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A REGISTERED LIMITED LIABILITY PARTNERSHIP  
OF INDIVIDUALS AND PROFESSIONAL CORPORATIONS

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May 17, 2005

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**Certified Mail #7106 4575 1293 1401 1614**

**Re: In the Matter of Application No. 76/546,740; For the Mark RED RIVER FARMS and  
"RR" Design**

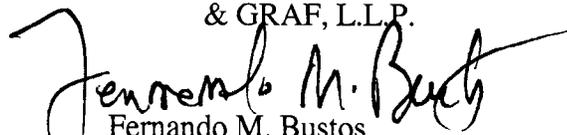
Enclosed is Applicant's Answer to Notice of Opposition in the above referenced matter.

By copy of this letter, I am providing opposing counsel with a copy of this Answer.

If you have any questions, or if you need anything further, please do not hesitate to contact me.

Sincerely,

MCCLESKEY, HARRIGER, BRAZILL  
& GRAF, L.L.P.

  
Fernando M. Bustos



05-20-2005

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #11

FMB/sv

Enclosure

cc: Michael J. MacDermott - **Certified Mail #7106 4575 1293 1401 1621**

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

IN THE MATTER OF APPLICATION NO. 76\546,740  
For the Mark RED RIVER FARMS and "RR" Design  
Published in the Official Gazette of October 5, 2004 (the term for opposition having been  
extended to April 3, 2005)

The Neiman Marcus Group, Inc., Opposer §

vs. §

United Supermarkets, Ltd., Applicant §

§ Opposition No. 91164799



05-20-2005

U.S. Patent & TMO/TM Mail Rcpt Dt. #11

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

Applicant, UNITED SUPERMARKETS, LTD. ("United"), for its answer to the Notice of Opposition filed by THE NEIMAN MARCUS GROUP, INC., against application for registration of United's trademark RED RIVER FARMS and "RR" DESIGN, serial number 76546740, filed September 2, 2003 and published in the Official Gazette of October 5, 2004, pleads as follows:

1. Answering paragraph 1 of the Notice of Opposition ("Opposition"), United is without knowledge or information sufficient to form a belief as to the allegations contained therein and accordingly denies the allegations.
2. United is without knowledge or information sufficient to form a belief as to the allegations contained in paragraph 2 of the Opposition and accordingly denies the allegations.
3. Admit.
4. Admit.

5. United denies that the goods for which it seeks to register the mark RED RIVER FARMS and "RR" Design are closely related to the food and beverage products for which Opposer has used the RED RIVER Marks since a date prior to Applicant's priority date. To the contrary, United's goods for which it seeks to register its RED RIVER FARMS and "RR" Design are of different product classifications than those used by Opposer for its RED RIVER marks.

6. Deny.

7. Admit.

8. Admit.

9. Deny.

#### **AFFIRMATIVE DEFENSES**

10. There is no likelihood of confusion, mistake, or deception because, *inter alia*, United's mark and the pleaded marks of Opposer are not confusingly similar.

11. There is no likelihood of confusion, mistake, or deception because, *inter alia*, United's mark is not confusingly similar to the pleaded marks of Opposer. Specifically, the graphic design associated with United's mark is substantially different from Opposer's pleaded marks, in that United's mark is "RED RIVER FARMS," while Opposer's pleaded mark is simply "RED RIVER." Furthermore, the graphic design accompanying United's RED RIVER FARMS mark is of a different font type than Opposer's pleaded marks and United's "RR" Design is significantly distinct from the design associated with Opposer's pleaded marks such that there is no likelihood of confusion, mistake, or deception between the different marks of the opposing parties.

12. Opposer has acquiesced by failure to oppose United's prior registration for trademark with the Office of the Secretary of State of Texas for United's Red River Farms trademark and

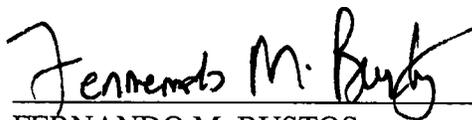
design, which issued March 11, 2005, Registration No. 800441177. Opposer was aware of this filing, but made no effort to oppose that filing, and instead acquiesced to issuance of an identical state trademark filing by United. Thus, United pleads the affirmative defenses of laches and acquiescence in response to the Notice of Opposition.

WHEREFORE, United prays that the Notice of Opposition be dismissed in its entirety, and that a registration issue to United for its mark.

Date

May 17, 2005

Respectfully submitted,



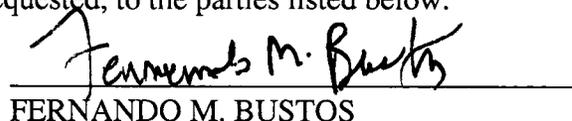
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ATTORNEY FOR UNITED  
SUPERMARKETS, LTD.

**CERTIFICATE OF SERVICE**

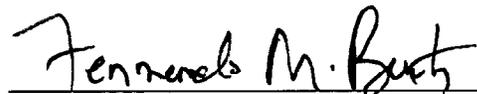
Service of the foregoing document was made on this 17 day of May, 2005, by mailing a copy by certified mail, return receipt requested, to the parties listed below.

  
FERNANDO M. BUSTOS

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Certified Mail #7106 4575 1293 1401 1621

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, certified, return receipt requested, in an envelope addressed to: Trademark Trial & Appeal Board, U.S. Patent & Trademark Office, P.O. Box 1451, Alexandria, VA 22313-1451 on May 17, 2005.

  
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FERNANDO M. BUSTOS