

CHECKERS DRIVE IN RESTAURANTS INC /DE

Form 8-K

February 10, 2004

FORM 8-K

SECURITIES AND EXCHANGE COMMISSION

Washington, D.C. 20549

Current Report Pursuant  
to Section 13 or 15(d) of the  
Securities Exchange Act of 1934

Date of Report (Date of earliest event reported)  
February 9, 2004

CHECKERS DRIVE-IN RESTAURANTS, INC.  
(Exact name of registrant as specified in charter)

|                                    |                             |                                      |
|------------------------------------|-----------------------------|--------------------------------------|
| DELAWARE                           | 0-19649                     | 58-1654960                           |
| (State or other<br>jurisdiction of | (Commission<br>File Number) | (IRS Employer<br>Identification No.) |

4300 WEST CYPRESS STREET, SUITE 600, TAMPA FLORIDA 33607  
(Address of principal executive offices) (Zip Code)

Registrant's telephone number, including area code  
(813) 283-7000

Former name or former address (if changed since last report)  
NOT APPLICABLE

Item 9. REGULATION FD DISCLOSURE.

On February 9, 2004, the Registrant issued a news release entitled "Checkers/Rally's Successfully Defends Use of You Gotta Eat (SM) Trademark", a copy of which is attached hereto as Exhibit 99.1.

SIGNATURES

Pursuant to the requirements of the Securities Exchange Act of 1934, the Registrant has duly caused this report to be signed on its behalf by the undersigned hereunto duly authorized.

CHECKERS DRIVE-IN RESTAURANTS, INC.

By: \_\_\_\_\_

Name: Keith E. Sirois  
Title: CEO and President  
Dated: February 9, 2004

EXHIBIT INDEX

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Exhibit Number Description

99.1 Press Release, dated February 9, 2004

Exhibit 99.1

CHECKERS DRIVE-IN RESTAURANTS, INC.

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Tampa, Florida 33607  
\* (813) 283-7000 \* (813) 283-7001

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412-562-1186

Checkers/Rally's Successfully Defends  
Use of You Gotta Eat (SM) Trademark

TAMPA, FL - February 9, 2004 - Checkers Drive-In Restaurants, Inc., (NASDAQ: CHKR), the nation's largest double drive-thru chain, today announced that it has successfully defended its use of the You Gotta Eat (SM) trademark. Earlier today the United States District Court for the Eastern District of New York dismissed with prejudice the trademark infringement suit filed by New York-based YouGottaEat.com against Checkers Drive-In Restaurants, Inc.

"We are very pleased by the court's decision. The court's ruling confirms that we not only had, and continue to have, the right to use the You Gotta Eat mark, but also that Checkers Drive-In Restaurants, Inc. acted properly and in good faith at all times in this matter," said Keith Sirois, President and CEO at Checkers Drive-In Restaurants, Inc. "Our consumers have embraced You Gotta Eat as a fun and memorable representation of our brand, and we are proud to have successfully defended our use of the mark."

Checkers Drive-In Restaurants, Inc. first launched its You Gotta Eat campaign in 2001 and received immediate praise from consumers and advertising critics alike. The award-winning ads feature You Gotta Eat in both the lyrics and the visuals, and show fun, cool people enjoying Checkers/Rally's food during their on-the-run lives. Now in its third year, You Gotta Eat has become synonymous with the double drive-thru's brand.

"Due to You Gotta Eat, as well as our other creative work and marketing initiatives, Checkers/Rally's is enjoying its highest brand and ad awareness in

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Company history," said Richard S. Turer, Vice President of Marketing at Checkers Drive-In Restaurants, Inc. "We continue to outperform the category in same store sales growth and expect to do so in the months ahead."

Checkers Drive-In Restaurants, Inc.

Checkers Drive-In Restaurants, Inc. (www.checkers.com) is the largest double drive-thru restaurant chain in the United States. The Company develops, produces, owns, operates and franchises quick service "double drive- thru" restaurants.

Except for historical information, this announcement contains "forward-looking" and "Safe Harbor" statements within the meaning of Section 27A of the Securities Act of 1933, as amended, Section 21E of the Securities Exchange Act of 1934, as amended and the Private Securities Litigation Reform Act of 1995. These forward-looking and Safe Harbor statements reflect management's expectations based upon currently available information and data; however, actual results are subject to future events and uncertainties, which could cause actual results to materially differ from those projected in these statements. Further information regarding factors that could affect the company's financial and other results is included in the company's Forms 10Q and 10K, filed with the Securities and Exchange Commission.