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

Proceeding	91220386
Party	Plaintiff Dr. Linda S. Restrepo
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Submission	Response to Board Order/Inquiry
Filer's Name	Linda S. Restrepo
Filer's e-mail	rdilsr@zianet.com
Signature	/s/ Linda Restrepo
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Attachments	RESTREPOTTABNOTIFICATION.pdf(150151 bytes) Exhibit 1 to TTAB Notification.pdf(192237 bytes) Exhibit 2 to TTAB Notification.pdf(677453 bytes) Exhibit 3 to TTAB Notification.pdf(122477 bytes) Exhibit 4 to TTAB Notification.pdf(983494 bytes) Exhibit 5 to TTAB Notification.pdf(495445 bytes) Exhibit 6 to TTAB Notification.pdf(74721 bytes) Exhibit 6A to TTAB Notification.pdf(844980 bytes) Exhibit 6B To TTAB Notification.pdf(100311 bytes) Exhibit 7 to TTAB Notification.pdf(2818211 bytes) Exhibits 8 & 9 to TTAB Notification.pdf(1292704 bytes) Exhibit 10 to TTAB Notification.pdf(161508 bytes) Exhibit 11 to TTAB Notification.pdf(210185 bytes) Exhibit 13 to TTAB Notification.pdf(59005 bytes)

frivolously and viciously pursued the Opposer in State County Court for 35 months for her First Amendment freedom of speech rights and the alleged usage of the merely descriptive words "riggers & constructors". There is a blatant falsehood in stating to the USPTO that they have disclaimed usage of the merely descriptive words while attempting to utilize a State County Court to grant them a trademark to the same words.

II.

As Applicant has acknowledged, they filed suit against Carlos E. Restrepo and Linda S. Restrepo, in El Paso County Court at Law #5, El Paso, Texas, Case Number 2012-DCV-04523 (the State Court Action) for alleged trademark infringement. But Applicant has concealed evidence from the USPTO by presenting in Applicants Notification their "Second Amended Petition" (Exhibit 1) deceptively concealing evidence of their Original Petition (Exhibit 2) and their First Amended Petition. Applicant's Original Petition falsely alleged that Carlos E. Restrepo and Linda S. Restrepo, (Exhibit 2) purchased the domain name "*alliancereggersandconstructors.com*" without their permission or authority, and Applicant signed legal court documents stating that the domain name "*alliancereggersandconstructors.com*" was the Applicant's common-law, well-known trademark which Linda S. Restrepo had violated.

The fact is that Carlos E. Restrepo and Linda S. Restrepo, never purchased said domain name, and never used such domain name, as is documented hereby by the GoDaddy domain name search (Exhibit 3) which shows that the domain name subject of the Applicants two year State Court trademark infringement litigation is for sale as of today.

The fact is that the Applicant herein never used or purchased the domain name Applicant alleged in Court documents from 2012-2014 was their "well known" common law trademark.

The fact is that the Applicant for "two years" from 2012 - 2014 claimed and declared in State Court records and documents that their trademark was "*alliancereggersandconstructors.com*". It is clear from Court records that the Applicant herein has no idea what their alleged trademark name is and that they are willing and have changed it at whim dependent upon the situation and the legal forum which they appear before.

III.

On June 20, 2014, looking at the possibility of a no-evidence Summary Judgment against them in State County Court Applicant herein, dismissed their allegations and claim of their "well known" common law trademark "*alliancereggersandconstructors.com*".

Applicant's "First Amended Petition" filed on June 20, 2014 claimed their "new" "well known" common law trademark contained the words "riggers & constructors" (Exhibit 4) the same generic words the USPTO has directed Applicant to disclaim as merely descriptive, common words found in the English dictionary and not subject to trademark registration, and the same common law words that the Applicant falsely stated to the USPTO that they had "disclaimed".

The applicant is now litigating different claims in different legal forums, one claim and set of alleged facts in State County Court and a diametric claim and set of alleged facts before the USPTO.

IV.

On the 5th day of June 2015, Applicants apparently came up with another diametric set of alleged facts and claims and filed their "Second Amended Original Petition" (Exhibit 1) again trying to get a County Court Judge to give them a trademark over words the USPTO has determined are "not subject to trademark registration". At this point in time it is unclear what Applicant's alleged "well known", "long-time use", trademark is. Since Applicant claimed the words "alliance riggers & constructors" as their long-time used, alleged well known, common law trademark in State County Court for the first time on "June 20, 2014" it is unrealistic that such generic words are well known or were ever utilized by the Applicants for such a long time as they now allege to the USPTO. The Court and records before the USPTO document that what the Applicant is stating as truth to the USPTO is not a truth at all¹.

Opposer Requests a More Definitive Statement

Opposer requests a more definitive statement as to what the Applicant's alleged common law trademark is, how long it has been utilized in commerce, what geographic locations it has been utilized in and who is the alleged trademark is allegedly "well known to"? A motion for more definite statement under United

¹ Fraud in procuring a federal trademark registration occurs when an applicant for registration knowingly makes a specific false, material representation of fact in connection with an application to register with the intent of obtaining a registration to which it is otherwise not entitled. See *In re Bose Corp.*, 580 F.3d 1240, 91 USPQ2d 1938 (Fed. Cir. 2009).

States federal law, is a means of obtaining a more detailed motion from the opposing party in a civil case before interposing a responsive pleading. In federal jurisprudence, the motion is permitted by Rule 12(e) of The Federal Rules of Civil Procedure.

The Opposer states that the claim of trademark by the Applicant is without either standing and/or legal merit and respectfully request that The Trademark Trial And Appeal Board respond by striking the Applicants trademark application from the record if it is found to be without standing and/or legal merit. A response motion from the Applicant must contain a point-by-point rebuttal, with each point numbered, and should reference some case law in support of the motion.

V.

Court records which The Trademark Trial And Appeal Board has requested, document that Opposer has standing for the reasons previously submitted to the USPTO. Based on the fact that the Applicant's false material representation of fact made twice under oath in his trademark application, Applicant's intent is to extract a registration to which it is otherwise not entitled and to obtain goods and services from the Opposer which they are not entitled to. See *In re Bose Corp.*, 580 F.3d 1240, 91 USPQ2d 1938 (Fed. Cir. 2009). Opposer will be damaged if the USPTO registers the Applicants bogus trademark.

The abuse of process by the Applicant through his false trademark applications is being utilized to compel/coerce the Opposer to do a collateral thing: (1) give up her property rights, (2) give up her right to be paid for work performed, (3) give up Opposers First Amendment freedom of speech rights, (4) give up Opposers intellectual property rights, (5) give up her Constitutional Federal Rights

to copyright, and to (6) give up her Constitutional Rights to access to the Courts and to address The Trademark Trial And Appeal Board for grievances against her, which Opposer would not be compelled to do" otherwise². This case is an important test for First Amendment free speech protections. The actions of the Applicant were instigated to violate and deprive the Opposer of her Constitutional and Due Process Rights under the First and Fourteenth Amendments. Opposer states that if the USPTO grants the Applicants bogus trademark her first Amendment and Freedom of speech rights will be violated.

Reverse Cybersquatting

Court records verify that the Applicant's alleged trademark was not and is not distinctive at the time of the Opposer's registration of the domain name which as a matter of law Opposer has a protected superior interest in it. The Applicant has not presented a legitimate interest in the domain name owned by the Opposer.

The pending litigation in State County Court is also for "breach of contract" which both parties have filed against each other. As the Court records and the Applicant's own sworn admissions and statements verify, the Opposer has a "contractual right to use that name" (Exhibit 5) in that the Applicant voluntarily relinquished ownership and granted contractual license of any right it may have had

² Opposer invokes her Constitutional Rights and The First Amendment to the United States Constitution which affords her access to the courts, including the right to petition the government for redress of grievances. App. C, U.S. Const. Amend I; see also Texas Const., Art. 1 § 27. The right to petition the government is "among the most precious of the liberties safeguarded by the Bill of Rights." United Mine Workers of America, Dist. 12 v. Illinois State Bar Ass'n, 389 U.S. 217, 222 (1967). Tex. Const. art. I, § 13 ("All courts shall be open, and every person for an injury done him, in his lands, goods, person or reputation, shall have remedy by due course of law)."

to the alleged "generic words" that the Opposer incorporated into her Copyrighted creative work product materials (Exhibit 6).

