ESTTA Tracking number: **ESTTA496383**
Filing date: **09/25/2012**

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

Proceeding	91205076
Party	Plaintiff Mr. Winston A. Rosa
Correspondence Address	MR WINSTON A. ROSA 2190 BOSTON ROAD, APT 3-J BRONX, NY 10462 UNITED STATES fulanito@fulanitoreal.com
Submission	Motion to Amend Pleading/Amended Pleading
Filer's Name	Winston A. Rosa
Filer's e-mail	fulanito@fulanitoreal.com
Signature	/Winston A. Rosa/
Date	09/25/2012
Attachments	AmOppExpMailMotion.tif (1 page)(1054206 bytes) AmOppExpMailProof.tif (1 page)(1054206 bytes) AmOppExpMailReceipt.tif (1 page)(1054206 bytes)

Tuesday, September 25, 2012

Winston A. Rosa
2190 BOSTON ROAD, APT 3-J
BRONX, NY 10462
UNITED STATES
fulanito@fulanitoreal.com

Motion to Amend
Proposed Amended Plea for Opposition # 91205076

I would like to ask the board to allow me to amend my opposition so that I may clarify my claims against my ex-partner's Mr. Rafael Vargas' trademark application # 85480930

1). I am claiming 50% ownership of the mark FULANITO on the grounds that although I no longer work together with Mr. Vargas, we co-created the musical band FULANITO using our equal 50/50 partnership Windose International, a music production company established in 1994 and registered in the state of New Jersey with the tax EIN# 13-3771680.

2). If Mr. Vargas obtains the rights to the mark by himself, surely he will cause confusion since the most popular songs performed by the band has been known by the public to be produced majorly by our equal partnership WinDose International.

3). Further proof in October 26, 1997 is in our first recording contract we both signed for a company called Cutting Records, where the contract stated that both Mr. Vargas and I were recognized "as the artist FULANITO".

4). Since 1997 the image of the band Fulanito was a multi membered group of 4-5 individuals and not the individual solo artist that Mr. Vargas has been trying to deceive the public with in recent times.

5). Mr. Vargas if awarded the trademark, will surely cause me harm by requesting ownership of my social networking sites and performance and recording contracts as he already has managed to cause minor disruptions against me with false claims of full ownership of the mark.

I am requesting that the board deny my ex-partner's application on the valid grounds mentioned and that if the trademark is not registered with our original 50/50 partnership Windose International or both of us, then priority of the trademark should not be awarded to just one individual until we can settle our differences.

Also I would like to retract my claim of trademark being just a surname.

Truly Yours,

9/25/2012

Winston A. Rosa

Tuesday, September 25, 2012

WINSTON A ROSA
2190 BOSTON ROAD, APT 3-J
BRONX, NY 10462
UNITED STATES
fulanito@fulanitoreal.com

Proof Of Service

I hereby certify that a true and complete copy of the foregoing motion to amend opposition # 91205076, has been served by mailing on Tuesday, September 25, 2012 through U.S. Postal Service Certified mail to (Please see attached copy of receipt):

RAFAEL ROBERT VARGAS
4965 SW 165TH AVE
MIRAMAR, FL 33027-4901
UNITED STATES
doserock@gmail.com

Respectfully,

9/25/2012

WINSTON A ROSA

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FROM: (PLEASE PRINT) PHONE (347) 981-2280
WINSTON ROSA
2190 BOSTON RD.
BX NY 10462

TO: (PLEASE PRINT) PHONE ( )
RAFAEL ROBERT VARGAS
4965 SW 165TH AVE.
MIRAMAR, FL 33027-4901

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