

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

Pizzeria Uno Corporation,)	
)	
Opposer,)	Opposition No.
)	
v.)	
)	
Pizza Hut, Inc.,)	Application S.N.
)	78/160,861
Applicant.)	

CERTIFICATE OF MAILING

The undersigned hereby certifies that this document is being deposited with the U.S. Postal Service as first class mail, in an envelope addressed to: BOX TTAB FEE, Commissioner For Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513, on 8/5/03.

John L. Welch
John L. Welch

OPPOSITION

PIZZERIA UNO CORPORATION (Opposer), a Delaware corporation with an office at 1209 Orange Street, Wilmington, Delaware 19801, believes that it will be damaged by registration of the mark THE CHICAGO DISH PIZZA & Design, which mark is the subject of Application Serial No. 78/160,861, filed by Pizza Hut, Inc. of Dallas, Texas, and which mark was published for opposition in the Official Gazette of April 8, 2003.

The grounds for the opposition are as follows:

- Applicant seeks to register the mark THE CHICAGO DISH PIZZA & Design as a trademark for "pizza; pizza pie crusts; pizza sauces; pizza dough" (in international class 30).

2. The opposed Application was filed on September 5, 2002, based upon an alleged bona fide intention to use the mark in commerce.

3. From a date long prior to Applicant's filing date, Opposer has used the mark CHICAGO'S ORIGINAL DEEP DISH PIZZA in connection with restaurant services and pizza. Through extensive use of that mark, Opposer has built a strong national reputation for high quality restaurant services and food products sold thereunder. The mark CHICAGO'S ORIGINAL DEEP DISH PIZZA has, from a date long prior to Applicant's filing date, come to uniquely and distinctively identify Opposer as the source of the products and services sold under that mark.

4. Opposer PIZZERIA UNO CORPORATION is the owner of the following United States Trademark and Service Mark Registrations for the mark CHICAGO'S ORIGINAL DEEP DISH PIZZA:

Reg. No.	Mark	Issued	Goods and Services
1,673,124	CHICAGO'S ORIGINAL DEEP DISH PIZZA	1/21/92	restaurant services
1,772,694	CHICAGO'S ORIGINAL DEEP DISH PIZZA	5/18/93	partially pre-cooked pizza sold in retail stores and in restaurants

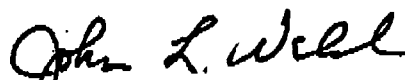
5. The goods set forth in Application Serial No. 78/160,861 are closely related to the goods and services in connection with which Opposer has used and is using its CHICAGO'S ORIGINAL DEEP DISH PIZZA mark and, on information and belief, Applicant's goods will be offered to the same general class of customers who purchase the goods and services in connection with which Opposer has used and is using its mark.

6. The applied-for-mark sought to be registered by Applicant is substantially similar to Opposer's marks CHICAGO'S ORIGINAL DEEP DISH PIZZA, and therefore if Applicant's mark is used in connection with its goods, it would be likely to cause confusion, mistake, or deception of the relevant trade and public. Customers and potential customers are likely to believe that Applicant's goods offered under the applied-for mark emanate from, or are licensed or approved by, Opposer, when that is not the case.

WHEREFORE, Opposer believes that it will be damaged by registration of said mark, and prays that this Opposition be sustained, that Application Serial No. 78/160,861 be rejected, and that the mark applied for therein be refused registration.

The filing fee for this opposition in the amount of \$300.00 is enclosed.

PIZZERIA UNO CORPORATION



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Filing Fee - New Opposition

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Atty Docket No. PUL-5004 (22515-5004)

Parties: Pizzeria Uno Corporation v. Pizza Hut, Inc.
Regarding the mark: THE CHICAGO DISH PIZZA
Appl. Serial No: 78/160,861

The following was/were received in the U.S. Patent & Trademark Office mail room on the date stamped hereon:

- 1. Notice of Opposition (original plus one copy); and
- 2. Check in the amount of \$300.00

Due Date: August 6, 2003

Mailing Date: August 5, 2003

Atty: JLW

Atty Docket No. PUL-5004 (22515-5004)

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