

201663

APPLICATION FOR REGISTRATION
OF TRADEMARK OR SERVICE MARK

Wyoming Secretary of State
Corporations Division
The State Capitol Building
Cheyenne, WY 82002-0020

Phone (307) 777-7311/7312
Fax (307) 777-5339
E-mail: corporations@state.wy.us

1. Name of applicant: TEXAS ROADHOUSE DELAWARE LLC
2. Business address of applicant: 1931 Bluegrass Circle, Cheyenne, WY 82009
3. Mailing address of applicant: 6040 Dutchmans Lane, Suite 400,
Louisville, Kentucky 40205
4. Applicant is: ☐ individual; ☐ corporation; ☐ limited partnership; ☐ general partnership; ☒ limited liability company; ☐ statutory trust; ☐ other.

If a corporation, limited partnership, limited liability company or statutory trust, show when and where incorporated or organized:

State: Delaware Date: February 24, 1997

If a limited partnership or general partnership, list the names of the general partners or partners:

If a limited liability company or statutory trust, list the names of the managers, members or trustees:
There are no individual managers or members. Texas Roadhouse
Delaware is manager managed by Texas Roadhouse Holdings LLC: Holdings
is manager managed by WKT Restaurant Corp. Delaware, Holdings and
WKT all have officers.
If other, explain: _____

5. Provide a written description of the trademark or service mark. Your description must include all words, names, symbols, devices and designs which the applicant wishes to be included within the mark. You may attach a separate sheet if needed; however, you must describe the trademark completely. The words "TEXAS ROADHOUSE"
6. Provide the class number and title of the goods or services (*see attachment*). Use only one class code per registration: 100 Miscellaneous

7. Provide a brief description of the goods or services within the class (i.e., what your product is, or what service you provide): restaurant and bar services

8. List the mode or manner in which the mark is used to identify the goods or services (e.g.: goods - labels on cans, bags, wrappers, etc.; tags, nameplates affixed directly to product; services - labels on laundry bags, advertising, window signs, etc.): on signage, newspaper and magazine advertisements and in other ways customary in the trade

9. An application to register the mark or portions or a composite has been filed by the applicant or a predecessor in interest in the U.S. Patent and Trademark office: ☒ Yes ☐ No

If yes, provide filing date, serial number of each application, the status and, if any application was finally refused registration or has not otherwise resulted in registration, the reasons therefore:

Four federal registrations have been granted. Please see attached page for details. A copy of each Certificate of Registration is also enclosed.

10. Date of first use by applicant or predecessor (the mark must be in use before it can be registered):

a. Anywhere Feb. 17, 1993

b. In this state Dec. 10, 2001

11. Three specimens or facsimiles of the mark as it is actually used must accompany this application.

12. The applicant is the owner of the mark. The mark is in use and to the knowledge of the person verifying this application, no other person has registered, either federally or in this state, or has the right to use such mark either in the identical form thereof or in such near resemblance as to be likely, when applied to the goods or services of such other person, to cause confusion or to cause mistake or to deceive.

Texas Roadhouse Delaware LLC
By: Texas Roadhouse Holdings LLC, Manager
By: WKT Restaurant Corp., Manager

Date: February 4, 2002

Signed: By: Signature available on original document
Sheila C. Brown

Title: Secretary

State of Kentucky
County of Jefferson

Subscribed and sworn to before me this 4th day of February, 2002 by
Sheila C. Brown

SEAL

Notary Public, State at Large, KY

Notary Public

My commission expires: My Commission Expires Apr 19, 2003

Filing Fee: \$100.00 (Filing instructions are on the following page)

Revised: 5/2000

Continuation of Service Mark Application of Texas Roadhouse Delaware LLC

No. 9.

Mark	Reg. No.	Issue Date	Status
TEXAS ROADHOUSE & Design	1,833,533	04/26/94	Granted after response filed disclaiming "Texas Roadhouse." Application was filed by another firm. "Texas" should not have been disclaimed.
TEXAS ROADHOUSE	2,231,309	03/16/99	Granted after response filed disclaiming only "Roadhouse." No disclaimer of "Texas" required. Mark registered based on Acquired Distinctiveness.
TEXAS ROADHOUSE & Design	2,250,966	06/8/99	Granted after response filed disclaiming only "Roadhouse." No disclaimer of "Texas" required. Mark registered based on Acquired Distinctiveness as to "Texas Roadhouse."
TEXAS ROAD HOUSE & Design	2,361,062	06/27/00	Granted after response filed disclaiming only "Road House." No disclaimer of "Texas" required. Mark registered based on Acquired Distinctiveness as to "Texas Roadhouse."

