

TTAB



01-28-2002

FORE THE TRADEMARK TRIAL AND APPEAL BOARD
THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. Patent & TMOft/TM Mail Rcpt Dt. #76

KEVIN T. MC CARNEY, dba)
 POQUITO MAS)
)
 Opposer,)
)
 v.)
)
 UNA MAS, INC.)
)
 Applicant.)
 _____)

Opposition No. 107,026

Opposition No. 107,748

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Trademarks, 2900 Crystal Drive, Box TTAB Arlington, VA 22202-3513, on 1-25-02

Elaine Cleverly

1-25-02

Date of Signature

**MOTION TO STRIKE APPLICANT'S UNTIMELY RESPONSES TO
OPPOSER'S FIRST SET OF REQUESTS FOR ADMISSIONS**

Opposer, Kevin T. McCarney, dba Poquito Mas (hereinafter "Opposer"), moves to strike the attached untimely responses to Opposer's First Requests for Admissions by Una Mas, Inc. (hereinafter "Applicant").

On June 1, 1998 Opposer served its First Requests for Admissions on Applicant. Applicant failed to respond to Opposer's First Requests for Admissions in accordance with the Federal Rules and, therefore, they are admitted for the purpose of this inter parte proceedings. Applicant, on January 24, 2002, served responses to Opposer's First Requests for Admissions served by Opposer on June 1, 1998. The Federal Rule mandates a response within 30 days. Furthermore, Applicant did not motion the Board to allow the late filing of its responses to Opposer's requests. The allowance of the entry of Applicant's untimely responses unfairly burdens Opposer. Accordingly, Opposer hereby moves that the Board strike the attached responses in that Opposer's First Requests

[Handwritten mark]

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing MOTION TO STRIKE APPLICANT'S
UNTIMELY RESPONSES TO OPPOSER'S FIRST SET OF REQUESTS FOR ADMISSIONS
was served on Applicant, Una Mas, Inc., by first class mail, postage prepaid, this 25th day of
January, 2002 to the attorney for Applicant at the address below:

David J. Brezner
Flehr, Hohbach, Test, Albritton & Herbert LLP
4 Embarcadero Center, Suite 3400
San Francisco, CA 94111-4187



ROBERT V. VICKERS