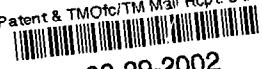


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL

U.S. Patent & TMO/TM Mail Rcpt. Dt. #57



03-29-2002

THE PEP BOYS MANNY, MOE AND JACK)
of California)
)
Opposer,)
)
v.)
)
JET-PEP INC.)
)
Applicant.)

Opposition No. 91150819

Serial Number: 76/158,291
Application Filed: November 2, 2000
Trademark: JET PEP
Published: September 25, 2001

APPLICANT'S ANSWER TO NOTICE OF OPPOSITION

Applicant, Jet-Pep Inc., an Alabama corporation, having its principal place of business at 9481 U.S. Highway 278 East Holly Pond, Alabama 35083, by its attorneys, answers the allegations and opposes the Notice of Opposition to the registration of the mark shown in Application Serial No. 76/158,291 as follows:

1. Applicant is without sufficient information to form a belief as to each and every allegation contained in Paragraph 1 and, therefore, the allegations are denied.
2. Applicant is without sufficient information to form a belief as to each and every allegation contained in Paragraph 2 and, therefore, the allegations are denied.
3. Applicant is without sufficient information to form a belief as to each and every allegation contained in Paragraph 3 and, therefore, the allegations are denied.

4. Applicant is without sufficient information to form a belief as to each and every allegation contained in Paragraph 4 and, therefore, the allegations are denied.

5. Applicant admits that on or about November 2, 2000 Applicant filed an application for registration of the "JET-PEP" trademark, that the application was assigned Serial No. 76/158,291, that the application was published in the Official Gazette on September 25, 2001, at page TM 479, and that the application seeks registration of the mark in association with "retail gasoline station services and wholesale distributorships featuring gasoline." With respect to each and every allegation, Applicant is without sufficient information to form a belief as to such allegations and, therefore, the allegations are denied.

6. Applicant denies each and every allegation contained in Paragraph 6.

7. Applicant denies that Applicant's retail gasoline station services and wholesale distributorships featuring gasoline are similar and/or related to Opposer's automotive parts and service stores. With respect to each and every other allegation in Paragraph 7, Applicant is without sufficient information to form a belief as to such allegations, and, therefore the allegations are denied.

8. Applicant denies each and every allegation contained in Paragraph 8.

9. Applicant admits that Applicant received correspondence from Opposer prior to Applicant's filing of the Application "JET-PEP." With respect to each and every other allegation in Paragraph 9, Applicant is without sufficient information to form a belief as to such allegations, and, therefore the allegations are denied.

10. With respect to the allegations contained in Paragraph 10, Applicant repeats and realleges its responses to Paragraphs 1 and 9 as though fully set forth herein.

11. Applicant denies each and every allegation contained in Paragraph 11.

12. With respect to the allegations contained in Paragraph 12, Applicant repeats and realleges its responses to Paragraphs 1 and 11 as though fully set forth herein.

13. Applicant admits that on or about October 21, 2000, Applicant signed, and on or about November 2, 2000 filed the "JET-PEP" trademark application in which it alleged that "to the best of [the declarant's] knowledge and belief no other person, firm, corporation, or association has the right to use the [JET-PEP] mark in commerce, either in identical form or in such near resemblance thereto as to be likely, when used in rendering the services of such other person, firm corporation, or association, to cause confusion, or mistake, or to deceive." Applicant further admits that Applicant received correspondence from Opposer prior to Applicant's filing of the Application "JET-PEP." Applicant denies each and every other allegation contained in Paragraph 13.

14. Applicant admits that the "JET-PEP" application, as filed, states that "to the best of [the declarant's] knowledge and belief no other person, firm, corporation, or association has the right to use the [JET-PEP] mark in commerce, either in identical form or in such near resemblance thereto as to be likely, when used in rendering the services of such other person, firm corporation, or association, to cause confusion, or mistake, or to deceive." Applicant denies each and every other allegation contained in Paragraph 14.

15. Applicant denies each and every allegation contained in Paragraph 15.

16. With respect to the allegations contained in Paragraph 16, Applicant repeats and realleges its responses to Paragraphs 1 and 15 as though fully set forth herein.

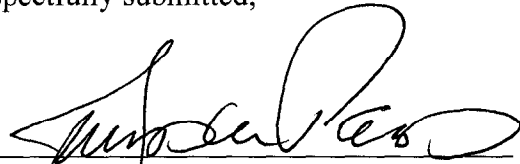
17. Applicant denies each and every allegation contained in Paragraph 17.

18. Applicant denies each and every allegation contained in Paragraph 18.

19. Applicant is without sufficient information to form a belief as to Opposer's beliefs, and, therefore the allegations are denied. Applicant denies each and every allegation contained in Paragraph 19.

WHEREFORE, the Applicant respectfully submits that the mark is entitled to registration, and the opposition should be denied with prejudice.

Respectfully submitted,



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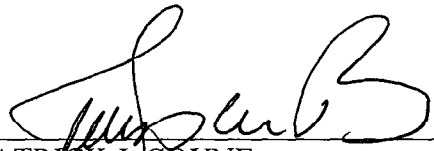
Attorneys for Applicant,
Jet-Pep, Inc.

Dated: March 29, 2002

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of March, 2002, a copy of the foregoing
APPLICANT'S ANSWER TO NOTICE OF OPPOSITION was delivered by First-Class
mail, postage prepaid to:

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03-29-2002



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March 29, 2002

BY HAND DELIVERY

BOX TTAB -- NO FEE
Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

Re: Applicant's Answer to Notice of Opposition; Serial No.: 76/158,291; Our Reference No.: 42110-00601

Dear Sir:

Submitted herewith is the original and two copies of Applicant's Answer to Notice of Opposition to the application to register the "JET PEP" mark, Application Serial No. 76/158,291, including a Certificate of Service to Marsha G. Gentner.

Also enclosed please find a copy of this letter for acknowledging receipt of these papers. Please date stamp the copy and return it to us.

Respectfully submitted,

PATRICK J. COYNE
JAMES M. PACIOUS

Enclosures