Int. Cls.: 25 and 42

Prior U.S. Cls.: 22, 39, 100 and 101

United States Patent and Trademark Office

Reg. No. 2,361,062

Registered June 27, 2000

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**



TEXAS ROADHOUSE HOLDINGS LLC (KENTUCKY LIMITED LIABILITY COMPANY)
9000 WESSEX PLACE, SUITE 301
LOUISVILLE, KY 40222, BY ASSIGNMENT; BY ASSIGNMENT; BY ASSIGNMENT TAYLOR, W. KENT (UNITED STATES CITIZEN) LOUISVILLE, KY 40222

FOR: CLOTHING, OTHER THAN MEN'S, WOMEN'S AND CHILDREN'S PANTS, NAMELY, SHIRTS, CAPS, JACKETS AND SWEATSHIRTS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 12-0-1993; IN COMMERCE 12-0-1993.

FOR: RESTAURANT AND BAR SERVICES, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 12-0-1993; IN COMMERCE 12-0-1993.
OWNER OF U.S. REG. NO. 1,833,533.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "ROAD HOUSE", APART FROM THE MARK AS SHOWN.

THE LINING SHOWN IN THE DRAWING IS A FEATURE OF THE MARK AND IS NOT INTENDED TO INDICATE COLOR.

SEC. 2(F) AS TO "TEXAS ROADHOUSE".

SER. NO. 75-350,292, FILED 9-2-1997.

JESSIE B. BILLINGS, EXAMINING ATTORNEY

Int. Cl.: 42

Prior U.S. Cls.: 100 and 101

Reg. No. 2,250,966

United States Patent and Trademark Office

Registered June 8, 1999

**SERVICE MARK
PRINCIPAL REGISTER**



TEXAS ROADHOUSE HOLDINGS LLC (KENTUCKY LIMITED LIABILITY COMPANY)
9000 WESSEX PLACE, SUITE 301
LOUISVILLE, KY 40222, BY ASSIGNMENT
TAYLOR, W. KENT (UNITED STATES CITIZEN) LOUISVILLE, KY 40222

FOR: RESTAURANT AND BAR SERVICES,
IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 7-10-1996; IN COMMERCE
7-10-1996.

OWNER OF U.S. REG. NO. 1,833,533.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "ROADHOUSE", APART
FROM THE MARK AS SHOWN.

THE MARK IS LINED FOR THE COLORS
GREEN AND RED. THE LINES WITHIN
"TEXAS ROADHOUSE" ARE ALSO RED, AND
THE COWBOY HAT CONTAINS YELLOW, BUT
THE COLORS COULD NOT BE LINED TO IN-
DICATE COLOR. THE COLORS ARE
CLAIMED AS A FEATURE OF THE MARK.
"TEXAS ROADHOUSE" APPEARS ON A
BLACK BACKGROUND, AND A PORTION OF
THE COWBOY HAT IS BLACK.

SEC. 2(F) AS TO "TEXAS ROADHOUSE".

SER. NO. 75-356,558, FILED 9-15-1997.

JESSIE B. BILLINGS, EXAMINING ATTORNEY

Int. Cl.: 42

Prior U.S. Cl.: 100

United States Patent and Trademark Office

Reg. No. 1,833,533

Registered Apr. 26, 1994

**SERVICE MARK
PRINCIPAL REGISTER**



TAYLOR, W. KENT (UNITED STATES CITIZEN)
2412 TAVENER DRIVE
LOUISVILLE, KY 40242

FOR: RESTAURANT SERVICES, IN CLASS 42 (U.S. CL. 100).

FIRST USE 2-17-1993; IN COMMERCE 2-17-1993.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "TEXAS ROADHOUSE" AND

THE DESIGN OF THE STATE OF TEXAS, APART FROM THE MARK AS SHOWN.

THE DRAWING IS LINED FOR THE COLOR RED.

THE MARK COMPRISES "TEXAS ROADHOUSE" AND DESIGN OF THE STATE OF TEXAS AND STYLIZED COWBOY HAT DESIGN.

SN 74-341,181, FILED 12-18-1992.

