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Filing date: **01/14/2009**

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

Proceeding	91187908
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	01/14/2009
Attachments	answer to opposition no. 91187908.pdf (4 pages)(281079 bytes)

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

OKLAHOMA STATE UNIVERSITY,)	Opposition No. 91187908
)	
Opposer,)	Application No. 77/380,001
)	
v.)	Mark: COWBOYADE
)	
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 Oklahoma State University (“Opposer”) before the Trademark Trial and Appeal Board as follows:

1. Admit.
2. Applicant admits it owns “at least” 20 pending applications to register marks that include the letter string “ADE” for use in connection with sports drinks. Applicant denies the remaining allegations set forth in paragraph 2 of the Notice of Opposition.
3. Admit.
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. Applicant has insufficient information to either admit or deny the allegations set forth in paragraph 5 of the Notice of Opposition, and for this reason, denies such allegations.
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. 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 8 of the Notice of Opposition relating to the name and number of the OSU & Design mark. 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.

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. 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 10 of the Notice of Opposition relating to the name and number of the OSU & Design mark. 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.

11. The recitations set forth in paragraph 11 of the Notice of Opposition require no reply.

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. Applicant has insufficient information to either admit or deny the allegations set forth in paragraph 13 of the Notice of Opposition, and for this reason, denies such allegations.

14. Applicant has insufficient information to either admit or deny the allegations set forth in paragraph 14 of the Notice of Opposition, and for this reason, denies such allegations.

15 Denied.

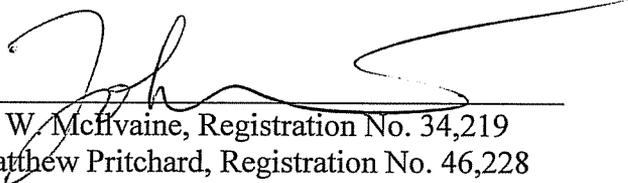
16. The recitations set forth in paragraph 16 of the Notice of Opposition require no reply.

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

Respectfully submitted,

Dated: January 14, 2009

By



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

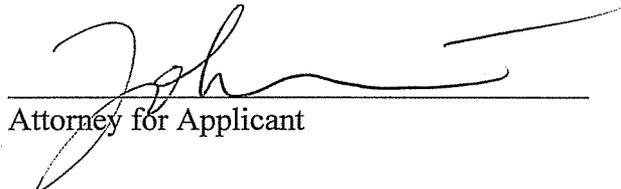
THE WEBB LAW FIRM
700 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
Telephone: (412) 471-8815
Facsimile: (412) 471-4094
E-mail: webblaw@webblaw.com

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 14th day of January, 2009 upon the following:

Alicia Grahn Jones, Esq.
KILPATRICK STOCKTON LLP
1100 Peachtree Street
Suite 2800
Atlanta, GA 30309



Attorney for Applicant