The record before this Board also documents that the Applicants "new" drawing submitted in their "Response to Office Action" on August 4, 2014 (Exhibit 13) is not in fact a "new" drawing but the exact same drawing the Applicants transferred ownership to Opposer submitted herein in Exhibit 6. Notwithstanding the fact reflected by the record that applicant admitted in sworn admissions that he also "gave permission" to Opposer to use the alleged name in the web page, (Exhibit 7) Applicant now brings a bogus trademark application in an attempt to have the USPTO "invalidate" a legally binding contract license (Exhibit 5) by which Applicant gave up and transferred any rights they may have had to the drawing "alleged trademark name" to the Opposer who has a Federal copyright to said name (Exhibit 6). The domain name subject of the litigation is the intellectual property, legally owned asset and rightful property of the Opposer.

VI.

As shown in the docket sheets from the State Court attached herein as Exhibit 8, the Eighth Court of Appeals, and the removed cases filed by the Opposer in Federal Court, Exhibit 9, litigation between the identical parties involving the same alleged generic trademark is extensive and spans over three years.

The Courts have basically made the same determinations as to the merely descriptive words that the USPTO has made³. All litigation submitted to the Eighth Court of Appeals has been "dismissed" for lack of jurisdiction on the part of the Eighth Circuit Court of Appeals. The Eighth Circuit Court of Appeals lack the

³ "to disclaim the use of the words "riggers & constructors" as merely descriptive, common words found in the English dictionary and not subject to trademark registration"

jurisdiction or authority to grant Applicant a non-existent, common law, un-known trademark based on generic words. The Opposer denies and objects to the misrepresentation made by the Applicants to wit: "that all State Court of Appeal actions have been determined adverse to the opposer". All administrative actions before the Eighth Court of Appeals are "interlocutory" for lack of jurisdiction and thus they have no final determinations. The Applicant now seeks a trademark registration from the USPTO as leverage to gain an unfair competitive advantage before the state court and the Eighth Court of Appeals.

Both the County Court records (Exhibit 8) and the Federal filings (Exhibit 9) disclose "some of" the secret partners, that the USPTO required the Applicant (the applicants trademark application SN 76711574) to identify. The USPTO required Applicant herein to make an Entity Clarification of its alleged general and limited partnerships, to include their citizenship; Applicant refused to do so and instead chose to "abandon" their trademark application⁴. It is clear from the record that the Applicant is attempting to perpetrate fraud to obtain a trademark registration based on "unnamed partnerships who have unidentified citizenships".⁵

⁴ Entity Clarification

Applicant indicated it is a Limited Partnership. However, applicant has not indicated the names and citizenship of the partners. After setting forth the applicant's name and entity, the application of a partnership should specify the state or country under whose laws the partnership or joint venture is organized. 37 C.F.R. §2.32(a)(3)(ii). In addition, domestic partnerships must set forth the names, legal entities, and national citizenship (for individuals), or state or country of organization (for businesses), of all general partners or active members that compose the partnership or joint venture. 37 C.F.R. §§2.32(a)(3)(iii) and (iv). These requirements apply to both general and limited partnerships. They also apply to a partnership that is a general partner in a larger partnership. Limited partners or silent or inactive partners need not be listed. The following format should be used:

⁵ Cordova Alliance, LLC, El Paso Crane & Rigging, Inc., Frank H. Cordova, Paul D. Cordova, Roberta Cordova, Nick Delgado, Melody Pruet, Phillip Pruet, Terry Stevens.

Cordova Alliance, LLC., is a separate new Corporate entity which has deceptively been sneaked into the current Trademark application SERIAL NUMBER: 76716209 thus voiding the application and making it legally insufficient because: (1) Cordova Alliance, LLC., has not made any Entity Clarification of its alleged general and limited partnerships, to include their citizenship, (2) Cordova Alliance, LLC., as a separate Corporate Entity has not paid a trademark application fee.

Federal Court Actions

In spite of the Applicant's numerous baseless ad hominem attacks too lengthy to address herein and which Opposer denies and objects to for the record, and Applicant's attempts at character assassination of the Opposer, the three (3) Federal Court Actions have been remanded back to State County Court based on the "lack of Federal Jurisdiction", which supports the fact that the Applicant "has no valid trademark" and no trademark subject to Federal protection. The Applicant now seeks a trademark registration from the USPTO as leverage to gain an unfair competitive advantage before the Federal Courts. Federal Jurisdiction is required by anyone attempting to proceed in Federal Courts and the Federal Courts have determined that there is no jurisdiction because before the eyes of the federal court the Applicant has no trademark.

Standing is a Constitutional prerequisite to maintaining a Trademark Application and proceedings in this appeal process. Standing, is a necessary component of a court's subject matter jurisdiction, cannot be conferred by consent or waiver. . . Id. at 443; see *Mapco, Inc. v. Forrest*, 795 S.W.2d 700, 703 (Tex. 1990); *In re Guardianship of Erickson*, 208 S.W.3d 737, 740 (Tex.App.-Texarkana 2006, orig. proceeding). Alliance Riggers & Constructors, Ltd., Cordova Alliance,

LLC. and R. Wayne Pritchard have failed to meet the legal requirements for standing to bring a trademark application for merely generic words.

There has not been a final determination on the merits in the State Court Action. The limited Orders of the State Court have been administrative and interlocutory orders and the Opposer has given notice of her intent to appeal any and all administrative interlocutory decisions. The infamous Ex parte ruling that the Applicant was able to get a County Court Judge to give him on November 3, 2014⁶ when the case: (1) had been and was officially in Federal Court, when (2) the Opposer was not present, and (3) when Opposer was not given an opportunity to examine the evidence or present counter evidence, was an unconstitutional misapplication of the law and a denial of Opposers procedural and substantive due process rights and is an appealable interlocutory order. The Opposer has objected to said Ex parte hearing and given notice of her intent to appeal it. The Applicants have falsely stated to this Appeals Board that Opposer is prevented from: "ever filing any action against anyone" a hearsay self serving ludicrous statement. Opposer makes a standing and running objection to continuous and on-going self-serving false statements made by the Applicant and demands strict proof thereof of any statement Applicants makes.

VII.

R. Wayne Pritchard as Witness

⁶ Applicants own documents (Exhibit 9) verify that on November 3, 2014 the case was in Federal Court and thus the County Court has no authority or jurisdiction to make an exparte ruling.

First, by filing completely dimetric arguments and sworn statements⁷ in State County Court, the Eighth Court of Appeals and before three (3) different Federal Judges, Mr. Pritchard has made himself a “witness” to this appeal. Both State Court and Federal Court records also document that Mr. Pritchard has attempted to represent 3 separate Corporate Entities as well as eight (8) individuals in State County Court, Eighth Circuit Court of Appeals and Federal Court proceedings concerning their alleged common law trademark.

The determination of who Attorney R. Wayne Pritchard represents (Alliance Riggers & Constructors, Ltd. or Cordova Alliance, LLC.) in this Appeal is critical to the Opposers substantive Constitutional, Due Process, First and Fourteenth Amendment Rights. As such the Opposer states that she believes Applicant’s trademark applications and this appeal is being prosecuted or defended without authority and respectfully request that R. Wayne Pritchard appear before The Trademark Trial And Appeal Board to show his authority to act on behalf of Alliance Riggers & Constructors, Ltd. and or Cordova Alliance, Inc. As a matter of

⁷ Although the ethics rules do not expressly use the pejorative term "lie," various provisions clearly indicate that lying, in the fundamental sense, is prohibited. See MODEL RULES OF PROF'L CONDUCT R. 1.2(d) (2007) ("A lawyer shall not counsel a client to engage, or assist a client, in conduct that the lawyer knows is criminal or fraudulent "); id. at R. 3.3(a)(1) ("A lawyer shall not knowingly make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer .. "); id. at R. 3.3(a)(3) (prohibiting lawyers from in any way participating in the knowing presentation of false evidence to the court and requiring the initiation of reasonable remedial measures in the event that the lawyer discovers the falsity after the evidence has been offered); id. at R. 3.4(b) ("A lawyer shall not... falsify evidence, counsel or assist a witness to testify falsely, or offer an inducement to a witness that is prohibited by law "); id. at R. 4.1 ("In the course of representing a client a lawyer shall not knowingly: (a) make a false statement of material fact or law to a third person; or (b) fail to disclose a material fact when disclosure is necessary to avoid assisting a criminal or fraudulent act by a client, unless disclosure is prohibited by Rule 1.6."); id. at R. 7.1 ("A lawyer shall not make a false or misleading communication about the lawyer or the lawyer's services."); id. at R. 8.4(c) ("It is professional misconduct for a lawyer to ... engage in conduct involving dishonesty, fraud, deceit or misrepresentation").

law, any questions concerning Attorney Pritchard's authority to act on behalf of "El Paso Crane & Rigging, Inc., or Cordova Alliance, LLC, before the USPTO And The Trademark Trial And Appeal Board must be addressed as required by federal law.

