

ESTTA Tracking number: **ESTTA499332**

Filing date: **10/10/2012**

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

Proceeding	91196767
Party	Plaintiff Gruma Corporation
Correspondence Address	JOHN M CONE HITCHCOCK EVERT LLP PO BOX 131709 DALLAS, TX 75313-1709 UNITED STATES jccone@hitchcockevert.com, docket@hitchcockevert.com, ksimpson@hitchcockevert.com
Submission	Plaintiff's Notice of Reliance
Filer's Name	John M. Cone
Filer's e-mail	jccone@hitchcockevert.com, docket@hitchcockevert.com
Signature	/s/ John M. Cone
Date	10/10/2012
Attachments	121010 Opposer's First Notice of Reliance.pdf (9 pages)(325100 bytes)

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

In the Matter of Application Serial No. 77/734,156 LA MORENITA

<u>GRUMA CORPORATION,</u>	§	
	§	
Opposer,	§	
	§	
v.	§	Opposition No. 91196767
	§	
OLÉ MEXICAN FOODS, INC.,	§	
	§	
<u> Applicant.</u>	§	

OPPOSER'S FIRST NOTICE OF RELIANCE

Opposer, GRUMA CORPORATION, in accordance with Rule 2.122(d)(2) of the Trademark Rules of Practice, submits certified status and title copies of the following United States trademark registrations owned by Gruma Corporation attached hereto as Appendices A and B, inclusive:

Appendix A: Registration No. 3618991 LA MONITA for masa (corn dough)

Appendix B: Registration no. 3306372 LA MONITA and Design for tortillas

The registrations are submitted as evidence of Opposer's ownership and exclusive right to use the marks shown in the registrations.

Dated: October 10, 2012

Respectfully submitted,

/s/ John M. Cone

John M. Cone

Hitchcock Evert LLP

PO Box 131709

Dallas, Texas 75313-1709

(214) 880-3606 Telephone

(214) 953-1121 Facsimile

jccone@hitchcockevert.com

ATTORNEY FOR OPPOSER
GRUMA CORPORATION

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of October, 2012, a true and correct copy of the foregoing document was served via U.S. First Class Mail, postage prepaid on:

Paul S. Owens
Paul Owens & Associates
PO Box 15310
Atlanta GA 30333-0310

/s/ John M. Cone
John M. Cone

APPENDIX A

**Gruma Corporation v. Olé Mexican Foods, Inc.
Opposition No. 91196767**

**Gruma Corporation
Opposer's First Notice of Reliance**

**Registration No. 3618991 LA MONITA
for masa (dough)**

1893757

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

August 23, 2012

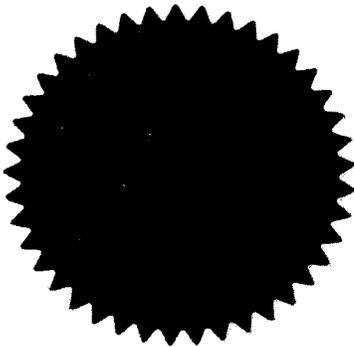
THE ATTACHED U.S. TRADEMARK REGISTRATION 3,618,991 IS
CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY
THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH
REGISTRATION IS IN FULL FORCE AND EFFECT.

REGISTERED FOR A TERM OF 10 YEARS FROM *May 12, 2009*
SAID RECORDS SHOW TITLE TO BE IN: *Registrant*

By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office



T. LAWRENCE
Certifying Officer



Int. Cl.: 30

Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 3,618,991

Registered May 12, 2009

**TRADEMARK
PRINCIPAL REGISTER**

LA MONITA

GRUMA CORPORATION (NEVADA CORPORATION)

1159 COTTONWOOD LANE

SUITE 200

IRVING, TX 75038

FOR: MASA (CORN DOUGH), IN CLASS 30 (U.S. CL. 46).

FIRST USE 0-0-1950; IN COMMERCE 0-0-1950.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 2,534,248 AND 3,306,372.

SER. NO. 77-579,862, FILED 9-26-2008.

DOMINIC J. FERRAIUOLO, EXAMINING ATTORNEY

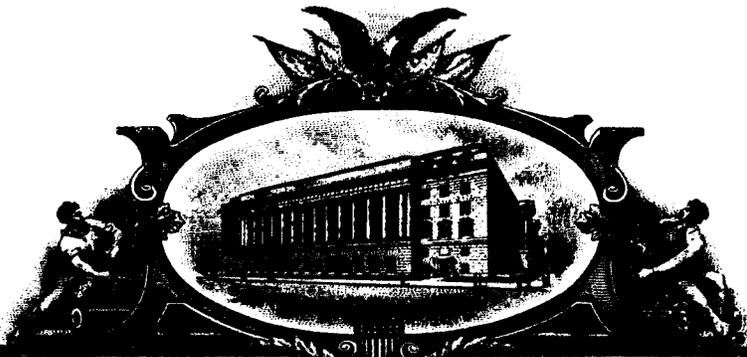
APPENDIX B

Gruma Corporation v. Olé Mexican Foods, Inc.
Opposition No. 91196767

Gruma Corporation
Opposer's First Notice of Reliance

Registration No. 3306372 LA MONITA and Design
for tortillas

1893756



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

**UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office**

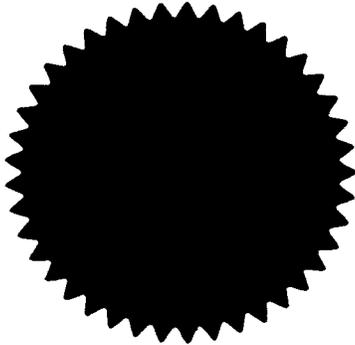
August 23, 2012

**THE ATTACHED U.S. TRADEMARK REGISTRATION 3,306,372 IS
CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY
THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH
REGISTRATION IS IN FULL FORCE AND EFFECT.**

**REGISTERED FOR A TERM OF 10 YEARS FROM *October 09, 2007*
SAID RECORDS SHOW TITLE TO BE IN: *Registrant***

**By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office**

**T. LAWRENCE
Certifying Officer**



Int. Cl.: 30

Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 3,306,372

Registered Oct. 9, 2007

TRADEMARK
PRINCIPAL REGISTER



GRUMA CORPORATION (NEVADA CORPORATION)
SUITE 200
1159 COTTONWOOD LANE
IRVING, TX 75038

FOR: TORTILLAS, IN CLASS 30 (U.S. CL. 46).

FIRST USE 0-0-1950; IN COMMERCE 0-0-1950.

OWNER OF U.S. REG. NO. 2,534,248.

THE COLOR(S) GREEN, YELLOW, RED AND
WHITE IS/ARE CLAIMED AS A FEATURE OF THE
MARK.

THE WORDS LA MONITA ARE YELLOW AND
OUTLINED IN RED; THE GIRL'S HAIR, NOSE,
EYES, MOUTH AND TOP ARE GREEN; THE ED-
GING AROUND THE GIRL'S TOP IS YELLOW; THE
BOWS IN THE GIRL'S PIGTAILS ARE YELLOW
AND OUTLINED IN GREEN, AND THE GIRL'S
SKIN IS WHITE.

SER. NO. 77-118,006, FILED 2-28-2007.

JOHN GARTNER, EXAMINING ATTORNEY