

ESTTA Tracking number: **ESTTA436714**

Filing date: **10/19/2011**

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

Proceeding	91189736
Party	Plaintiff Pizzeria Uno Corporation
Correspondence Address	JOHN L WELCH LANDO & ANASTASI LLP RIVERFRONT OFFICE PARK, ONE MAIN STREET 11TH FLOOR CAMBRIDGE, MA 02142 UNITED STATES jlwtrademarks@lalaw.com
Submission	Plaintiff's Notice of Reliance
Filer's Name	John L. Welch
Filer's e-mail	jlwtrademarks@lalaw.com
Signature	/johnlwelch/
Date	10/19/2011
Attachments	91189736 Opposers Fourth Notice of Reliance.pdf ( 11 pages )(234601 bytes )

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

PIZZERIA UNO CORPORATION,

Opposer,

v.

FRANK M. BAROUDI  
d/b/a PURO UNO,

Applicant.

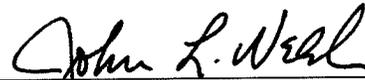
Opposition No.  
91189736

OPPOSER'S FOURTH NOTICE OF RELIANCE

PLEASE TAKE NOTICE that, pursuant to Rules 2.120(j) and 2.122 of the Trademark Rules of Practice, Opposer Pizzeria Uno Corporation hereby makes of record and will rely upon the following responses of Applicant to "Opposer's Request For Admissions to Applicant." Copies of the requests and the responses are attached hereto.

Opposer's Exhibit 15: Responses Nos. 2, 11, and 12 of "Applicant's Objections and Responses to Opposer's First Set of Requests for Admissions to Applicant," dated December 20, 2010.

PIZZERIA UNO CORPORATION



John L. Welch  
Lando & Anastasi, LLP  
One Main Street, Eleventh Floor  
Cambridge, MA 02412  
617/395-7000

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served upon Applicant this 19<sup>th</sup> day of October, 2011, by mailing a copy thereof via first-class mail, postage pre-paid, to:

Frank M. Baroudi  
511 Lake Louise Circle #201  
Naples, Florida 34110



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John L. Welch  
Lando & Anastasi, LLP  
One Main Street, 11<sup>th</sup> Floor  
Cambridge, MA 02142  
(617) 395-7000

*Opposition No. 91189736*

# Opposer's Exhibit 15

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

Pizzeria Uno Corporation,	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No.
	)	91189736
	)	
Frank M. Baroudi d/b/a Puro Uno,	)	Application
	)	S.N. 77619941
Applicant.	)	
	)	

OPPOSER’S REQUESTS FOR ADMISSIONS TO APPLICANT

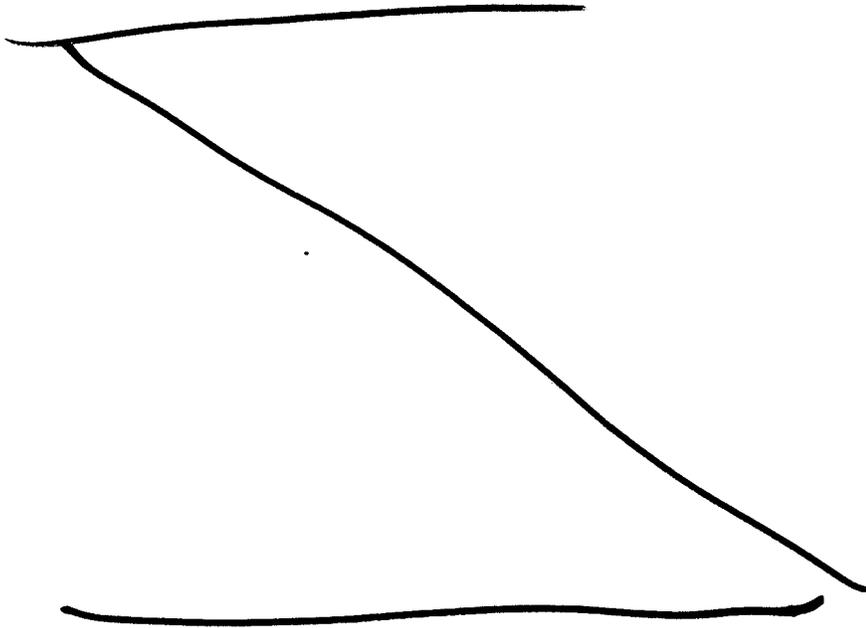
Pursuant to Rule 36, Fed. R. Civ. P., Opposer Pizzeria Uno Corporation directs the following requests for admissions to Applicant.

