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OUR FILE NO. 23009-0001

October 10, 2008

Via CM,RRR

Certified Article Number
7160 3901 9845 6504 3003
SENDERS RECORD

Edward H. Green II
Coats + Bennett
1400 Crescent Green,
Suite 300
Cary, North Carolina 27518
egreen@coatsandbennett.com

Re: **In the matter of trademark application Serial No. 77/379383 for the mark BUFFALO BROS Published in the Official Gazette on June 10, 2008/Opposition No: 91184741-***Buffalo Brothers, Inc., d/b/a Buffalo Brothers Pizza & Wing Co. v. E & J Buffalo Brothers, LLC*

Dear Edward,

Please find enclosed *E&J Buffalo Brothers, LLC's Initial Disclosures* in connection with the above referenced Opposition Number.

Should you have any questions regarding the enclosed, please feel free to contact me.

Very truly yours,

David R. Childress

DRC:llc
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Enclosure

cc: Commissioner for Trademarks

10-14-2008

U.S. Patent & TMOfc/TM Mail Rcpt Dt #32

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

In the matter of trademark application Serial No. 77/379383
for the mark BUFFALO BROS
Published in the Official Gazette on June 10, 2008

BUFFALO BROTHERS, INC. d/b/a BUFFALO BROTHERS PIZZA AND WINGS CO.,	§	
Opposer,	§	**Opposition No: 91184741**
v.	§	**INITIAL DISCLOSURES**
E&J BUFFALO BROTHERS, LLC	§	
Applicant.	§	

ATTN: Commissioner for Trademarks
P.O. Box 1451
Alexandria, Va 22313-1451

BUFFALO BROTHERS, INC. d/b/a
BUFFALO BROTHERS PIZZA AND
WINGS CO.
c/o Edward H. Green
Coats & Bennett, PLLC
1400 Crescent Green, Suite 102
Cary NC 27518

E&J Buffalo Brothers, LLC's Initial Disclosures

The parties have agreed to extend the deadline to make the initial disclosures. Applicant makes these disclosures based on information reasonably available to it presently, and notes that they are preliminary because discovery is beginning and

ongoing. Applicant reserves the right to correct, amend, supplement or modify these disclosures as necessary.

A. Name, address and phone number of each individual likely to have discoverable information that Applicant may use to support its claims or defenses and the subject of that information (not including witnesses solely for impeachment)

1. Jon Bonnell
   c/o Whitaker Chalk Swindle & Sawyer, LLP
   301 Commerce
   Suite 3500
   Fort Worth, Texas 76102
   phone (817) 878 0506
   fax (817) 878-0501

   Generally, selection and use of mark and logo, progression of design and current service areas and any expansion plans services, channels of trade, and customer base first use and other matters relating to the mark and logo

2. Ed McOwen
   c/o Whitaker Chalk Swindle & Sawyer, LLP
   301 Commerce
   Suite 3500
   Fort Worth, Texas 76102
   phone (817) 878 0506
   fax (817) 878-0501

   Generally, selection and use of mark and logo, progression of design, and current service areas and any expansion plans services, channels of trade, and customer base first use and other matters relating to the mark and logo and issues in this matter

3. Other employees and contractors of Applicant who may testsify about matters in issue or that may become issues here, including but not

necessarily limited contractors and employees who may testify about the selection and use of mark and logo and progression of design

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Fort Worth, Texas 76102
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Generally, selection and use of mark and logo, progression of design, and current service areas and any expansion plans services, channels of trade, and customer base first use and other matters relating to the mark and logo and issues in this matter

4. Applicant reserves the right to seek and present evidence from representatives of opposing party (among others)

BUFFALO BROTHERS, INC. d/b/a
BUFFALO BROTHERS PIZZA AND
WINGS CO.
c/o Edward H. Green
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Cary NC 27518

5. Applicant reserves the right to supplement, and seek and present evidence from as yet undetermined witnesses relating to likelihood of confusion

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6. Applicant reserves the right to seek and present evidence from persons identified in the Patent and Trademark Office file for Application Serial No. 77/379383 for the mark BUFFALO BROS and/or for Application Serial No. 77443516 seeking registration of a BUFFALO BROTHERS mark

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   Fort Worth, Texas 76102
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B. Documents (including electronically stored information) that Applicant may use in support of its claims or defenses (not including documents solely for impeachment)

Subject to the limitations set out in Fed.R.Civ.P. 26(a)(1)(B), Applicant identifies the following categories of documents. Privileged documents, or documents otherwise exempt or protected from disclosure are not included in this list. Confidential or Attorneys Only documents will only be provided subject to a protective order if agreed to among the parties. The web sites identified are available at the noted internet addresses. The PTO documents are available at the Patent & Trademark Office, or on request can be copied and provided for reasonable cost.

1. Texas Secretary of State Certificate of Assumed Name Filing and related materials available from Texas Secretary of State at http://www.sos.state.tx.us/.

2. Menus and related promotional materials available at Applicant's Website at http://www.buffalobrostx.com/.

3. Applicant's promotional and other documents available on Applicant's Website at http://www.buffalobrostx.com/.

4. Opposer's Website materials available at http://www.buffbrothers.com/.

Materials available from Patent and Trademark Office

5. Patent and Trademark Office file for Application Serial No. 77/379383 for the mark BUFFALO BROS.

6. Patent and Trademark Office file for Application Serial No. 77443516 seeking registration of a BUFFALO BROTHERS mark

Materials available at web sites on the Interntet

7. Internet web site materials using Buffalo Brothers mark or a buffalo head logo.

8. Applicant reserves the right to identify logo design documents, though the logo is not challenged in the opposition.

C. Not applicable here.

D. Not applicable here.

Respectfully submitted,

By: _____

David R. Childress
Texas State Bar # 04199480

Clark R. Cowley
Texas State Bar # 04931200

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ATTORNEYS FOR APPLICANT

CERTIFICATE OF SERVICE

I hereby certify that on this 10 day of October, 2008. a true and correct copy of the foregoing document has been forwarded by U.S. First Class Mail, postage prepaid and addressed as follows:

Edward H. Green
Coats & Bennett, PLLC
1400 Crescent Green, Suite 102
Cary NC 27518

_____
David R. Childless