G. T. GLYNN, EXAMINING ATTORNEY

Int. Cl.: 42

Prior U.S. Cls.: 100 and 101

Reg. No. 2,231,309

United States Patent and Trademark Office

Registered Mar. 16, 1999

**SERVICE MARK
PRINCIPAL REGISTER**

TEXAS ROADHOUSE

TEXAS ROADHOUSE HOLDINGS LLC (KENTUCKY LIMITED LIABILITY COMPANY)
9000 WESSEX PLACE, SUITE 301
LOUISVILLE, KY 40222, ASSIGNEE OF
TAYLOR, W. KENT (UNITED STATES CITIZEN) LOUISVILLE, KY 40241

FOR: RESTAURANT SERVICES, IN CLASS
42 (U.S. CLS. 100 AND 101).

FIRST USE 2-17-1993; IN COMMERCE
2-17-1993.

OWNER OF U.S. REG. NO. 1,833,533.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "ROADHOUSE", APART
FROM THE MARK AS SHOWN.

SEC. 2(F).

SER. NO. 75-084,417, FILED 4-5-1996.

JESSIE B. BILLINGS, EXAMINING ATTORNEY

IN THE OFFICE OF THE SECRETARY OF STATE OF MICHIGAN

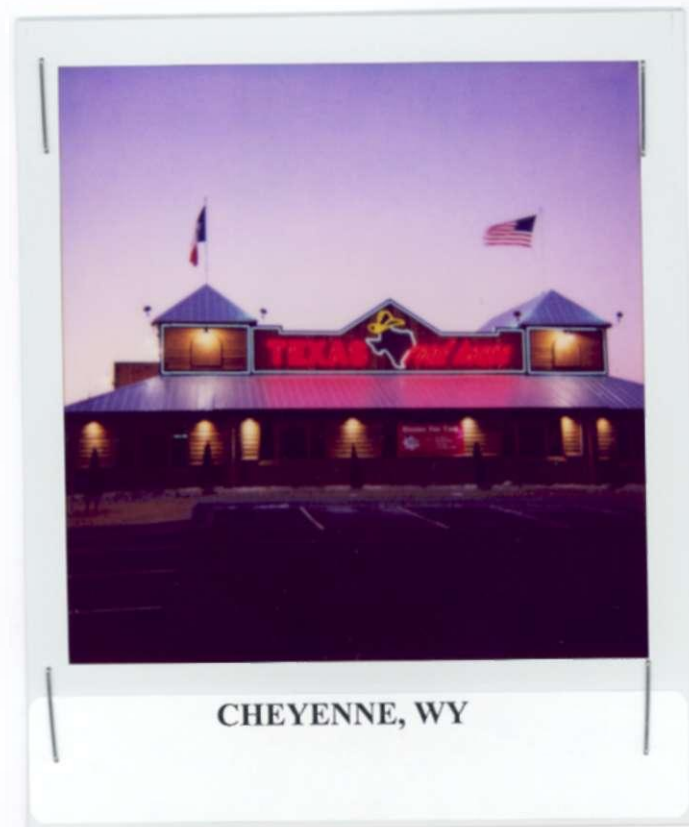
In re Mark Application of Texas Roadhouse Delaware LLC

Class: 100

Mark: TEXAS ROADHOUSE (word mark)

Our Ref.: 30382-108

SPECIMEN SHEET



The above specimen of use displays the mark as used on signage for the restaurants where the services are rendered. These services are the subject of this Wyoming service mark application for TEXAS ROADHOUSE (word mark).

Jenkins & Gilchrist

A PROFESSIONAL CORPORATION

1445 ROSS AVENUE
SUITE 3200
DALLAS, TEXAS 75202

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AUSTIN, TEXAS
(512) 499-3800

CHICAGO, ILLINOIS
(312) 425-3900

HOUSTON, TEXAS
(713) 951-3300

LOS ANGELES, CALIFORNIA
(310) 820-8800

NEW YORK, NEW YORK
(212) 704-6000

SAN ANTONIO, TEXAS
(210) 246-5000

WASHINGTON, D.C.
(202) 326-1500

April 2, 2002

Via Federal Express

Wyoming Secretary of State
Corporations Division
The State Capitol Building
Cheyenne, WY 82002-0020

Re: Wyoming Service Mark Application for TEXAS ROADHOUSE (word mark)
Applicant: Texas Roadhouse Delaware LLC
Our Ref.: 30382-108

Dear Sir/Madam:

I am enclosing herewith the following items:

1. Two (2) original forms of an Application for Registration of Trademark or Service Mark for the mark TEXAS ROADHOUSE (word mark) in Class 100.
2. Three (3) specimens of the mark TEXAS ROADHOUSE (word mark) as actually used in commerce.
3. Check in the amount of \$100.00 in payment of the applicable filing fees.
4. Postcard acknowledging receipt of items 1-3. Please file-stamp and return.