Opposer make a standing and running objection to the fact that there has been a denial of Opposers substantive Constitutional and fundamental rights to Due Process throughout this opposition process due to Attorney Pritchard's continued litigation misconduct and perjured statements before the USPTO.

The fact that the Attorney Pritchard is acting under a "power of attorney" for Alliance Riggers & Constructors (Exhibit 10) makes him a witness to this case and substantiates Opposers position and State Bar Rules that he lacks the authority to represent Alliance Riggers & Constructors, Ltd., Cordova Alliance, LLC and unidentified, unnamed "John Doe" partnerships who have unidentified citizenships" all parties properly part of the Trademark applications and Opposers opposition before this Honorable Board⁸.

VIII.

Opposer restates and re-alleges her May 28, 2015 Motion to Dismiss and incorporates it by reference herein as if submitted in its entirety (Exhibit 11) . As a matter of law without standing, without authority to act, without a legitimate

⁸ First of all, Disciplinary Rule 1.12 (Organization as a Client) (Model Rule 1.13) defines the lawyer's duties when the client is a corporation or other organization. The rule makes clear that the lawyer retained by the organization represents the organization, not individual officers, directors, or employees. In direct violation of Texas Disciplinary Rule 1.12, the Appeal before the USPTO THE TRADEMARK TRIAL AND APPEAL BOARD i.e. being pursued by Alliance Riggers & Constructors, Ltd., and Cordova Alliance, LLC. Therefore under the requirements of Texas Disciplinary Rule 1.12 Attorney R. Wayne Pritchard does not have the authority to represent two Corporations El Paso Crane & Rigging, Inc., Cordova Alliance, LLC and unidentified, unnamed partnerships who have unidentified citizenships" with conflicting interests when Attorney Pritchard is and has been the "authorized agent" and functioning under a "power of attorney" for Alliance Riggers & Constructors, Ltd. The Texas Approach. The standards relating to conflicts with existing clients are quite simple. "A lawyer shall not represent opposing parties to the same litigation". Rule 1.06.

trademark, Applicant's Trademark Application and Motion to Dismiss was moot and legally insufficient on its face.

Applicants has refused to respond to Opposer's Motion to Dismiss, therefore as a matter of law Applicant has waived any rights they may have had to object to Opposer's Motion to Dismiss and all statements made by Opposer in her Motion to Dismiss should be taken as valid, true and correct.

The facts, the evidence, the law document that the trademark application filed by the Applicants was filed for a reason other than that embodied by the Trademark Application process. There is no rational argument based upon the evidence or law to support Applicants trademark application. Because the Applicant lacked standing to bring: their (1) trademark application, (2) their Motion to Dismiss, as a matter of law Applicant's Motion to Dismiss was legally insufficient.

Opposer herein claims that her substantive rights under the Due Process Clause of the Fourteenth Amendment to the United States Constitution have been violated throughout this process in that the Applicant has withheld evidence favorable to the Opposer that creates a probability sufficient to undermine confidence in the outcome of the proceeding.

As the records in State County Court, the Eighth Circuit Court of Appeals and the Federal Courts amply demonstrate, the Applicant is proceeding before the USPTO utilizing the same abuse of process modus operandi that they have maintained for 3 years in the lower Court (Exhibit *Discovery Dispute Timeline Chart 2*: that being hiding of all evidence and then alleging that no evidence exists. As a matter of law each party is entitled to notice of his adversary's claims and defenses, as well as notice of the relief sought. *Perez v. Briercroft Serv. Corp.*, 809 S.W.2d

216, 218 (Tex. 1991). TRCP Rules 45 and 47 require pleadings to give "fair and adequate notice" of each claim asserted so that the opposing party will have information sufficient to enable him to prepare a defense. *Paramount Pipe & Sup. Co. v. Muhr*, 749 S.W.2d 491, 494-95 (Tex. 1988).

IX.

In further compliance with the The Trademark Trial And Appeal Board Order Dated May 8, 2015 to supply information concerning the on-going litigation, Opposer submits a true and complete copy of her June 1, 2015 Defendants Amended Answer To Plaintiff's First Amended Original Petition, Defendants Counterclaim, Affirmative Defenses, Suit On Sworn Account And Declaratory Judgment Request (Exhibit 12). In said Petition and Counterclaim Opposer makes claims for Breach of Contract, Unjust Enrichment, Suit on Sworn Account, Theft of Services, Abuse of Process and Malicious Prosecution, all arising out of the alleged trademark subject of this Appeal.

June 1, 2015 Abuse of Process Claim Against the Applicant herein

(1) The Petition claims that the Applicant misused the legal process by claiming trademark infringement, which is a misapplication of the law and other claims arising out of alleged trademark infringement against the Opposer as coercion to obtain a collateral advantage, not properly involved in the proceedings and to coerce the Opposer to surrender her property, and the payment of money owed by the Applicants to the Opposer.

(2) The Petition claims Applicant misused the legal process for a purpose not lawfully warranted by that particular process by engaging in illegal, improper, or perverted use of the legal process, (2) the Applicant had an ulterior motive or

purpose in exercising such use of the process, and (3) the Opposer sustained damage as a result of the illegal act.

June 1, 2015 Malicious Prosecution Claim Against the Applicant herein

(1) The Petition claims that the Applicant misused the legal process for a collateral purpose. The filing of a Petition against the Opposer in June 20, 2012 was used to accomplish an end other than that which the writ was designed to accomplish. Both the Applicant and his agent attorney of record R. Wayne Pritchard knew that the facts given and maintained for two years of litigations were false, and that the legal theory asserted was invalid but they continued nevertheless. Opposer suffered legally recognizable injury, and the lawsuit against her was initiated with prejudice and "malice."

(2) The Petition claims the Applicant misused the legal process by claiming trademark infringement, which is a misapplication of the law and other claims arising out of alleged trademark infringement against the Opposer as coercion to obtain a collateral advantage, not properly involved in the proceedings and to coerce the Opposer to surrender her property, and the payment of money owed by the Applicant to the Opposer.

(3) In the Petition the Opposer claims an ulterior purpose by the Applicant through the obtention of an unconstitutional Ex-parte void judgement against the Opposer as a vexatious litigant which constituted an unconstitutional misapplication of the law and was used to effect an objective not within their proper scope in an attempt to force the Opposer to: (1) give up her property rights, (2) give up her right to be paid for work performed, (3) give up her First Amendment freedom of speech rights, (4) give up her intellectual property rights, (5)

misappropriation of Opposers trade secrets and confidential information, (6) give up her Federal Rights to copyright, (7) give up her Constitutional Rights to access to the Courts and to address the Courts for grievances against them and (8) to deprive Opposer of their "intangible right to honest services." of a public official.

In further compliance with the The Trademark Trial And Appeal Board Order Dated May 8, 2015 to supply information concerning the on-going litigation, Opposer submits copies of Court documents filed in Courts to wit:

Corporate Structure Chart 1:

the Organizational Chart and relationships between the Applicants and three other Corporations to include Cordova Alliance, LLC.

Discovery Dispute Timeline Chart 2:

concerning the Applicants refusal to comply with Discovery and on-going illegal suppression of Evidence before the Courts.

