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

Proceeding	91159871
Party	Defendant Servicios de Franquicia Pardo's S. A. C. Servicios de Franquicia Pardo's S. A. C. Avenida Dos de Mayo 1002 PEX Lima 27,
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Date	03/01/2006
Attachments	91159871.pdf ( 6 pages )

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March 1, 2006

## *VIA ESTTA*

Trademark Trial and Appeal Board  
U.S. Patent and Trademark Office  
Madison East, Concourse Level Room C 55  
600 Dulany Street  
Alexandria, VA 22314

**Re: Opposition No. 91159871**  
**Mario Diaz v. Servicios de Franquicia Pardo's S.A.C.**  
**Our Reference: SERV:002/10408307**

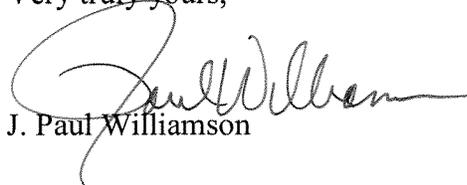
Dear Sir/Madam:

Enclosed is a copy of the certified Affidavit of Arnold H. Wu Wong corresponding to that which was appended to Applicant's Reply to Opposer's Response to Motion for Summary Judgment, filed electronically using ESTTA (Electronic System for the Trademark Trial and Appeal Board) on February 13, 2006.

The witness executed the enclosed Affidavit on a different date (from that appended to the February 13 filing) because he re-executed the identical affidavit on the date he appeared before the Vice Consul of the United States in Lima, Peru. Upon request from the Board, Applicant can submit the original version of the enclosed certified Affidavit.

Please contact the undersigned if there are any questions.

Very truly yours,



J. Paul Williamson

JPW/the

Enclosure

25627216.1

Trademark Trial and Appeal Board  
Opposition No. 91159871  
March 1, 2006  
Page 2

**CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing letter and enclosure (Affidavit of Arnold H. Wu Wong, appended to Applicant's Reply to Opposer's Response to Motion for Summary Judgment) was served upon Opposer's counsel by first class mail, postage prepaid, on this 1<sup>st</sup> day of March 2006, as follows:

Edward M. Joffe, Esq.  
Sandler, Travis & Rosenberg, P.A.  
5200 Blue Lagoon Drive, Suite 600  
Miami, FL 33126



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6. Serfransac's initial U.S. application to register PARDO'S CHICKEN was abandoned on January 20, 2001 for failure to respond to a pending Office Action.

7. In light of Serfransac's continuing bona fide intent to open a restaurant in commerce in the United States under the mark PARDO'S CHICKEN, a new application was filed with the United States Patent and Trademark Office on November 14, 2002.

8. Serfransac owns or controls multiple PARDO'S CHICKEN restaurants (fifteen (15) in number) currently operating in Peru and Chile. The only PARDO'S CHICKEN restaurants in Peru and Chile, to the knowledge of Serfransac, are those of Serfransac.

9. Serfransac has been continuing to expand the number of its restaurants under the PARDO'S CHICKEN mark in Peru and Chile, with a new restaurant having been opened in Peru as recently as December of 2005.

10. Serfransac has historically conducted the necessary market research in connection with the opening of new restaurants on an internal basis, by its own business executives.

11. Serfransac has been investigating U.S. markets for the opening of a PARDO'S CHICKEN restaurant since at least as early as 2000 and has sponsored numerous trips by its business executives for the purpose of visiting with realtors, visiting potential restaurant sites, visiting with restaurant equipment vendors and food vendors and for obtaining quotations for such products from vendors.

12. Serfransac has limited its activity related to a restaurant development in the U.S. since the filing of this opposition proceeding by Mario Diaz in March of 2004, but has not deviated from its intent to open a restaurant in the U.S. under the PARDO'S CHICKEN mark, presuming that the opposition is resolved favorably for Serfransac.

13. Serfransac's initial target market in the U.S. for a PARDO'S CHICKEN restaurant has been and continues to be communities with Latin/Spanish speaking populations, which are communities most likely to have knowledge of or information about the PARDO'S CHICKEN restaurants in Peru and Chile.

14. Serfransac has advertised its PARDO'S CHICKEN restaurants in newspapers with a United States distribution in at least the years 2003 and 2004.

15. Serfransac has maintained a website under its PARDO'S CHICKEN mark and relating to its PARDO'S CHICKEN restaurants since at least as early as 1999, with that site having been presented in English between 1999 and 2002. The site is currently presented only in Spanish.

16. Serfransac has formed a corporation in the United States for the purpose of being able to operate and/or manage U.S. restaurants under the PARDO'S CHICKEN mark. This corporation, First Florida Chicken, Inc., was incorporated in Florida on February 25, 2003.

17. The address given for Mr. Diaz while he lived in Peru was less than twenty (20) blocks away from one of Applicant's PARDO'S CHICKEN restaurants.

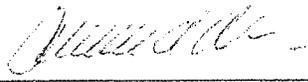
18. Attached to this Affidavit, as Exhibit 1, is a true and correct copy of the complete transcript of my deposition taken on December 28, 2005, along with a copy of the execution page and errata sheet.

19. The foregoing information has been derived from my personal knowledge or from the business records of Serfransac.

Respectfully submitted,

Date: February 23<sup>rd</sup>, 2006

By:

  
Name: Arnold H. Wu Wong  
Title: General Manager  
Servicios de Franquicia Pardo's S.A.C.

**INDIVIDUAL ACKNOWLEDGEMENT CERTIFICATE**

Republic of Peru

Province and City of Lima

Embassy of the United States of America

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SS:

I, Kay G. Barton, Vice, consul of the United States of America at Lima, Peru, duly commissioned and qualified, do hereby certify that on this day the individual named below appeared before me and acknowledged to me that the attached Affidavit was executed freely and voluntarily:

Arnold Henry Wu Wong

This embassy assumes no responsibility for the contents of the document.



*Kay G. Barton*

My commissions expires: KAY G. BARTON  
Vice - Consul  
U.S. EMBASSY LIMA

**INDEFINITELY**