

ESTTA Tracking number: **ESTTA274678**

Filing date: **03/27/2009**

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

Proceeding	91186060
Party	Plaintiff Proximo Restaurants LLC
Correspondence Address	Keith Barritt Fish & Richardson P.C. P.O. Box 1022 Minneapolis, MN 55440-1022 UNITED STATES tmdoctc@fr.com, barritt@fr.com, erickson@fr.com
Submission	Other Motions/Papers
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Date	03/27/2009
Attachments	jaleo.pdf ( 5 pages )(97689 bytes )

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

In the matter of application Serial No. 77/287,412  
For the mark JALEO  
Published in the Official Gazette on April 22, 2008

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PROXIMO MANAGEMENT LLC,

Opposer,

v.

GRUPO COMERCIAL ROOL SA de CV

Applicant.

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OPPOSITION NO. 91186060

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MOTION TO COMPEL INITIAL DISCLOSURES

Proximo Management LLC (“Opposer”), hereby requests the Board to issue an order compelling Applicant Grupo Comercial Rool SA de CV (“Applicant”) to provide its initial disclosures as provided for by Trademark Rule 2.120(e)(1).

As described below, Opposer has attempted in good faith to resolve this matter without relying on the Board. However, Applicant has refused to cooperate.

Accordingly, Opposer has no choice but to enlist the assistance of the Board in this matter.

The Board's scheduling order established that initial disclosures in this matter were due December 5, 2008. Opposer timely served its disclosures to Applicant. However, no disclosures were provided by Applicant as of the deadline, and none have been served since.

On March 12, 2009, Opposer's counsel wrote to Applicant's counsel in an effort to elicit initial disclosures without the need for a motion to compel (see Exhibit 1). However, no response has been received.

Discovery in this case is not scheduled to close until May 4, 2009. Accordingly, this motion is timely.

WHEREFORE, Opposer respectfully requests the Board to issue an order requiring Applicant to serve its initial disclosures as required by Trademark Rule 2.120(a)(1).

Respectfully submitted,

PROXIMO RESTAURANTS LLC



Keith A. Barritt, Esq.  
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Attorneys for Opposer

March 27, 2009

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

In the matter of application Serial No. 77/287,412  
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CERTIFICATE OF SERVICE

In accordance with 37 CFR 2.111(b), the undersigned hereby certifies that on March 27, 2009, a true copy of the foregoing MOTION TO COMPEL INITIAL DISCLOSURES was deposited in the U.S. mail, first-class, postage prepaid, addressed to the following correspondent address of record for Grupo Comercial Rool SA de CV:

Alejandro Malacara  
82 Chapel Hill Circle  
San Antonio, TX 78240

  
\_\_\_\_\_  
Signature

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# EXHIBIT 1

# FISH & RICHARDSON P.C.

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March 12, 2009

Alejandro Malacara  
82 Chapel Hill Circle  
San Antonio, Texas 78240

Re: JALEO Trademark Opposition in the United States  
Opp. No.: 91186060  
Our Ref.: 13329-0015PP1



ATLANTA

AUSTIN

BOSTON

DALLAS

DELAWARE

HOUSTON

MUNICH

NEW YORK

SAN DIEGO

SILICON VALLEY

TWIN CITIES

WASHINGTON, DC

Dear Mr. Malacara:

As you may be aware, the deadline for submitting your initial disclosures in the JALEO trademark opposition was December 5, 2008. If we do not receive your required disclosures within ten days we may have no choice but to enlist the assistance of the Board in resolving this issue.

I also wish to take this opportunity to again encourage your client to consider settling this matter, as set forth in my email of October 20, 2008.

Sincerely,

A handwritten signature in black ink, appearing to read 'Keith A. Barfitt', written over a horizontal line.  
Keith A. Barfitt

Original by mail

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