Conflict of Interest Chart 3:

the graphic which depicts the alleged conflict of interest of the presiding Judge of County Court at Law #5.

It is clear that granting the Applicant a trademark based on generic words (riggers & constructors), to the trademark name "Alliance" owned by *Alliance Steel, Inc. domiciled at 3333 South Council Road, Oklahoma City OKLAHOMA 72179, under Federal Trademark Registrations 3604909 and 3600905* and based on an architectural ruler design that has a valid patent on it from another entity does not serve justice, nor the objectives of the trademark registration process.

It is also clear from the docket sheets and the evidence contained herein that the Applicant's misappropriation of the trademark registration process is for the illegal attempt of trying to utilize the USPTO to give them a competitive advantage in on-going and future litigation. Applicant's intent is to utilize any trademark granted to them by the USPTO as a leverage and as vindication of their alleged

wrongdoings both inside and outside of the Courts. Opposer is requesting that the Applicant's trademark application and Applicants "Motion to Dismiss" be terminated in that neither of said claims have standing before the USPTO Trials and Appeals Boards.

By filing this Notification response Opposer does not waive any objections that she may have as to service, jurisdiction, or venue, or any other defenses and objections she may have to this action. Opposer intends no admissions of fact, law or liability by this Notification response, and expressly reserves all defenses, motions and or pleas. Opposer reserves the right to amend and or supplement this Notification Response.

WHEREFORE, PREMISES CONSIDERED, Opposer requests that her Motion to Dismiss be in all things granted, that Applicant's trademark application be rejected and dismissed for lack of standing for fraud upon the USPTO and the trademark registration process. That Opposer be awarded such other and further relief, general or special, legal or equitable to which Opposer may be justly entitled.

Respectfully submitted.

/s/ Linda S. Restrepo-Pro Se
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CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of June 2015 a true and correct copy of the foregoing document was delivered as required by the Federal Rules of Civil Procedure to Wayne R. Pritchard, P.C., 300 East Main, Suite 1240, El Paso, Texas 79901.

/s/ Linda S. Restrepo

Exhibits 1-13
Charts 1-3

4. LINDA S. RESTREPO has appeared and answered herein.

**III.
TRADEMARK INFRINGEMENT/UNFAIR COMPETITION/DILUTION**

5. By virtue of its long time use in El Paso County, Texas as well as elsewhere, Plaintiff is the owner of the well known common law trademark, ALLIANCE RIGGERS & CONSTRUCTORS.

6. Defendants have registered a domain name that is identical to or confusingly similar to the trademark of Plaintiff. They have in fact, launched a web page at such address in which they make multiple use of Plaintiff's common law trademark both on the web page and in the metatags. Despite this lawsuit, Defendants continue to maintain and assert ownership over the afore-referenced domain name.

7. The registration and use by Defendants of a domain name identical or confusingly similar to Plaintiff's trademark constitutes trademark infringement, unfair competition and is a violation of the Texas anti-dilution statute.

8. As a direct and proximate result of the conduct of Defendants described above, Plaintiff has suffered damages and seeks monetary relief of over \$100,000 but not more than \$200,000. Additionally, Plaintiff seeks non-monetary relief in the form of a permanent injunction prohibiting Defendants from using any name confusingly similar to the trademark of Plaintiff and requiring Defendants to transfer ownership of the domain name they purchased to it.

**IV.
BREACH OF CONTRACT**

9. On or about March 2011, Plaintiff and Defendants entered into a contract ("Contract"), the primary purpose of which was to design for Plaintiff a web page.

Defendants have breached the Contract by failing to design for Plaintiff the web page as agreed. As a direct and proximate result of the conduct of Defendants described above, Plaintiff has suffered damages and seeks monetary relief of over \$100,000 but not more than \$200,00.

**V.
DECLARATORY JUDGMENT REQUEST**

10. By letter dated June 12, 2012, Defendant alleged that Plaintiff had breached the Contract and made demand that Plaintiff pay Defendants \$3,500.00.

11. As shown above, Plaintiff has not breached the Contract as alleged by Defendants and furthermore, does not owe Defendants any sum of money.

12. Plaintiff requests that pursuant to Section 37.001 et seq., of the Texas Civil Practice and Remedies Code, commonly referred to as the Texas Declaratory Judgment Act, this Court declare that Plaintiff is not in breach of the Contract and does not owe Defendants any amounts of money.

13. Plaintiff is entitled to recover from Defendants, jointly and severally, pursuant to Section 37.009 of the Texas Declaratory Judgment Act, its reasonable and necessary attorneys' fees incurred in this action.

**VI.
VIOLATION OF THE TEXAS DECEPTIVE TRADE PRACTICES ACT**

14. In connection with the their agreement to design for Plaintiff a web page, Defendants:

- A. Represented that services had characteristics, uses or benefits which they did not have in violation of Section 17.46(b)(5) of the Texas Deceptive Trade Practices Act ("TDPA");

- B. Represented that services were of a particular standard, quality or grade when they were of another in violation of Section 17.46(b)(7) of the TDPA;
- C. Represented that an agreement conferred or involved rights, remedies or obligations which it did not have or involve in violation of Section 17.46(b)(12) of the TDPA;
- D. Failed to disclose information concerning services which was known at the time of the transaction, when such failure to disclose such information was intended to induce the consumer into a transaction into which the consumer would not have entered had the information been disclosed in violation of Section 17.46(b)(24) of the TDPA;
- E. Engaged in unconscionable actions or course of actions in violation of Section 17.50(a)(3) of the TDPA;

15. The actions of Defendants complained of in paragraph 10, were a producing cause of damages to Plaintiff and are therefore actionable under Section 17.50(a) of the TDPA.

16. The conduct of Defendants as described above was committed knowingly entitling Plaintiff to recover three times its economic damages as provided in Section 17.50(b)(1) of the TDPA.

VII.
ATTORNEYS' FEES

17. Plaintiff is entitled to recover its reasonable attorneys' fees incurred in this action pursuant to Sections 37.009 and 38.001 et seq. of the Texas Civil Practice and Remedies Code as well as under the Texas Deceptive Trade Practices Act.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that upon final hearing in this matter, after proper notice to Defendants, that it recover from Defendants, jointly and severally, its actual damages, its economic damages, three times its economic damages, as well as court costs and reasonable attorneys' fees together with prejudgment and post-judgment interest as allowed by law, that a permanent injunction be entered prohibiting Defendants from using any name confusingly similar to the trademark of Plaintiff and requiring Defendants to transfer ownership of the domain name they purchased to it, and that Plaintiff be awarded such other and further relief to which it is entitled.

Respectfully submitted,

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Fax (915) 533-0081

By:

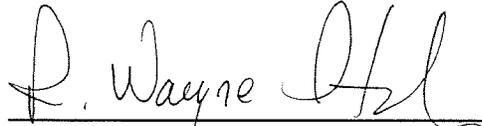


R. WAYNE PRITCHARD
State Bar No. 16340150

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I, R. WAYNE PRITCHARD, do hereby certify that on the 5th day of June 2015, a true and correct copy of the foregoing document was delivered as required by the Texas Rules of Civil Procedure to Defendants, LINDA S RESTREPO and CARLOSE. RESTREPO d/b/a RDI Global Services and R&D International, P.O. Box 12066, El Paso, Texas 79912

A handwritten signature in cursive script, appearing to read "R. Wayne Pritchard", written over a horizontal line.

R. WAYNE PRITCHARD, P.E.

3. CARLOS E. RESTREPO is an individual residing in El Paso County, Texas who may be served with process at his principal place of residence located at 804 Pintada Place, El Paso, Texas 79912.

4. LINDA S. RESTREPO is an individual residing in El Paso County, Texas, who may be served with process at her principal place of residence located at 804 Pintada Place, El Paso, Texas 79912.

**III.
TRADEMARK INFRINGEMENT/UNFAIR COMPETITION**

5. Plaintiff is the owner of the well known common law trademark, ALLIANCE RIGGERS & CONSTRUCTORS.

6. Defendants have, without permission or authority from Plaintiff, registered the domain name "www.allianceriggersandconstructors.com", and have in fact, launched a web page at such address in which they make multiple use of Plaintiff's trademark.