DEFINITIONS

1. The term “Applicant” as used herein denotes Applicant Frank M. Baroudi d/b/a Puro Uno, and his employees, agents, and representatives.
2. The term “person” or “persons” as used in these interrogatories includes, without limitation, any individual or association, partnership, corporation, firm, or organization.

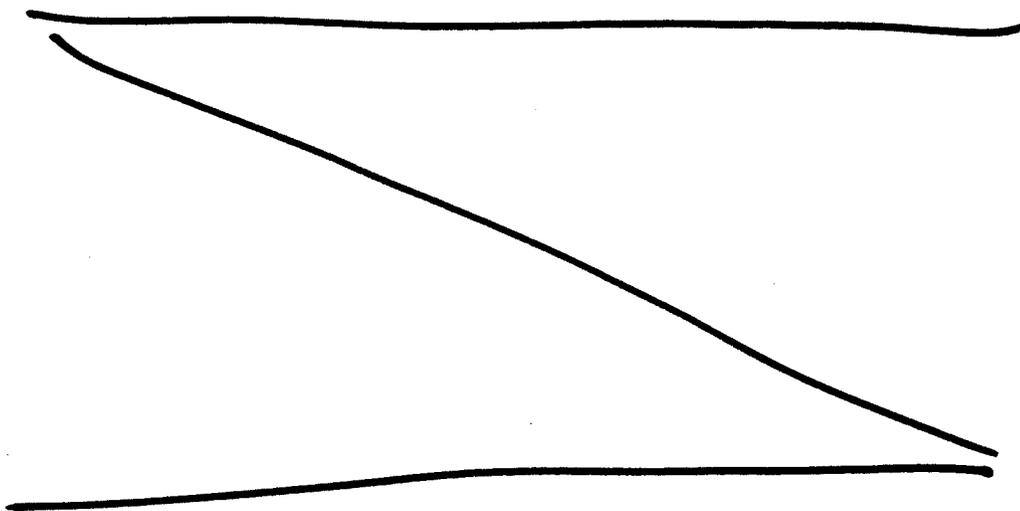
REQUESTS FOR ADMISSION

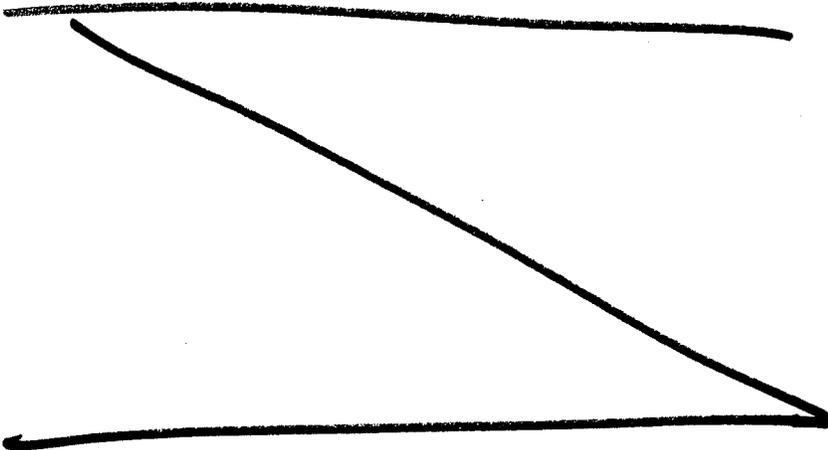
- ~~1. The word “PURO” in Applicant’s mark may be translated into English as “pure.”~~
2. The word “PURO” in Applicant’s mark may be translated into English as “pure.”



11. Applicant sells and/or expects to sell its wines to restaurants.
12. Applicant expects that its wines will be served in restaurants under the PURO

UNO label.





PIZZERIA UNO CORPORATION

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John L. Welch  
Lando & Anastasi, LLP  
One Main Street, Eleventh Floor  
Cambridge, MA 02142  
617/395-7000

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 15th day of October, 2010, a true copy of the foregoing document was served upon Applicant by first-class mail, postage pre-paid, by mailing same to:

Frank M. Baroudi  
511 Lake Louise Circle #201  
Naples, Florida 34110



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John L. Welch  
Lando & Anastasi, LLP  
One Main Street, 11<sup>th</sup> Floor  
Cambridge, MA 02142  
(617) 395-7000

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

Pizzeria Uno Corporation  
Opposer,

v.

