

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

THE REPUBLIC OF TEXAS)	
RESTAURANT, INC.)	
)	Opposition No.: 91156088
Opposer,)	
)	Mark: TEXAS REPUBLIC
v.)	
)	Serial No.: 76/358452
PAUL SPICER)	
)	Filed: January 10, 2002
Applicant.)	
)	Published: July 16, 2002
)	

CERTIFICATE OF MAILING UNDER 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513 on June 5, 2003.


Attorney for Applicant

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

ANSWER

Paul Spicer, an individual ("Applicant"), for his Answer to the Notice of Opposition, alleges as follows:

1. Applicant denies the allegations in paragraph 1 of the Notice of Opposition.
2. Applicant lacks information and knowledge sufficient to form a belief as to the allegations in paragraph 2 of the Notice of Opposition and therefore denies them.

3. Applicant lacks information and knowledge sufficient to form a belief as to the allegations in paragraph 3 of the Notice of Opposition and therefore denies them.

4. Applicant denies the allegations in paragraph 4 of the Notice of Opposition.

5. Applicant lacks information and knowledge sufficient to form a belief as to the allegations in paragraph 5 of the Notice of Opposition and therefore denies them.

6. Applicant lacks information and knowledge sufficient to form a belief as to the allegations in paragraph 6 of the Notice of Opposition and therefore denies them.

7. Applicant lacks information and knowledge sufficient to form a belief as to the allegations in paragraph 7 of the Notice of Opposition and therefore denies them.

8. Applicant lacks information and knowledge sufficient to form a belief as to the allegations in paragraph 8 of the Notice of Opposition and therefore denies them.

9. Admitted.

10. The allegation in paragraph 10 of the Notice of Opposition is a conclusion of law and requires no response.

11. Admitted

12. Applicant lacks information and knowledge sufficient to form a belief as to the Opposer's knowledge and therefore denies the allegations in paragraph 12 of the Notice of Opposition.

13. Applicant lacks information and knowledge sufficient to form a belief as to the allegations in paragraph 13 of the Notice of Opposition and therefore denies them.

14. Applicant lacks information and knowledge sufficient to form a belief as to the allegations in paragraph 14 of the Notice of Opposition and therefore denies them.

15. Applicant denies the allegations in paragraph 15 of the Notice of Opposition.
16. Applicant denies the allegations in paragraph 16 of the Notice of Opposition.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

(No Likelihood of Confusion)

17. There is no likelihood of confusion, mistake or deception of the purchasing public, because the respective goods/services of the parties are entirely different and unrelated, are sold through different channels of trade to different ultimate purchasers, and are used for distinctly different purposes.

18. There is no likelihood of confusion, mistake or deception of the purchasing public, because the respective marks differ in sight, sound and meaning.

SECOND AFFIRMATIVE DEFENSE

(Failure to State a Claim)

19. Applicant contends that this Opposition is groundless and baseless in fact. Opposer has not shown wherein it will be, or is likely to be, damaged by the registration of Applicant's mark.

WHEREFORE, Applicant prays that this Opposition be dismissed in its entirety with prejudice, that costs be assessed against Opposer, and that the Applicant be issued a registration for Serial No. 76/358452.

Respectfully submitted on June 5, 2003.

PAUL SPICER
By His Attorneys,

A handwritten signature in black ink that reads "Michael A. Thorne". The signature is written in a cursive style with a large, looping initial "M".

Michael A. Thorne #42182
Spencer Fane Britt & Browne LLP
120 South Central Avenue, Fifth Floor
St. Louis, Missouri 63105
Phone: 314-863-7733
Facsimile: 314-862-4656

Dianne M. Smith-Misemer
Spencer Fane Britt & Browne LLP
1000 Walnut Street, Suite 1400
Kansas City, Missouri 64106-2140
Phone: 816-474-8100
Facsimile: 816-474-3216

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Applicant's Answer has been served upon the following counsel on June 5, 2003, via first class mail, directed as follows:

Deven N. Dixon
Deven N. Dixon, PC
745 E. Maulberry, Suite 870
San Antonio, Texas 78212

Respectfully submitted,


Michael A. Thorne

June 5, 2003

TTAB

SPENCER FANE
BRITT & BROWNE LLP
ATTORNEYS & COUNSELORS AT LAW



MICHAEL A. THORNE
mthorne@spencerfane.com

06-11-2003

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #66

June 5, 2003

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Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

**Re: Trademark Opposition No. 91156088
The Republic of Texas Restaurant, Inc. v. Paul Spicer.**

Dear Commissioner:

Enclosed herewith is Paul Spicer's Answer to the above-referenced Trademark Opposition, and a return postcard to acknowledge receipt.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513 on June 5, 2003.

Michael A. Thorne
Michael A. Thorne
Attorney for Paul Spicer

MAT/
Enclosures
File: 5007336-0001

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