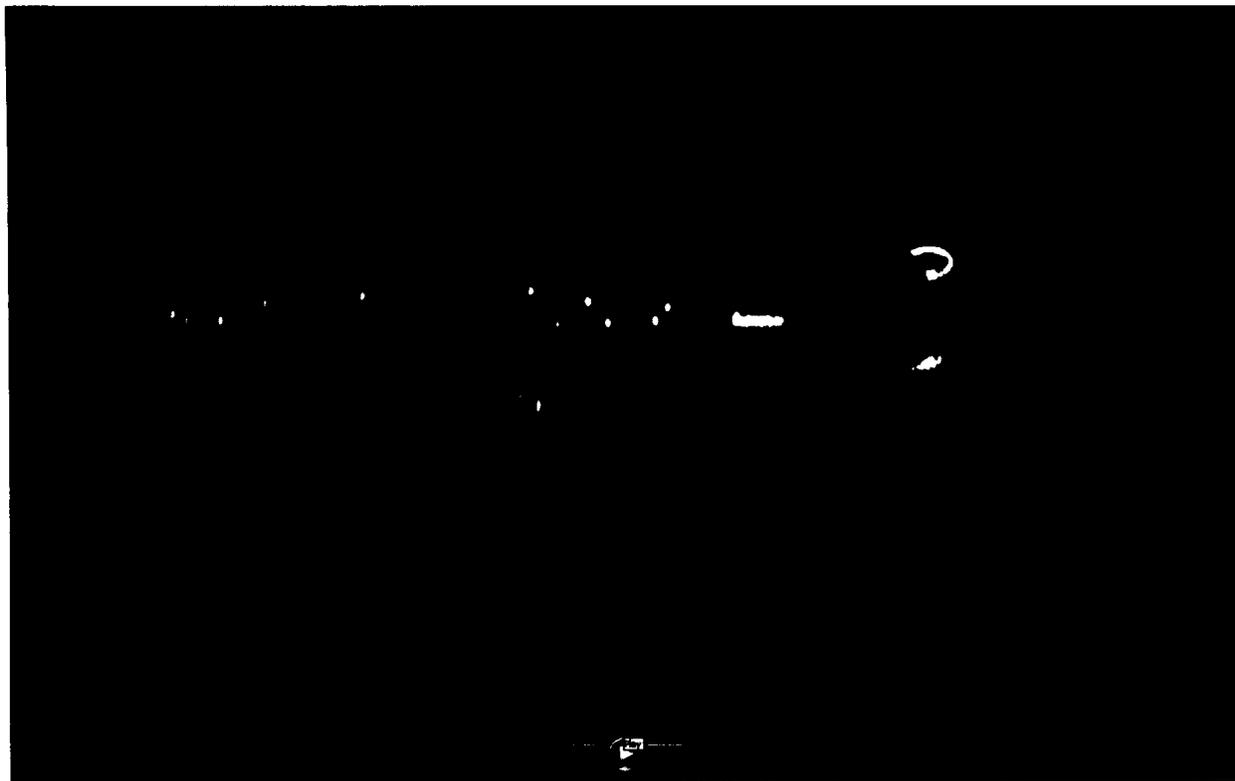


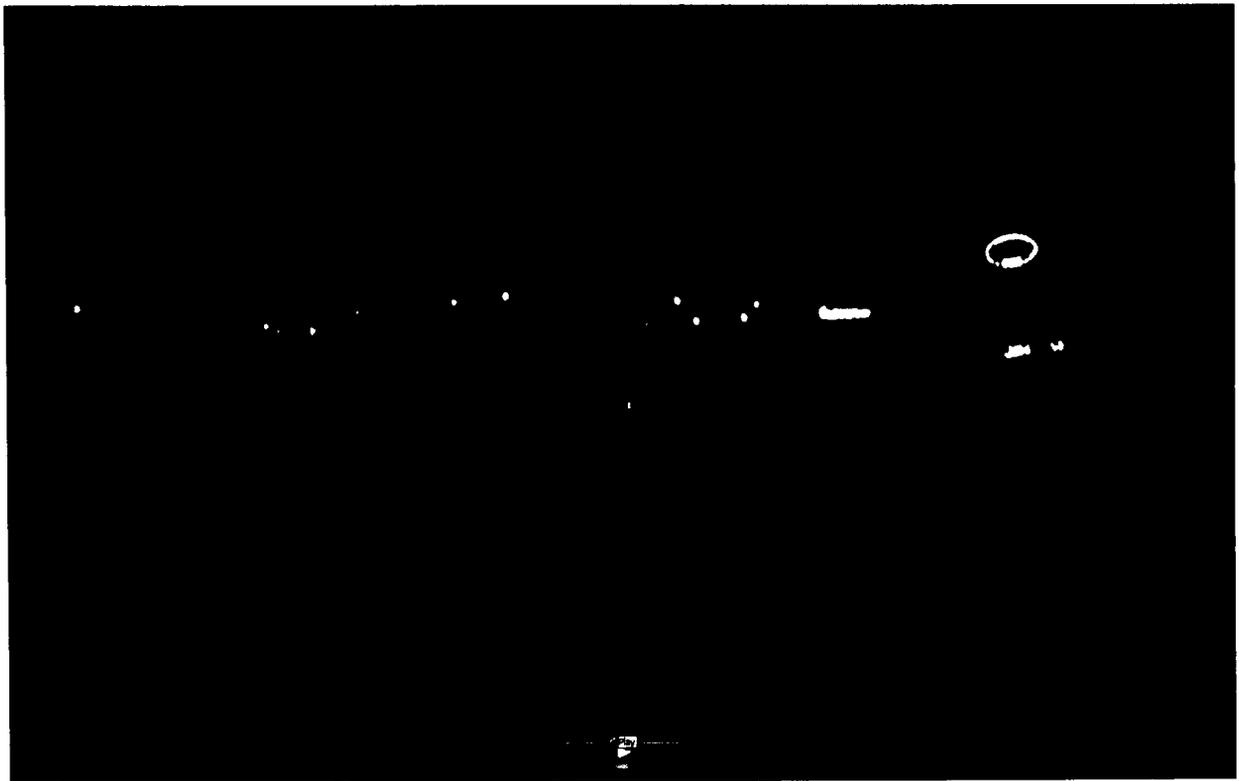
Exhibit

C









Exhibit

D

