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

Proceeding	91186209
Party	Defendant Icon Burger Development Company, LLC
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Submission	Answer
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Date	10/08/2008
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Sizzler USA Franchise, Inc.                    )  
  )  
                  Opposer,                         )   Opposition No.: 91186209  
  )  
v.    )  
  )  
Icon Burger Development Company,         )  
LLC    )  
  )  
                  Applicant.

ANSWER

Applicant Icon Burger Development Company, LLC (“Icon Burger”), by and through its attorneys, answers Opposer Sizzler USA Franchise, Inc.’s Notice of Opposition as follows:

1. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 1 of the Notice of Opposition and therefore, denies those allegations.
2. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 2 of the Notice of Opposition and therefore, denies those allegations.
3. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 3 of the Notice of Opposition and therefore, denies those allegations.

4. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 4 of the Notice of Opposition and therefore, denies those allegations.

5. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 5 of the Notice of Opposition and therefore, denies those allegations.

6. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 6 of the Notice of Opposition and therefore, denies those allegations.

7. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 7 of the Notice of Opposition and therefore, denies those allegations.

8. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 8 of the Notice of Opposition and therefore, denies those allegations.

9. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 9 of the Notice of Opposition and therefore, denies those allegations.

10. Applicant admits the allegations of Paragraph 10 of the Notice of Opposition.

11. Applicant admits the allegations of Paragraph 11 of the Notice of Opposition.

12. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 12 of the Notice of Opposition and therefore, denies those allegations.

13. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 13 of the Notice of Opposition and therefore, denies those allegations.

14. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 14 of the Notice of Opposition and therefore, denies those allegations.

15. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 15 of the Notice of Opposition and therefore, denies those allegations.

16. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 16 of the Notice of Opposition and therefore, denies those allegations.

17. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 17 of the Notice of Opposition and therefore, denies those allegations.

18. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 18 of the Notice of Opposition and therefore, denies those allegations.

19. Applicant denies the allegations of Paragraph 19 of the Notice of Opposition.

20. Applicant denies the allegations of Paragraph 20 of the Notice of Opposition.

21. Applicant denies the allegations in the second sentence of Paragraph 21 of the Notice of Opposition. The first sentence of Paragraph 21 asserts merely a legal conclusion to which no response is required.

All allegations in the Notice of Opposition that are not explicitly admitted in this Answer are hereby denied.

#### FIRST DEFENSE

Opposer's stated grounds for opposition fails to state a claim upon which relief can be granted.

#### SECOND DEFENSE

Opposer is barred from challenging Applicant's mark by the doctrines of acquiescence, waiver, laches and/or estoppel.

#### THIRD DEFENSE

Opposer is barred from challenging Applicant's mark by the doctrine of unclean hands.

WHEREFORE, Applicant prays that this Opposition be dismissed with prejudice and that the application be allowed to issue to registration.

Dated: October 8, 2008

Respectfully submitted,

/s/ Timothy P. Getzoff

Timothy P. Getzoff

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ATTORNEYS FOR APPLICANT

ICON BURGER DEVELOPMENT COMPANY, LLC

CERTIFICATE OF SERVICE

I certify that on October 8, 2008, I served a copy of the foregoing ANSWER to the following by:

- U.S. Mail, postage prepaid
- Hand Delivery
- Fax

Rod S. Berman  
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/s/ Timothy P. Getzoff \_\_\_\_\_