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

Proceeding	91206288
Party	Defendant Greater Omaha Packing Co., Inc.
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Submission	Answer
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Date	09/10/2012
Attachments	GOP Answer.pdf ( 4 pages )(83386 bytes )

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

OMAHA STEAKS INTERNATIONAL,  
INC.,

Opposition No. 91206288

Opposer,

v.

GREATER OMAHA PACKING CO., INC.,

Applicant.

**ANSWER TO NOTICE OF OPPOSITION**

Greater Omaha Packing Co., Inc. (“Applicant”), by and through its attorneys of record, hereby submits its Answer to the Notice of Opposition filed by Omaha Steaks International, Inc. (“Opposer”) on July 30, 2012, opposing Applicant’s United States Trademark Application (Serial No. 85349152) for the mark “OMAHA MEAT TRADITIONS PRESENTED BY TREX 1956” with design elements for Beef; Meat; Pork; Poultry; Processed lamb; Veal in class 29.

In response to the allegations set forth in Opposer’s Notice of Opposition, Applicant states, alleges and pleads as follows:

1. Applicant lacks sufficient knowledge to admit or deny the allegations in paragraph 1, and therefore denies the same.

2. Applicant lacks sufficient knowledge to admit or deny the allegations in paragraph 2, and therefore denies the same.

3. Applicant lacks sufficient knowledge to admit or deny the allegations in paragraph 3, and therefore denies the same.

4. Applicant lacks sufficient knowledge to admit or deny the allegations in paragraph 4, and therefore denies the same.

5. Applicant lacks sufficient knowledge to admit or deny the allegations in paragraph 5, and therefore denies the same.

6. Applicant lacks sufficient knowledge to admit or deny the allegations in paragraph 6, and therefore denies the same.

7. Applicant lacks sufficient knowledge to admit or deny the allegations in paragraph 7, and therefore denies the same.

8. Applicant lacks sufficient knowledge to admit or deny the allegations in paragraph 8, and therefore denies the same.

9. Applicant lacks sufficient knowledge to admit or deny the allegations in paragraph 9, and therefore denies the same.

10. Applicant lacks sufficient knowledge to admit or deny the allegations in paragraph 10, and therefore denies the same.

11. Applicant admits so much of paragraph 11 as alleges that on or about June 17, 2011 it filed application with the United States Patent and Trademark Office stating its intention to use the mark OMAHA MEAT TRADITIONS PRESENTED BY TREX 1956 with design elements in connection with Beef; Meat; Pork; Poultry; Processed lamb; Veal in class 29; Applicant denies all remaining allegations in paragraph 11.

12. Applicant admits the allegations in paragraph 12.

13. Applicant denies the allegations in paragraph 13.

14. Applicant lacks sufficient knowledge to admit or deny the allegations in paragraph 14, and therefore denies the same.

15. Applicant denies the allegations in paragraph 15.

16. Applicant denies the allegations in paragraph 16.

17. Applicant denies the allegations in paragraph 17.
18. Applicant denies the allegations in paragraph 18.
19. Applicant denies the allegations in paragraph 19.
20. Applicant denies the allegations in paragraph 20.
21. Applicant denies the allegations of paragraph 21.

#### **AFFIRMATIVE DEFENSES**

22. Opposer has waived the right to oppose registration of Applicant's mark, based upon Opposer's knowing and willful consent to the registration and use of other marks that actually and more closely resemble Opposer's marks.

23. Opposer is estopped from opposing registration of Applicant's mark, based upon Opposer's knowing and willful consent to the registration and use of other marks that actually and more closely resemble Opposer's marks.

24. Opposer has acquiesced to the use and registration of marks more similar to Opposer's marks than Applicant's mark.

WHEREFORE, Applicant, Greater Omaha Packing Co., Inc., respectfully requests that Opposition No. 91206288 be dismissed, and United States Trademark Application Serial No. 85349152 be allowed, and a Notice of Allowance be issued.

Dated this 10th day of September, 2012.

GREATER OMAHA PACKING CO., INC.,  
Applicant,

By: /s/ Andrew Collins  
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### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on September 10, 2012, the undersigned electronically filed this document with the Trademark Trial and Appeal Board, and caused a true and correct copy to be served via e-mail and first class mail, postage prepaid, to Opposer's counsel of record, at the address listed in the Notice of Opposition:

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/s/ Andrew Collins