Please accept and file this application and pass the mark to registration at the earliest possible date. If there is any further information that I can provide, please call me at the number indicated above.

Jenkins & Gilchrist
A PROFESSIONAL CORPORATION

April 2, 2002
Page 2

Sincerely,

Signature available on original document

Russell N. Rippamonti

RNR:sb
Enclosures

cc: Texas Roadhouse Delaware LLC
Charles B. Cannon, Esq.

RECEIVED
WYOMING
SECRETARY OF STATE
2002 APR 4 PM 10 17

02-433660

WY Secretary of State
FILED: 03/27/2007
Original ID: 2002-000433660
Amendment ID: 2007-000605774

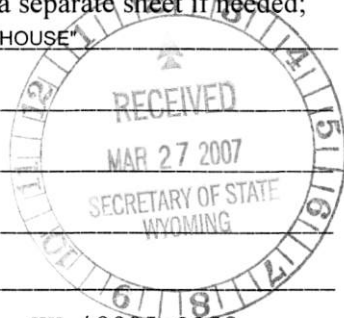
Wyoming Secretary of State
The Capitol Building, Room 110
200 W. 24th Street
Cheyenne, WY 82002-0020

Phone (307) 777-7311/7312
Fax (307) 777-5339
E-mail: corporations@state.wy.us

**APPLICATION FOR RENEWAL OF
TRADEMARK OR SERVICE MARK REGISTRATION**

1. Provide a written description of the trademark or service mark. Your description must include all words, names, symbols, devices and designs which appear on the mark. You may attach a separate sheet if needed; however, you must describe the trademark completely.

The words "TEXAS ROADHOUSE"



2. Name of applicant: TEXAS ROADHOUSE DELAWARE LLC
3. Business address of applicant: 6040 Dutchmans Lane, Suite 400, Louisville, KY 40205-3358
4. Mailing address of applicant: 6040 Dutchmans Lane, Suite 400, Louisville, KY 40205-3358
5. Applicant is: ☐ (a) individual; ☐ (b) corporation; ☐ (c) limited partnership; ☐ (d) general partnership; ☒ (e) limited liability company; ☐ (f) statutory trust; ☐ (g) other (CHECK ANSWER)

If (b) (c) (e) or (f) show when and where incorporated or organized: (STATE) Delaware
(DATE) Feb 24, 1997

If (c) or (d) list the names of the general partners: _____

If (e) or (f) list the names of the managers, members or trustees: Texas Roadhouse Holdings LLC

If (g) explain: _____

6. Date of original registration in the office of the Wyoming Secretary of State: July 11, 2002
7. Provide the class number and title of the goods or services (see reverse) use only one class code per renewal.
100 Miscellaneous
8. Provide a brief description of the goods or services within the class (i.e., what your product is, or what service you provide.)
restaurant and bar services

9. List the mode or manner in which the mark is used to identify the goods or services (e.g.: goods - labels on cans, bags, wrappers, etc.; tags, nameplates affixed directly to product; services - labels on laundry bags, advertising, window signs, etc.)

on signage, newspaper and magazine advertisements, menus, and in other ways customary in the trade

10. An application to register the mark or portions or a composite has been filed by the applicant or a predecessor in interest in the U.S. Patent and Trademark office: Yes ✓ No

If yes, provide filing date, serial number of each application, the status and, if any application was finally refused registration or has not otherwise resulted in registration, the reasons therefor.

See attachment.

11. Three specimens or facsimiles of the mark as it is actually used must accompany this renewal application.
12. The applicant is the owner of the mark. The mark has been and is still in use and to the knowledge of the person verifying this application, no other person has registered, either federally or in this state, or has the right to use such mark either in the identical form thereof or in such near resemblance as to be likely, when applied to the goods or services of such other person, to cause confusion or to cause mistake or to deceive.

Date: 2/28/07

Signed: Signature available on original document

Sheila C. Brown

Title: Corporate Secretary

State of Kentucky)ss.

County of Jefferson)

Subscribed and sworn to before me this day of February,
2007 by Sheila C. Brown

Dawn Johnson
Notary Public

SEAL

My commission expires: Notary Public, State at Large, KY
My commission expires Feb. 28, 2010

Filing Fee: \$50.00 (Filing instructions are on the following page.)

tmrenewal - Revised 10/2005

