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Filing date: **07/26/2011**

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

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| Proceeding | 91200283 |
| Party | Defendant Taco Ana Franchising LLC |
| Correspondence Address | EMILY HARRIS DAVIS BROWN LAW FIRM 215 10TH ST STE 1300 DES MOINES, IA 50309-3621 emilyharris@davisbrownlaw.com |
| Submission | Answer |
| Filer's Name | Emily Harris |
| Filer's e-mail | emilyharris@davisbrownlaw.com |
| Signature | /emilyharris/ |
| Date | 07/26/2011 |
| Attachments | Answer_Logo.pdf (4 pages)(19522 bytes) |

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

In re Application of:
Taco Ana Franchising, LLC
Serial No.: 85/207,433
Filed: December 29, 2010
Mark: TACO ANA

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| <p>Texas Taco Cabana, L.P., Opposer,</p> <p>v.</p> <p>Taco Ana Franchising LLC, Applicant.</p> | <p>Opposition No. 91200283</p> <p>APPLICANT'S ANSWER</p> |
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U.S. Patent and Trademark Office
PO Box 1451
Alexandria, VA 22313-1451

APPLICANT'S ANSWER

Applicant, Taco Ana Franchising, LLC, in this answer to the Notice of Opposition filed by, Opposer, Texas Taco Cabana, L.P., against the application for registration of Applicant's trademark "Taco Ana", Serial No. 85/207,433 published for opposition in the Official Gazette of May 17, 2011, answers as follows:

1. Answering paragraph 1 of the Notice of Opposition, Applicant lacks sufficient information and knowledge to either admit or deny the allegations contained therein.
2. Answering paragraph 2 of the Notice of Opposition, Applicant lacks sufficient information and knowledge to either admit or deny the allegations contained therein.

3. Answering paragraph 3 of the Notice of Opposition, Applicant admits that the records of the United States Patent and Trademark Office show the existence of United States Trademark Registration Nos. 1,581,970 and 1,726,537 for fast food, restaurant services specializing in Mexican food; 1,778,181 for restaurant services; 1,978,002 for prepared foods in the nature of Mexican cuisine and other goods; and 1,978,245 for restaurant services specializing in Mexican food. Applicant admits that the records of the United States Patent and Trademark Office list Opposer as the registrant of each of those registrations and lists the filing and registration dates as set forth by Opposer. Applicant does not have sufficient knowledge or information to either admit or deny the allegation that Opposer is the owner of these registrations.

4. Answering paragraph 4 of the Notice of Opposition, Applicant lacks sufficient information and knowledge to either admit or deny the allegations contained therein.

5. Answering paragraph 5 of the Notice of Opposition, Applicant lacks sufficient information and knowledge to either admit or deny the allegations contained therein.

6. Answering paragraph 6 of the Notice of Opposition, Applicant admits that Applicant filed the '433 Application based on an intent to use the mark Taco Ana (and design) on December 29, 2010.

7. Answering paragraph 7 of the Notice of Opposition, Applicant lacks sufficient information and knowledge to either admit or deny the allegations contained therein.

8. Answering paragraph 8 of the Notice of Opposition, Applicant denies the allegations contained therein.

9. Answering paragraph 9 of the Notice of Opposition, Applicant denies the allegations contained therein.

AFFIRMATIVE DEFENSES

10. Applicant will rely on any and all valid affirmative defense that may be developed through discovery and/or through testimony in this proceeding.

WHEREFORE, Applicant having fully answered the Notice of Opposition respectfully requests that the proceeding be in all respects dismissed with prejudice, that Applicant's application be allowed to issue, and for such other and further relief that this Board deems just and reasonable.

Respectfully submitted,

Taco Ana Franchising, LLC

Dated: July 26, 2011

By: \emilyharris\

Emily E. Harris
DAVIS, BROWN, KOEHN
SHORS & ROBERTS, P.C.
215 10th St., Ste. 1300
Des Moines, Iowa 50309

ATTORNEYS FOR APPLICANT

CERTIFICATE OF SERVICE

I hereby certify that a copy of this correspondence is being deposited with the United States Postal Service as First-Class Mail in an envelope addressed to Mark Feldman, DLA Pipe LLP, PO Box 64807, Chicago, IL 60664-0807 on July 26, 2011.

/emilyharris/

Signature

Emily Harris

Name

July 26, 2011

Date