7. The use by Defendants of Plaintiff's trademark without permission or authority constitutes trademark infringement and unfair competition under the laws of the State of Texas.

8. As a direct and proximate result of the actions complained of above, Plaintiff has suffered damages in excess of the minimum jurisdictional limits of this court.

**IV.
BREACH OF CONTRACT**

9. On or about March 2011, Plaintiff and Defendants entered into a contract ("Contract"), the primary purpose of which was to design for Plaintiff a web page. Defendants have breached the Contract by failing to design for Plaintiff the web page as

agreed. As a direct and proximate result of the conduct of Defendants described above, Plaintiff has suffered damages in excess of the minimum jurisdictional limits of this court.

**V.
DECLARATORY JUDGMENT REQUEST**

10. By letter dated June 12, 2012, a true and correct copy of which is attached hereto as Exhibit "A" and incorporated by reference for all purposes, Defendant alleged that Plaintiff had breached the Contract and made demand that Plaintiff pay Defendants \$3,500.00.

11. As shown above, Plaintiff has not breached the Contract as alleged by Defendants and furthermore, does not owe Defendants any sum of money.

12. Plaintiff requests that pursuant to Section 37.001 et seq., of the Texas Civil Practice and Remedies Code, commonly referred to as the Texas Declaratory Judgment Act, this Court declare that Plaintiff is not in breach of the Contract and does not owe Defendants any amounts of money.

13. Plaintiff is entitled to recover from Defendants, jointly and severally, pursuant to Section 37.009 of the Texas Declaratory Judgment Act, its reasonable and necessary attorneys' fees incurred in this action.

**VI.
VIOLATION OF THE TEXAS DECEPTIVE TRADE PRACTICES ACT**

14. In connection with the their agreement to design for Plaintiff a web page, Defendants:

- A. Represented that services had characteristics, uses or benefits which they did not have in violation of Section 17.46(b)(5) of the Texas Deceptive Trade Practices Act ("TDPA");

- B. Represented that services were of a particular standard, quality or grade when they were of another in violation of Section 17.46(b)(7) of the TDPA;
- C. Represented that an agreement conferred or involved rights, remedies or obligations which it did not have or involve in violation of Section 17.46(b)(12) of the TDPA;
- D. Failed to disclose information concerning services which was known at the time of the transaction, when such failure to disclose such information was intended to induce the consumer into a transaction into which the consumer would not have entered had the information been disclosed in violation of Section 17.46(b)(24) of the TDPA;
- E. Engaged in unconscionable actions or course of actions in violation of Section 17.50(a)(3) of the TDPA;

15. The actions of Defendants complained of in paragraph 10, were a producing cause of damages to Plaintiff and are therefore actionable under Section 17.50(a) of the TDPA.

16. The conduct of Defendants as described above was committed knowingly entitling Plaintiff to recover three times its economic damages as provided in Section 17.50(b)(1) of the TDPA.

**VII.
ATTORNEYS' FEES**

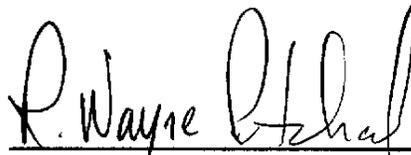
17. Plaintiff is entitled to recover its reasonable attorneys' fees incurred in this action pursuant to Sections 37.009 and 38.001 et seq. of the Texas Civil Practice and Remedies Code as well as under the Texas Deceptive Trade Practices Act.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that upon final hearing in this matter, after proper notice to Defendants, that it recover from Defendants, jointly and severally, its actual damages, its economic damages, three times its economic damages, as well as court costs and reasonable attorneys' fees together with prejudgment and post-judgment interest as allowed by law, and such other and further relief to which it is entitled.

Respectfully submitted,

R. WAYNE PRITCHARD, P.C.
300 East Main, Suite 1240
El Paso, Texas 79901
Tel. (915) 533-0080
Fax (915) 533-0081

By: _____



R. WAYNE PRITCHARD
State Bar No. 16340150

ATTORNEYS FOR PLAINTIFF

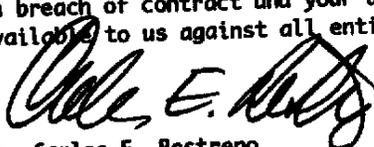
June 12, 2012

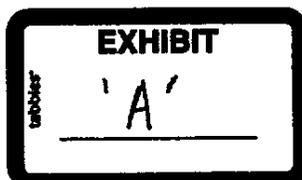
Certified Mail Return Receipt Requested
7010 2780 0002 4346 6730
THIRD NOTICE REQUEST FOR OVERDUE PAYMENT

Subject: ALLIANCE CORPORATE VIDEO
Mr. Phil Cordova
CEO/General Manager
Alliance Riggers & Constructors
1200 Kastrin
El Paso, Texas 79907

Mr. Cordova:

We have not received a response from you regarding our continued requests for payment for past due invoices on your Corporate Video. We renew our request for immediate payment for outstanding invoices and amounts due on the Corporate Video. Alliance Riggers is unjustly enriching itself at our expense. Alliance Riggers is required to make restitution for benefits received, retained or appropriated. Please be advised that we consider you to be in breach of contract and your actions theft of services and will take every legal remedy available to us against all entities and parties involved.


Dr. Carlos E. Restrepo
(915) 581-2732



Invoice

Attention: Phillip H. Cordova
 Company Name: Alliance Riggers & Constructors
 Address: 1200 Kastrin
 City, State Zip Code: El Paso, Texas 79907
 Date: 4/24/12

Project Title: Alliance Corporate Video
 Close Out Invoice: ALLI 4-24-12
 Terms: Cash

Description	Included in Basic Contract	Additional Work Requested/ Approved by Client	Paid	PAST DUE
Corporate Video - 5 minutes	X		\$17,500	\$1,000.00
Additional Corporate Video Minutes (4min. 32Sec)		X	\$0.00	\$2,500.00
Total Amount Past Due				\$3,500.00

Sincerely yours,

 Dr. Carlos E. Restrepo
 P.O. Box 12066
 El Paso, Texas 79912

SPECIAL OFFER! .COM just \$0.99*! Additional .COMs just \$9.99* per year!

Offer Limitations

United States - English USD

24/7 Support (480) 505-8877 Help

Sign In 0



- All Products
- Domains
- Websites
- Hosting & SSL
- Online Marketing
- Email & Tools
- Hot Deals
- GoDaddy Pro

alliancereggersandconstructors.COM

SEARCH AGAIN

YES! YOUR DOMAIN IS AVAILABLE. BUY IT BEFORE SOMEONE ELSE DOES.

CONTINUE TO CART

alliancereggersandconstructors .com

ON SALE

~~\$14.99*~~ \$12.99*

SELECT

Targeting Local shoppers? Add this:

alliancereggersandconstructors.vegas - \$29.99

Get 3 and Save 67%

~~\$64.97*~~ \$17.00*

SELECT

- alliancereggersandconstructors.net
- alliancereggersandconstructors.org
- alliancereggersandconstructors.info

PROTECT YOUR NAME WITH THESE DOMAINS:

CONTINUE TO CART

FILTER BY

PRICE

Enter a maximum price

Clear

CHARACTERS LENGTH

No Max

1 - 10 OF 76 RESULTS [Show All](#)

alliancereggersandconstructors .org

ON SALE

~~\$17.99*~~ \$7.99*

SELECT

alliancereggersandconstructors .net

ON SALE

4. LINDA S. RESTREPO has appeared and answered herein.

III.

TRADEMARK INFRINGEMENT/UNFAIR COMPETITION

5. By virtue of its long time use both here in El Paso County, Texas as well as elsewhere, Plaintiff is the owner of the well known common law trademark, ALLIANCE RIGGERS & CONSTRUCTORS.

6. As shown on the attached Exhibit "A", incorporated by reference for all purposes herein, on March 19, 2012, Defendants, without permission or authority from Plaintiff, registered the domain name "www.allianceriggersandconstructors.com", and have in fact, launched a web page at such address in which they make multiple use of Plaintiff's common law trademark. Despite this lawsuit, Defendants continue to maintain and assert ownership over the afore-referenced domain name.

