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Filing date: **12/02/2010**

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

Proceeding	91196767
Party	Defendant OlÃ© Mexican Foods, Inc.
Correspondence Address	PAUL S. OWENS PAUL OWENS & ASSOCIATES PO BOX 15310 ATLANTA, GA 30333-0310 UNITED STATES psowens@bellsouth.net
Submission	Motion to Amend/Amended Answer or Counterclaim
Filer's Name	Paul S. Owens
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Signature	/paul s. owens/
Date	12/02/2010
Attachments	Amended Answer.pdf (3 pages)(10467 bytes)

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

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In the Matter of Trademark Appl'n No.:
77/734,156

For the Mark: LA MORENITA

Filing date: May 11, 2009

GRUMA CORPORATION,

Opposer,

v.

Opposition No. 91196767

OLÉ MEXICAN FOODS, INC.,

Applicant.

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AMENDED ANSWER

Olé Mexican Foods, Inc. ("Applicant"), through its attorney, hereby answers the above-captioned Notice of Opposition, as follows:

1. Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of each and every allegation contained in paragraph 1 of the Notice of Opposition.

2. Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of each and every allegation contained in paragraph 2 of the Notice of Opposition.

3. Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of each and every allegation contained in paragraph 3 of the Notice of Opposition.

4. Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of each and every allegation contained in paragraph 4 of the Notice of Opposition.

5. Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of each and every allegation contained in paragraph 5 of the Notice of Opposition, except denies that the applied-for mark is likely to cause confusion with Opposer's LA MONITA mark, or to cause mistake or to deceive.

6. Applicant denies each and every allegation of paragraph 6 of the Notice of Opposition.

AFFIRMATIVE DEFENSES

7. Opposer has failed to state a claim upon which relief may be granted.

8. There is no likelihood of confusion, mistake, or deception of the public between the parties' marks since the marks are different in appearance, sound, and meaning.

9. The Opposer's LA MONITA mark has been abandoned.

WHEREFORE, Applicant respectfully requests that the Notice of Opposition herein be dismissed with prejudice and for such other and further relief as to the Board seems just.

Dated: December 2, 2010

Respectfully submitted,

/paul s. owens/
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Applicant's Amended Answer has been served upon John M. Cone, Esq., attorney of record for the Opposer, at Hitchcock Evert LLP, P.O. Box 131709, Dallas, Texas 75313-1709, the address designated by said attorney for that purpose, by causing to be mailed a true copy thereof in a sealed envelope, postage prepaid, and deposited with the United States Postal Service as first-class mail on Thursday, December 2, 2010.

/paul s. owens/

Paul S. Owens, Esq.

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that the above Applicant's Amended Answer by Olé Mexican Foods, Inc. to Opposition No. 91196767 is being electronically filed with the Trademark Trial and Appeal Board through the Electronic System for Trademark Trials and Appeals ("ESTTA") on Thursday, December 2, 2010.

/paul s. owens/

Paul S. Owens, Esq.