ESTTA Tracking number: **ESTTA79954**
Filing date: **05/09/2006**

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

Proceeding	91170166
Party	Defendant Productos Chachitos, S.A. de C.V. Productos Chachitos, S.A. de C.V. Complejo Industrial Retorno Fuentes Mares No. 111 MXX Chihuahua, Chihuahua, 31109
Correspondence Address	CHARLES W. HANOR CHARLES W. HANOR, P.C. PO BOX 91319 SAN ANTONIO, TX 78209-9099
Submission	Answer
Filer's Name	Charles W. Hanor
Filer's e-mail	trademarks@hanor.com
Signature	/charles w. hanor/
Date	05/09/2006
Attachments	20060509 Answer to Notice of Opposition - FINAL.pdf (5 pages)(19121 bytes)

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

FRITO-LAY NORTH AMERICA, INC.	§	
	§	Opposition No.: 91170166
Opposer,	§	
	§	Serial No.: 78/512471
vs.	§	
	§	APPLICANT'S ANSWER TO NOTICE OF OPPOSITION
PRODUCTOS CHACHITOS, S.A. DE C.V.	§	
	§	
Applicant.	§	

APPLICANT'S ANSWER TO NOTICE OF OPPOSITION

Applicant, Productos Chachitos, S.A. de C.V., by its attorney, hereby answers the allegations set forth in the Notice of Opposition as follows:

1. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 1 of the Notice of Opposition and, therefore, denies said allegation.

2. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 2 of the Notice of Opposition and, therefore, denies said allegation.

3. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 3 of the Notice of Opposition and, therefore, denies said allegation.

4. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 1 of the Notice of Opposition and, therefore, denies said allegation.

5. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 5 of the Notice of Opposition and, therefore, denies said allegation.

6. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 6 of the Notice of Opposition and, therefore, denies said allegation.

7. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 7 of the Notice of Opposition and, therefore, denies said allegation.

8. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 8 of the Notice of Opposition and therefore denies said allegation.

9. Paragraph 9 is omitted from the Notice of Opposition and therefore requires no response.

10. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 10 of the Notice of Opposition and, therefore, denies said allegation.

11. Applicant admits paragraph 11.

12. Applicant denies paragraph 12.

13. Applicant denies paragraph 13

14. Applicant denies paragraph 14.

15. Applicant denies paragraph 15.

16. Applicant denies paragraph 16.

17. Applicant denies paragraph 17.

18. Applicant denies paragraph 18.

19. Applicant denies paragraph 19.

20. Applicant denies paragraph 20.

AFFIRMATIVE DEFENSES

21. Opposer fails to state a claim upon which relief can be granted.

22. Alternatively and/or in addition, Opposer's claims are barred by the doctrine of laches.

23. Alternatively and/or in addition, Opposer's mark is not famous.

24. Alternatively and/or in addition, there has been no actual dilution of Opposer's mark.

25. Alternatively and/or in addition, Opposer's claims are barred by the doctrine of waiver.

26. Alternatively and/or in addition, Opposer's claims are barred by the doctrine of acquiescence.

27. Alternatively and/or in addition, Opposer's claims are barred by the doctrine of estoppel.

28. Alternatively and/or in addition, Opposer's claims are barred by the doctrine of unclean hands.

29. Alternatively and/or in addition, Opposer's claims are barred by the doctrine of trademark misuse.

Wherefore, Applicant respectfully requests that the opposition be dismissed and that its mark be registered.

Respectfully submitted,

/charles w. hanor/

Charles W. Hanor
CHARLES W. HANOR, P.C.
P.O. Box 91319
San Antonio, Texas 78209
210-829-2000 (telephone)
210-829-2002 (direct line)
210-829-2001 (telefax)
trademarks@hanor.com

Attorneys for Applicant
PRODUCTOS CHACHITOS, S.A. DE C.V.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been forwarded via first class mail to:

Joseph J. Ferretti
Frito-Lay, Inc.
7701 Legacy Drive, Mail Stop 3A-421
Plano, TX 75024

on this the _9th_ day of May, 2006.

/charles w. hanor/
CHARLES W. HANOR