7. The use by Defendants of Plaintiff's trademark without permission or authority constitutes trademark infringement and unfair competition under the laws of the State of Texas.

8. As a direct and proximate result of the actions complained of above, Plaintiff has suffered damages in excess of the minimum jurisdictional limits of this court, meaning, damages above the minimum jurisdictional limit. Put another way, Plaintiff is requesting damages within the jurisdictional limits of this Court.

IV.

BREACH OF CONTRACT

9. On or about March 2011, Plaintiff and Defendants entered into a contract ("Contract"), the primary purpose of which was to design for Plaintiff a web page. Defendants have breached the Contract by failing to design for Plaintiff the web page as

agreed. As a direct and proximate result of the conduct of Defendants described above, Plaintiff has suffered damages in excess of the minimum jurisdictional limits of this court, meaning, damages above the minimum jurisdictional limit. Put another way, Plaintiff is requesting damages within the jurisdictional limits of this Court.

**V.
DECLARATORY JUDGMENT REQUEST**

10. By letter dated June 12, 2012, Defendant alleged that Plaintiff had breached the Contract and made demand that Plaintiff pay Defendants \$3,500.00.

11. As shown above, Plaintiff has not breached the Contract as alleged by Defendants and furthermore, does not owe Defendants any sum of money.

12. Plaintiff requests that pursuant to Section 37.001 et seq., of the Texas Civil Practice and Remedies Code, commonly referred to as the Texas Declaratory Judgment Act, this Court declare that Plaintiff is not in breach of the Contract and does not owe Defendants any amounts of money.

13. Plaintiff is entitled to recover from Defendants, jointly and severally, pursuant to Section 37.009 of the Texas Declaratory Judgment Act, its reasonable and necessary attorneys' fees incurred in this action.

**VI.
VIOLATION OF THE TEXAS DECEPTIVE TRADE PRACTICES ACT**

14. In connection with the their agreement to design for Plaintiff a web page, Defendants:

- A. Represented that services had characteristics, uses or benefits which they did not have in violation of Section 17.46(b)(5) of the Texas Deceptive Trade Practices Act ("TDPA");

- B. Represented that services were of a particular standard, quality or grade when they were of another in violation of Section 17.46(b)(7) of the TDPA;
- C. Represented that an agreement conferred or involved rights, remedies or obligations which it did not have or involve in violation of Section 17.46(b)(12) of the TDPA;
- D. Failed to disclose information concerning services which was known at the time of the transaction, when such failure to disclose such information was intended to induce the consumer into a transaction into which the consumer would not have entered had the information been disclosed in violation of Section 17.46(b)(24) of the TDPA;
- E. Engaged in unconscionable actions or course of actions in violation of Section 17.50(a)(3) of the TDPA;

15. The actions of Defendants complained of in paragraph 10, were a producing cause of damages to Plaintiff and are therefore actionable under Section 17.50(a) of the TDPA.

16. The conduct of Defendants as described above was committed knowingly entitling Plaintiff to recover three times its economic damages as provided in Section 17.50(b)(1) of the TDPA.

VII.
ATTORNEYS' FEES

17. Plaintiff is entitled to recover its reasonable attorneys' fees incurred in this action pursuant to Sections 37.009 and 38.001 et seq. of the Texas Civil Practice and Remedies Code as well as under the Texas Deceptive Trade Practices Act.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that upon final hearing in this matter, after proper notice to Defendants, that it recover from Defendants, jointly and severally, its actual damages, its economic damages, three times its economic damages, as well as court costs and reasonable attorneys' fees together with prejudgment and post-judgment interest as allowed by law, and such other and further relief to which it is entitled.

Respectfully submitted,

R. WAYNE PRITCHARD, P.C.
300 East Main, Suite 1240
El Paso, Texas 79901
Tel. (915) 533-0080
Fax (915) 533-0081

By: 

R. WAYNE PRITCHARD
State Bar No. 16340150

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I, R. WAYNE PRITCHARD, do hereby certify that on the 20th day of June 2014, a true and correct copy of the foregoing document was delivered as required by the Texas Rules of Civil Procedure to Defendants, LINDA S RESTREPO and CARLOS E. RESTREPO d/b/a RDI Global Services and R&D International, P.O. Box 12066, El Paso, Texas 79912



R. WAYNE PRITCHARD, P.E.

United States - English USD

24/7 Support (480) 505-8877

Sign In Register



All Products Domains Websites Hosting & SSL NEW Get Found Email & Tools Support

WHOIS search results for: ALLIANCERIGGERSANDCONSTRUCTORS.CO... (Registered)

Is this your domain?

GO

Add hosting, email and more.

Want to buy this domain?

GO

Get it with our Domain Buy service.

Domain Name: ALLIANCERIGGERSANDCONSTRUCTORS.COM
Registry Domain ID: 1707909851_DOMAIN_COM-VRSN
Registrar WHOIS Server: whois.godaddy.com
Registrar URL: http://www.godaddy.com
Update Date: 2014-02-17 12:13:15
Creation Date: 2012-03-19 11:36:57
Registrar Registration Expiration Date: 2015-03-19 11:36:57
Registrar: GoDaddy.com, LLC
Registrar IANA ID: 146
Registrar Abuse Contact Email: abuse@godaddy.com
Registrar Abuse Contact Phone: +1.480-624-2505
Domain Status: clientTransferProhibited
Domain Status: clientUpdateProhibited
Domain Status: clientRenewProhibited
Domain Status: clientDeleteProhibited
Registry Registrant ID:
Registrant Name: Carlos Restrepo
Registrant Organization: R D International
Registrant Street: P. O. Box 12066
Registrant City: El Paso
Registrant State/Province: Texas
Registrant Postal Code: 79912
Registrant Country: United States
Registrant Phone: +1.9159999999
Registrant Phone Ext:
Registrant Fax:
Registrant Fax Ext:
Registrant Email: pdi-lat@zianet.com
Registry Admin ID:
Admin Name: Carlos Restrepo
Admin Organization: R D International
Admin Street: P. O. Box 12066
Admin City: El Paso
Admin State/Province: Texas
Admin Postal Code: 79912
Admin Country: United States
Admin Phone: +1.9159999999
Admin Phone Ext:
Admin Fax:
Admin Fax Ext:
Admin Email: pdi-lat@zianet.com
Registry Tech ID:
Tech Name: Carlos Restrepo
Tech Organization: R D International
Tech Street: P. O. Box 12066
Tech City: El Paso
Tech State/Province: Texas
Tech Postal Code: 79912
Tech Country: United States
Tech Phone: +1.9159999999
Tech Phone Ext:
Tech Fax:
Tech Fax Ext:
Tech Email: pdi-lat@zianet.com
Name Server: NS19.DOMAINCONTROL.COM
Name Server: NS20.DOMAINCONTROL.COM
DNSSEC: unsigned
URL of the ICANN WHOIS Data Problem Reporting System: http://wdprs.internic.net/
Last update of WHOIS database: 2014-6-19T16:00:00Z

The data contained in GoDaddy.com, LLC's WHOIS database, while believed by the company to be reliable, is provided "as is" with no guarantee or warranties regarding its accuracy. This information is provided for the sole purpose of assisting you in obtaining information about domain name registration records. Any use of this data for any other purpose is expressly forbidden without the prior written permission of GoDaddy.com, LLC. By submitting an inquiry, you agree to these terms of usage and limitations of warranty. In particular, you agree not to use this data to allow, enable, or otherwise make possible, dissemination or collection of this data, in part or in its entirety, for any purpose, such as the transmission of unsolicited advertising and solicitations of any kind, including spam. You further agree not to use this data to enable high volume, automated or robotic electronic processes designed to collect or compile this data for any purpose, including mining this data for your own personal or commercial purposes.

Please note: the registrant of the domain name is specified in the "registrant" section. In most cases, GoDaddy.com, LLC is not the registrant of domain names listed in this database.

See Underlying Registry Data

Domain already taken?

Enter Domain Name

.com

Search

NameMatch Recommendations

GoDaddy.com NameMatch has found similar domain names related to your search. Registering multiple domain names may help protect your online brand and enable you to capture more Web traffic, which you can then direct to your primary domain.

