

ESTTA Tracking number: **ESTTA260323**

Filing date: **01/13/2009**

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

Proceeding	91187877
Party	Defendant Super Bakery, Incorporated
Correspondence Address	JOHN W. MCILVAINE THE WEBB LAW FIRM 436 SEVENTH AVENUE 700 KOPPERS BUILDING PITTSBURGH, PA 15219  webblaw@webblaw.com
Submission	Answer
Filer's Name	John W. McIlvaine
Filer's e-mail	webblaw@webblaw.com
Signature	/JWMc/
Date	01/13/2009
Attachments	answer to opposition no. 91187877.pdf ( 5 pages )(368431 bytes )

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

DALLAS COWBOYS FOOTBALL CLUB, LTD. )	Opposition No. 91187877
and NFL PROPERTIES LLC )	
	) Application No. 77/383,001
Opposers, )	
	) Mark: COWBOYADE
v. )	
	)
SUPER BAKERY, INCORPORATED, )	
	)
Applicant. )	

**ANSWER TO NOTICE OF OPPOSITION**

Super Bakery, Incorporated (“Applicant”), by and through its attorneys, hereby responds to the individually numbered paragraphs of the Notice of Opposition filed by Dallas Cowboys Football Club, Ltd. and NFL Properties LLC (“Opposers”) before the Trademark Trial and Appeal Board as follows:

1. Applicant has insufficient information to either admit or deny the allegations set forth in paragraph 1 of the Notice of Opposition, and for this reason, denies such allegations.
2. Applicant has insufficient information to either admit or deny the allegations set forth in paragraph 2 of the Notice of Opposition, and for this reason, denies such allegations.
3. Applicant has insufficient information to either admit or deny the allegations set forth in paragraph 3 of the Notice of Opposition, and for this reason, denies such allegations.
4. Applicant has insufficient information to either admit or deny the allegations set forth in paragraph 4 of the Notice of Opposition, and for this reason, denies such allegations.
5. Based on the Trademark Electronic Search System (TESS) and the Trademark Applications and Registrations Retrieval (TARR) records of the United States Patent and

Trademark Office, Applicant admits the portion of the allegations in paragraph 5 of the Notice of Opposition relating to the names and numbers of the COWBOYS, DALLAS COWBOYS, DALLAS COWBOYS AIR CORPS & Design, DALLASCOWBOYS.COM & Design, and DALLASCOWBOYS.COM EXTREME ACCESS & Design marks, Applicant has insufficient information to either admit or deny the present status or ownership of the registration; therefore, Applicant denies the balance of such allegation. Applicant notes that Opposers have not plead any rights relating to any state registration for any mark.

6. Applicant has insufficient information to either admit or deny the allegations set forth in paragraph 6 of the Notice of Opposition, and for this reason, denies such allegations.

7. Applicant has insufficient information to either admit or deny the allegations set forth in paragraph 7 of the Notice of Opposition, and for this reason, denies such allegations.

8. Applicant has insufficient information to either admit or deny the allegations set forth in paragraph 8 of the Notice of Opposition, and for this reason, denies such allegations. Applicant notes that Opposers have not plead any rights relating to any state registration for any mark.

9. Applicant has insufficient information to either admit or deny the allegations set forth in paragraph 9 of the Notice of Opposition, and for this reason, denies such allegations.

10. Applicant has insufficient information to either admit or deny the allegations set forth in paragraph 10 of the Notice of Opposition, and for this reason, denies such allegations.

11. Applicant has insufficient information to either admit or deny the allegations set forth in paragraph 11 of the Notice of Opposition, and for this reason, denies such allegations.

12. Applicant has insufficient information to either admit or deny the allegations set forth in paragraph 12 of the Notice of Opposition, and for this reason, denies such allegations.

13. Denied.

14. Applicant admits it filed an application seeking the registration of COWBOYADE on January 29, 2008, which was assigned Serial No. 7/383,001 for sports drinks and performance drinks in Class 32. Application has insufficient information set forth in the balance of paragraph 14 of the Notice of Opposition and for this reason denies such allegations.

15. Admit.

16. Admit.

17. Admit

18. Applicant has insufficient information to either admit or deny the allegations set forth in paragraph 18 of the Notice of Opposition, and for this reason, denies such allegations.

19. Applicant has insufficient information to either admit or deny the allegations set forth in paragraph 19 of the Notice of Opposition, and for this reason, denies such allegations.

20. Denied.

21. Denied.

22. Applicant has insufficient information to either admit or deny the allegations set forth in paragraph 22 of the Notice of Opposition, and for this reason, denies such allegations.

23. Applicant admits its ownership of applications seeking the registration of BRONCOADE, PANTHERADE, and FALCONADE. Applicant has insufficient information to either admit or deny the allegations set forth in paragraph 23 of the Notice of Opposition and for this reason, denies such allegations.

24. Admit. Applicant denies it has any obligation to such the consent, authorization, or license of Opposers to adopt, use, or seek registration of COWBOYADE.

25. Denied.

26. Denied.

27. Denied.

WHEREFORE, Applicant requests that Opposer's Notice of Opposition be dismissed with prejudice.

Respectfully submitted,

Dated: January 13, 2009

By

  
\_\_\_\_\_  
John W. McIlvaine, Registration No. 34,219  
J. Matthew Pritchard, Registration No. 46,228

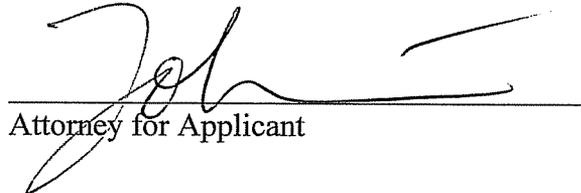
THE WEBB LAW FIRM  
700 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
Telephone: (412) 471-8815  
Facsimile: (412) 471-4094  
E-mail: webblaw@webblaw.com

Attorneys for Applicant

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing ANSWER TO NOTICE OF OPPOSITION was served via First Class Mail, postage prepaid, on this 13th day of January, 2009 upon the following:

Kristin H. Altoff, Esq.  
MORGAN, LEWIS & BOCKIUS LLP  
1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004

  
\_\_\_\_\_  
Attorney for Applicant