

ESTTA Tracking number: **ESTTA551329**

Filing date: **07/30/2013**

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	Plaintiff's Notice of Taking Testimony
Filer's Name	Winston A. Rosa
Filer's e-mail	fulanito@fulanitoreal.com
Signature	/Winston A. Rosa/
Date	07/30/2013
Attachments	Notice of Taking of TestimonyOpp.pdf(978167 bytes )

**United States Patent and Trademark Office**

Opposition # 91205076

**Plaintiff Information**

Winston A. Rosa  
2190 Boston Road  
Bronx, NY 10462 United states

**Defendant information**

Rafael Robert Vargas  
4965 sw 165th Ave.  
Miramar, fl 33027 United states

**Winston A. Rosa (Plaintiff)**

**vs**

**Rafael Robert Vargas (Defendant)**

**Notice Of Taking Testimony**

This is a notice of taking testimony of witnesses from the list provided for opposition # 91205076.

*Time of depositions* : 5:00 PM EST on July 9, 2013

*Place of depositions* : Diamond Reporting, 880 River Avenue, Bronx, NY 10452 Tel. 877-624-3287



Winston A. Rosa  
2190 Boston Road  
Bronx, NY 10462 United states

### Opposer Information

Mr Winston A. Rosa  
2190 Boston Road  
Bronx, NY 10462 Apt. 3-J  
United states

### Applicant information

Application no 85480930  
Rafael Robert Vargas  
4965 sw 165th ave  
Miramar, fl 33027  
United states

1. Arsenio De La Rosa (Fulanito Co-Founder/Musician also Father to W. Rosa and 18 years as Father In-Law To R. Vargas)

Tel - (718) 665 – 4051 Email - elmaestro157@hotmail.com

Address - 735 Walton Ave., Bx, NY 10451

Recorded Keyboard, Vocal and Accordion Parts and contributed to Fulanito songs. Also credited with first person to suggest the group be named Fulanito. May have pictures and videos of me performing as Fulanito. May testify on the use of the name Fulanito.

2. Aldo Marin (Label Owner/ Producer/Editor)

Tel - 201.488.8444 / 212.868.3154 Email - aldo@cuttingnyc.com

First person to contract Rafael Vargas and I as the group FULANITO. Also has contracted Rafael Vargas and I as 740 BOYZ. May have recording and publishing contracts to prove my history as Fulanito. May testify on the use of the name Fulanito.

3. Jurgan Korduletsch (Label Owner/ Producer/Editor)

Tel - (201) 647 – 7274 Email - jsk1@radikal.com

Address - 1119 Wilson Ave, Teaneck, NJ 07666

First person to Contract Mr. Vargas and I as Fulano De Tal (which we later changed to Fulanito). Also has contracted Rafael Vargas and I as 740 BOYZ. Later went on to contract me as Fulanito on a single called "Ay Si te Pego". May have recording and publishing contracts to prove my history as Fulanito. May testify on the use of the name Fulanito.

4. Salvador Martinez (Mid/West Coast Show Promoter)

Tel - (415) 370-7075 Email – savamar18@yahoo.com

First promoter to book us in the West/Mid States of U.S.A. Also booked me along other ex group members as Fulanito when Mr. Vargas I ended our business partnership. May testify on the use of the name Fulanito.

5. Martha Lopez (Billboard Magazine Rep/Sony Music Rep/ Musical Rhythms Promotions President)

Tel - (514) 831 8184 Email – musicalrhythms@sympatico.ca

Show promoter who has booked Mr. Vargas and I as Fulanito in Canada. Also booked me along other ex group members as Fulanito when Mr. Vargas and I ended our business partnership.

Can testify on my behalf on the use of the name Fulanito and work visas to prove I was hired as Fulanito. May testify on the use of the name Fulanito.

6. Rafael Reyes (Producer/Artist/Show Promoter)

Tel - (518) 321 - 7179 Email - rafi\_reyes@msn.com

Mr. Reyes was signed as a member of another band to the same record label (Cutting Records) at the same time we were. Mr. Reyes tried to organize a Fulanito reunion tour with Mr. Vargas and the original cast in the U.S. but to no avail. May testify on the use of the name Fulanito.

7. Joselito Jimenez (Club Promoter/Record Label Exec.)

Tel - (305) 801 – 4722 Email – joselitojimenez@gmail.com

Address - 2955 N.W. 126 Ave., Sunrise, Fl. 33323 Apt. 308

Mr. Jimenez was hired by our record label to promote Fulanito, later booked me along other ex group members as Fulanito for a tour in the U.S. May have documents to help prove I was hired as Fulanito. May testify on the use of the name Fulanito.

8. Robert Lazarga (Discoteque Owner/Fulanito Dee Jay)

Tel - (305) 801 – 5303 Email – rldinero@hotmail.com

Mr. Lazarga was the first person in Florida to contract us as Fulanito. He also was the first to have our first single playing on the radio stations and in discotheques in Miami. He is now part of the new Fulanito group that I have put together. May testify on the use of the name Fulanito.

9. Marino Paredes (Original Fulanito Group Member)

Tel - (917) 653 - 8357 Email – marinowfg@yahoo.com

Mr. Paredes was one of the original singers of Fulanito when Mr. Vargas and I founded the group. Later he went on to form his own musical group. May testify on the use of the name Fulanito.

10. Joseph K. Rosa (Keyboard Player/Musician/Producer also brother to W. Rosa and 18 years as Brother in-law to R. Vargas)

Tel - (718) 665 - 4051 Email - joeteklas@gmail.com

Address - 735 Walton Ave., Bx, NY 10451

Mr. Rosa was the first Keyboard Player of the Fulanito band. Has videos and pictures to prove I was always active as the co-owner of the trademark Fulanito. May testify on the use of the name Fulanito.

11. Ney Pimentel (Web Site Designer)

Tel. - (Unknown) Email - [ney@brandanarchygroup.com](mailto:ney@brandanarchygroup.com)

Was hired by me to Register and Design [www.Fulanito.com](http://www.Fulanito.com). May have documents of said transaction. May testify on the use of the name Fulanito.

12. John D. Nardone (Accountant CPA PFS )

Tel - (973) 256-0455 Web - [www.jdncpa.com](http://www.jdncpa.com)

Address - 21 Kingwood Dr., Little Falls, NJ 07424

Accountant to Win Dose International, our production company that was used during the initial stages of creating the brand known as Fulanito. May have documents of said transactions. May testify on the use of the name Fulanito.

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Sales Receipt

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Total: \$3.76

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<b>Total Postage &amp; Fees</b>	<b>\$ 3.76</b>	06/06/2013

Sent To: Rafael R. Vargas  
 Street, Apt. No., or PO Box No.: 4965 sw 165 Ave.  
 City, State, ZIP+4: Miramar FL 33027

PS Form 3800, August 2006 See Reverse for Instructions