Domains available for new registration:

Table with columns: Alternate TLDs, Similar Premium Domains, and prices per year. Includes entries like allianceriggersandconstruc...info (\$2.99/yr) and TireAndRims.com (\$1,999.00*).

ADD TO CART

Domains available at Go Daddy Auctions@:

Table with columns: Domain Name, Auction End Date/Time, and Price. Includes entries like artrigger.com (\$2,400.00*) and needlesandpins.com (\$4,088.00*).

VIEW LISTING

Learn more about

- Private Registration ? Deluxe Registration ?
Business Registration ? Protected Registration ?



er domain name year.
e registered through Go Daddy Domains Canada, Inc., a CIRA certified registrar.

EXHIBIT H

RESEARCH, DEVELOPMENT AND/OR TECHNICAL ASSISTANCE AGREEMENT

1. **AGREEMENT** made this 11th day of March 2011 by and between DR. LINDA S. RESTREPO (hereinafter called CONSULTANT), having principal offices at P.O. Box 12066, El Paso, Texas 79912, and MR. PHILLIP H. CORDOVA, President, as Representative of ALLIANCE RIGGERS & CONSTRUCTORS (hereinafter called CLIENTS), with domicile at 1200 Kastrin, El Paso, Texas 79907.

2. **STATEMENT OF WORK:** The herein named CONSULTANT agrees to provide the following itemized services to CLIENT:

- (a) To produce a Five minute High Definition Corporate Marketing Video for CLIENT to include professional English narration, graphics, music score, and signage.
- (b) To produce an E-Commerce Internet Platform to include mounting the High Definition Corporate Marketing Video to the Internet Platform.

3. **TERMS AND CONDITIONS:**

- (a) Video Sites located in El Paso, Texas to be filmed included Veterans Administration Parking Structure (in progress); Fort Bliss East completed Dinning Facilities and Brigade Buildings; UTEP completed buildings; El Paso Texas Tech University Medical Center completed buildings; Alliance Riggers Cranes site display. Other large Work in Progress sites within a 90 days of the contract performance dates to be negotiated on per site basis.
- (b) Sites located outside of El Paso, Texas are not included and will be billed separately.
- (c) For any elevated film takes Alliance will supply suitable safe and proper lift with operator.
- (d) Client will be provided 100 HD DVD copies of the Corporate Marketing Video.

4. **SCHEDULE OF SERVICES:** The herein named CONSULTANT and the CLIENT hereby mutually agree that services to be rendered will begin upon the date of Agreement on the 11th of March 2011 pursuant to receipt of payment as stipulated below, and terminate within 90 days upon completion of the work effort. The CLIENT and CONSULTANT upon mutual accord reserve the right to extend the terms and conditions of this AGREEMENT.

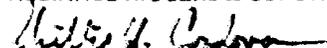
5. **COMPENSATION:**

- (a) As consideration for the Consulting Assistance herein named CLIENT agrees to reimburse CONSULTANT the total amount of \$18,500.00 for the Corporate Video production payable as follows: \$9,000.00 at signature of the Contract paid and received on the 11th of March 2011; \$8,500.00 on the 11th day of April 2011, and a final payment of \$1,000.00 due and payable upon completion of the video.
- (b) CLIENT agrees to reimburse CONSULTANT the total amount of \$4,500.00 for the production of the E-Commerce Internet Platform only if purchased in conjunction with the Corporate Video payable as follows: \$3,500.00 at signature of the Contract; a final payment of \$1,000.00 due and payable upon completion of the E-Commerce Internet Platform.
- (c) All payments are to be made to the order of CONSULTANT Dr. Linda S. Restrepo.
- (d) The CLIENT and CONSULTANT upon mutual accord reserve the right to extend the terms and conditions of this AGREEMENT and negotiate compensation as needed.

6. **ACCEPTANCE** - The CONSULTANT and the CLIENT agree to the services and terms as set forth in this AGREEMENT for the consideration stated herein.

Accepted this 11th Day of March 2011.

ALLIANCE RIGGERS & CONSTRUCTORS


PHILLIP H. CORDOVA

CONSULTANT:


DR. LINDA S. RESTREPO

00 561

From: Phillip Pruett <pruett@allianceriggers.com> (+)
To: rdilsr@zianet.com (+)
Date: 23 Mar 2012, 05:17:35 PM
Subject: Allianceriggers.com website editing

HTML content follows

Linda,

Please find attached the edits we made to the website verbiage.

Please let me know if you have any questions.

Thank you,

Phillip Pruett

Alliance Riggers & Constructors, Ltd.

1200 Kastrin St.

El Paso, TX 79907

P- 915-591-4513 F- 915-593-4718 M- 575-644-8735

Attachment: Alliance Riggers web edit.pdf (application/pdf)

ABOUT us 1/2

PHC	16 MAR 12
PHP PH	3/15/12
TERI	3/15/12
MEL	3/16/12
NICK	

STABILITY AND PROFESSIONALISM AT WORK

HOME



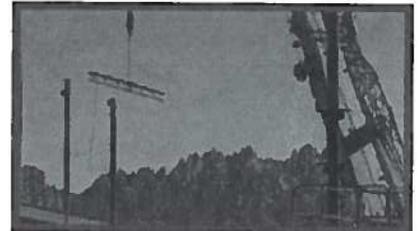
FEATURED PROJECT

[click here](#)



CORPORATE VIDEO

[click here](#)



TECHNOLOGY

[click here](#)

PROJECT SLIDESHOWS



WELCOME TO ALLIANCE RIGGERS & CONSTRUCTORS, LTD.

Alliance Riggers & Constructors is a Southwest Regional Services provider offering premier service throughout Texas and New Mexico. Our qualified and professional team offers an extensive menu of services and the expertise and equipment to assist YOU-our Clients and Construction Partners in making YOUR Vision a reality... safely, on time and within budget. Founded in 1977, Alliance Riggers & Constructors, with limited partner, El Paso Crane & Rigging (founded in 1974) is a family owned business doing business in El Paso Texas and the surrounding area for nearly 40 years.

1997

???

2011

2/2



Alliance Riggers & Constructors, Ltd. was awarded the Steel Erectors Association of America (SEAA) Project of the Year for 2011 for its outstanding work on the University of Texas at El Paso (UTEP) Health Sciences Building and School of Nursing Pedestrian Bridge construction and installation.

Alliance Riggers & Constructors is a prime Government Contractor engaged in magnitude projects such as the modernization of the 1st Armor Division and Fort Bliss, Texas Military Base through its construction of facilities to include maintenance buildings, dormitories, dining facilities, medical complex, parking structures, combined Brigade Battalion Buildings, the new Fort Bliss Commissary and the Joint De-Salinization Plant.

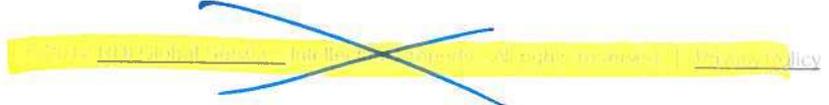
A
OF
GOVERNMENT

RUN-ON

Alliance Riggers & Constructors has contributed to the private sector U.S. - Mexico Border area through its building of Industrial Parks, Manufacturing and Warehousing, infrastructure projects including Sewage and Water Treatment Plants, Hospitals and Educational facilities such as the University of Texas at El Paso School of Nursing and Bio-sciences Facility and Computer Sciences Buildings.