Frank M. Baroudi d/b/a Puro Uno  
Applicant

In the matter of  
Trademark Application  
Serial No. 77/619941  
For the mark: PURO UNO  
International Class 33

Cancellation No.: 91189736

APPLICANT'S OBJECTIONS AND  
RESPONSES TO OPPOSER'S FIRST SET  
OF REQUESTS FOR ADMISSIONS TO  
APPLICANT

**APPLICANT'S OBJECTIONS AND RESPONSES TO OPPOSER'S  
FIRST SET OF REQUESTS FOR ADMISSIONS TO APPLICANT**

In accordance with 37 C.F.R. §§ 2.116, 2.120 and Rules 26 and 36 of the Federal Rules of Civil Procedure, Applicant, Frank Baroudi, hereby responds to Opposer's First Set of Requests For Admissions To Applicant. Applicant's responses are made without waiving or intending to waive any objections as to relevancy, privilege, or admissibility of any information provided in response to Opposer's requests, in any subsequent proceeding or at the trial of this or any other action, on any ground. An admission or denial, in whole or in part, to any request that has been objected to, in whole or in part, is not intended to be a waiver of the objection. Applicant reserves the right to supplement these responses and as appropriate, the right to correct, amend, or withdraw any responses based on discovery of new information or discovery of any errors that may be contained in the responses.

~~REQUEST FOR ADMISSION NO.1~~

~~RESPONSE~~

~~REQUEST FOR ADMISSION NO.2~~

REQUEST FOR ADMISSION NO.2

RESPONSE

Admitted

~~REQUEST FOR ADMISSION NO.3~~

~~RESPONSE~~

Admitted

REQUEST FOR ADMISSION NO.4

RESPONSE

Applicant objects to this request for admission on the grounds that it is not reasonably calculated to lead to the discovery of any admissible evidence and it is vague and ambiguous. Without waiving the above objections, Applicant denies that Restaurants often sell wine.

REQUEST FOR ADMISSION NO.5

RESPONSE

Applicant objects to this request for admission on the grounds that it is not reasonably calculated to lead to the discovery of any admissible evidence and it is vague and ambiguous. Without waiving the above objections, Applicant denies that restaurants typically include wine on their menus.

REQUEST FOR ADMISSION NO.6

RESPONSE

Applicant objects to this request for admission on the grounds that it relates to matters that are wholly irrelevant to this proceeding and not reasonably calculated to lead to the discovery of any admissible evidence. Applicant objects to this request for admission on

~~Applicant objects to this request for admission on the grounds that it is vague and ambiguous. Without waiving the above objections, Applicant denies that the goods in the PURO UNO Application Serial No. 77619941 are types of wine that are often served in restaurants.~~

REQUEST FOR ADMISSION NO.10

RESPONSE

Applicant objects to this request for admission on the grounds that it relates to matters that are wholly irrelevant to this proceeding and not reasonably calculated to lead to the discovery of any admissible evidence. Applicant objects to this request for admission on the grounds that it seeks information that is not in Applicant's possession or not within Applicant's knowledge. Without waiving the above objections, Applicant denies that ~~restaurants sometimes offer wine that is branded with the restaurant's name.~~

REQUEST FOR ADMISSION NO.11

RESPONSE

Admitted

REQUEST FOR ADMISSION NO.12

RESPONSE

Admitted

~~REQUEST FOR ADMISSION NO.13~~

~~RESPONSE~~

~~Denied~~

~~REQUEST FOR ADMISSION NO. 22~~

~~RESPONSE:~~

~~Denied~~

Respectfully submitted,

*Frank Baroudi*

Frank Baroudi

12/20/10

Date

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Applicant's Objections and Responses to Opposer's First Set of Requests for Admissions to Applicant were deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Pizzeria Uno Corporation C/O John L. Welch, Lando & Anastasi, LLP One Main Street – 11<sup>th</sup> Floor Cambridge, MA 02142 on the date set forth below.

*Frank Baroudi*

Frank Baroudi  
Applicant

12/20/10

Date