

TTAB

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

\_\_\_\_\_  
KEVIN T. MC CARNEY, dba )  
POQUITO MAS )  
 )  
Opposer, )  
 )  
v. )  
 )  
UNA MAS, INC. )  
 )  
Applicant. )  
\_\_\_\_\_X



06-10-2002  
U.S. Patent & TMOfo/TM Mail Rcpt #71

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TRADEMARK TRIAL AND APPEAL BOARD

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-NOFEE Arlington, VA 22202-3513, on 6-5-02

BOX TTAB- NO FEE  
Asst. Commissioner of Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

Elaine Chewrich  
6-5-02  
Date of Signature

OPPOSER'S FIFTH NOTICE OF RELIANCE

In conformance with 37 C.F.R. 2.122, Opposer hereby indicates its intention to rely upon the following items in evidence in support of its claims in the Notice of Opposition in the above-identified Oppositions.

Attachment 1 - An article from L.A. Life, showing the fame and use of Opposer's POQUITO MAS marks including Registration No. 1,892,451 (hereinafter "Opposer's marks").

Attachment 2 - An article from the Los Angeles Times, dated December, 1995 showing the fame and use of Opposer's marks.

Attachment 3 - An article from the Valley Calendar, of the Los Angeles Times dated March 17, 1989 showing the fame, use of Opposer's marks and recognition of the translated meaning of POQUITO MAS as "little more."

Attachment 4 - An article from L.A. Life, dated March 17, 1990

*Handwritten initials*

showing the fame and use of Opposer's marks.

Attachment 5 - An article from L.A. Life, dated May 6, 1993 showing the fame and use of Opposer's marks.

Attachment 6 - Cover and pages 92-98 from Westways Magazine, dated May/June 2001 showing the fame and use of Opposer's marks.

Attachment 7 - An article from Westways Magazine, dated January 1994 showing the fame and use of Opposer's marks.

Attachment 8 - An article from Daily Variety, dated September 9, 1996 showing the fame and use of Opposer's marks.

Attachment 9 - An article from the Los Angeles Times, dated August 2, 1996 showing the fame and use of Opposer's marks.

Attachment 10 - An article by Elmer Dills dated February 5, 1997 showing the fame and use of Opposer's marks.

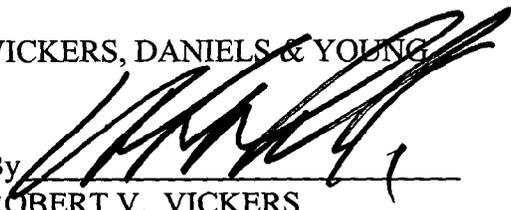
Attachment 11 - An article from the Los Angeles Times, dated October 31, 1996 showing the fame and use of Opposer's marks including.

Attachment 12 - An article from the Courier Pigeon, dated April 12, 1985 showing the fame and use of Opposer's marks.

Opposer hereby gives notice of its intent to rely upon this material in the above-identified Oppositions.

Respectfully submitted,

VICKERS, DANIELS & YOUNG

By   
ROBERT V. VICKERS  
Reg. No. 19,504  
50 Public Square, Suite 2000  
Cleveland, Ohio 44113  
(216) 623-0040

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing OPPOSER'S FIFTH NOTICE OF RELIANCE was served on Applicant, Una Mas, Inc., by first class mail, postage prepaid, to the attorneys for Applicant at the address below on the date indicated below:

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

Date: 6/5/02

  
\_\_\_\_\_  
ROBERT V. VICKERS

Exhibits

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BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

_____	X
KEVIN T. MC CARNEY, dba	)
POQUITO MAS	)
	)
Opposer,	)
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	)
UNA MAS, INC.	)
	)
Applicant.	)
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TRADEMARK TRIAL AND APPEAL BOARD  
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 Asst. Commissioner of Trademarks  
 2900 Crystal Drive  
 Arlington, VA 22202-3513

Elaine McEvoy  
6-5-02  
 Date of Signature

**OPPOSER'S FOURTH NOTICE OF RELIANCE**

In conformance with 37 C.F.R. 2.122, Opposer hereby indicates its intention to rely upon the following items in evidence in support of its claims in the Notice of Opposition in the above-identified Oppositions.

Attachment 1 - Applicant's Answers and Objections to Opposer's First Set of Interrogatories.

Attachment 2 - Applicant's Responses to Opposer's First Request for Admissions.

Attachment 3 - Applicant's Responses to Opposer's First Request for Production of Documents.

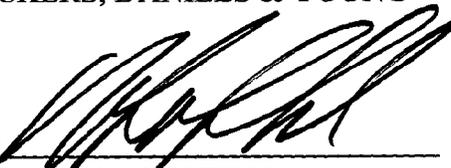
Attachment 4 - A redacted page from Applicant's Brief in Opposition to Opposer's Motion for Summary Judgment and in Support of Applicant's Cross-Motion for Summary Judgment which sets forth the first use date of Una Mas.

*[Handwritten signature]*

Opposer hereby gives notice of its intent to rely upon this material in the above-identified  
Oppositions.

Respectfully submitted,

VICKERS, DANIELS & YOUNG

By 

ROBERT V. VICKERS

Reg. No. 19,504

50 Public Square, Suite 2000

Cleveland, Ohio 44113

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing OPPOSER'S FOURTH NOTICE OF RELIANCE was served on Applicant, Una Mas, Inc., by first class mail, postage prepaid, to the attorneys for Applicant at the address below on the date indicated below:

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

Date: 6/5/02

  
\_\_\_\_\_  
ROBERT V. VICKERS