OUR PARTNERS



STABILITY AND PROFESSIONALISM AT WORK

HOME |

PROJECTS

VARIOUS OUR LATEST PROJECTS



El Paso County Courthouse
 Western Refining GA LAB
 County Courthouse Parking Garage
 Santa Teresa Bi-Nat'l Park
 Bldg. 3
 Verde-Zaragoza Corp. Center
 Bldg. 15
 Verde-Zaragoza Corp. Center
 Bldg. 14
 D/B Combined Brigade/Battalion
 Fort Bliss, TX
 El Paso Federal Courthouse
 DEA Addition El Paso, TX
 TXDOT Border Safety Inspection Facility
 McGregor Ranges, NM
 BCT III Fort Bliss, TX Crane Service

UTEP Pedestrian Bridge
 WABMC Hospital Pedestrian Bridge
 Commissary at Fort Bliss TX
 CLC Goodfellow AFB San Angelo, TX
 F22-Flight Simulator Holloman AFB
 Fort Bliss Shoppette
 Thomason Hospital
 Prep. Room McGregor Range
 Main Post White Sands Missile Range
 Consolidated Wing Support Complex
 Goodfellow AFB
 Johnson's Space Center NM
 Company Operations Facility
 White Sands Missile Range NM
 Incinerator Installation DEA TX
 Cancer Center El Paso, TX

UTEP Parking Garage
 Medical Parking Garage-WBAMC
 Aquatic Center Fort Bliss, TX

BCT III Enlisted Personnel
 Dining Facility Fort Bliss TX
 Sierra Medical Towers El Paso, TX



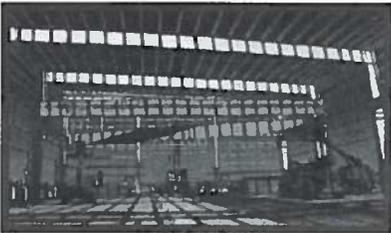
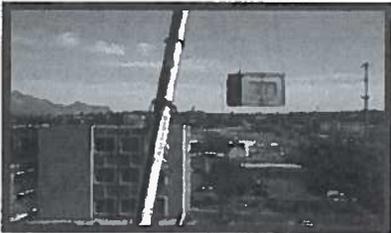
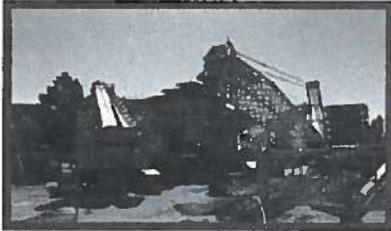
Western Refinery New Conference Room
 Fabens Border Patrol Station
 Fabens TX
 D.M.P.T.R. Fort Bliss TX & New Mexico
 Kohl's Dept. Store Las Cruces, NM
 McGregor Range Overhead Crane

UTEP School of Nursing
 Upper Valley Water Treatment Plant
 Joint Desalination Facility
 Dona Ana County Center
 Texas Tech Research Facility #1
 Rigging Tower Crane
 Farm & Ranch Museum NM
 Repair/Upgrade of Sewage Treatment
 Plant White Sands Missile Range

* Our Project List is by no means inclusive but is presented to demonstrate the diversity of our expertise.

Liebherr Cranes

SERVICES 1/2



SERVICES LIST

- ~~_____~~
- ~~_____~~ Structural Steel Erection
- ~~_____~~ TILT-UP & PRECAST ERECTION
- ~~_____~~ CRANE & RIGGING
- ✓ Overhead Crane Systems
- ✓ Machinery Moving
- ✓ In Plant Heavy Hauling
- ~~_____~~
- ✓ Welding Service
- ✓ Crane Lift Drafting
- ✓ International and Domestic Trans-Loading
- ~~_____~~
- ~~_____~~ PRE-ENGINEERED METAL BUILDING ERECTION

Cranes In Motion ?

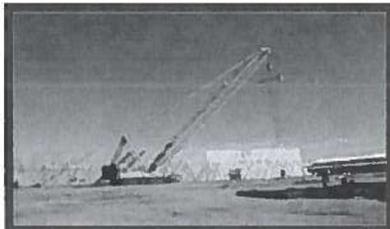
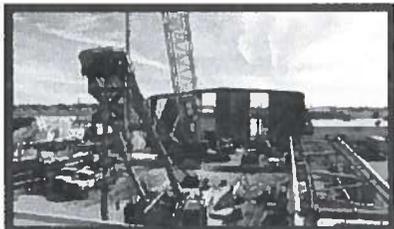
SERVICES OVERVIEW

Alliance Crane & Rigging can develop a proposal for services tailored exclusively to our customer needs.

We offer a full spectrum of services to support industrial, commercial and government clients in multiple markets. Services include specialty consulting as well as many aspects of construction, operations and maintenance.

We can also provide services outside of our immediate geographical area of operations and can deploy our cranes to geographical locations outside of Texas and New Mexico to include Mexico on a project per project basis.

Liebherr Cranes



EQUIPMENT 1/2

STABILITY AND PROFESSIONALISM AT WORK

HOME

CRANES IN MOTION



~~EQUIPMENT~~

CRANES

CRAWLER

- Liebherr LR1300 335 TON
- Liebherr LR1280 300 TON
- Liebherr LR1200 250 TON
- Liebherr LR1130 150 TON
- Liebherr LR853 100 TON

TELE-CRAWLER

- Liebherr LRT1100 120 TON

CONVENTIONAL TRUCK

- Manitowoc 3900T 155 TON
- Link-Belt HC-238 125 TON
- Link-Belt HC-218 82.5 TON

ROOM TRUCK

- Sterling/Terex 3900T 155 TON
- BT4485 15 TON

CARRY DECK

ROUGH TERRAIN

- Link-Belt-Hydraulic RTC8035 35 TON
- Terex-Hydraulic RT755 75 TON
- Grove-Hydraulic RT865 65 TON
- Link-Belt-Hydraulic HSP8050 50 TON
- Grove-Hydraulic RT530E 30 TON
- Grove-Hydraulic RT760E 60 TON

ALL TERRAIN

- Terex/Demag-Hydraulic AC-250 300 TON
- Tadano-Hydraulic ATF80-4 100 TON

HYDRAULIC TRUCK

- Link-Belt HTC-830 30 TON
- Link-Belt HTC1040 40 TON
- Grove TM9120 120 TON
- Sterling/Tadano LTT500/TT300XL 30 TON

REARRANGE CAP. ON TOP

~~FORKLIFTS~~

2/2



~~REACH FORKLIFTS~~

Dynalift DL12 12,000 Lbs
JLG Skytrack 10042 10,000 Lbs

~~STRAIGHT MAST~~

Forano-Eaves F-300 30,000 Lbs
Doosan D160S-5 36,000 Lbs

LIEBHERR CRANES



Our fleet of Liebherr Crawler cranes have outstanding lift capacities with high level mobility and excellent performance characteristics. Liebherr Crawler cranes distinguish themselves with superior lift capacities, flexible configuration arrangements, quick and easy assembly, practical and cost-effective transportation, and state of the art electronic systems, resulting in high productivity to our clients.

Liebherr Cranes



CLIENTS 1/2

STABILITY AND PROFESSIONALISM AT WORK.

HOME |

CLIENTS

Our professional collaborations enable us to better meet your goals. Our business strategy is building long-term client relationships by providing superior customer service and product.



- High Bonding Capacity
- Ample Insurance Coverage
- Certified by Industry Agencies
- Government Clearances
- Rapid Response 24/7
- Highly Specialized Capabilities

INDUSTRY MARKETS

- Developers and Owners
- General Contractors
- Sub-Contractors
- Industrial Plants
- Aero Space Industry
- Automotive industries
- De-Salinization Plants

- Infrastructure
- Mine and Mineral
- Oil & Gas
- Refining
- Hospitals
- Financial Institutions
- Waste Water Treatment Plants

GOVERNMENT: FEDERAL AND STATE

- U.S. Department of Defense
- U.S. Forest Service
- U.S. Coast Guard
- U.S. Customs & Border Patrol
- U.S. Postal Service
- U.S. Army Corps of Engineers
- U.S. Coast Guard
- U.S. Army
- U.S. Air Force
- ~~U.S. National Guard~~

- General Services Administration
- National Parks Service
- NASA
- Environmental Protection Agency
- Department of Interior
- Intl. Boundary & Water Commission
- Federal Aviation Administration
- Texas/EI Paso Film Commission
- Dona Ana Community College
- ~~U.S. National Guard~~

Texas Army National Guard

2/2



Liebherr Cranes

Cranes in Motion

X

TRAINING 1/2

STABILITY AND PROFESSIONALISM AT WORK

HOME

TRAINING PROGRAMS

HILTI DX 860-HSN TRAINING



~~ABOUT TRAINING~~

RIGGERS & CONSTRUCTORS

To ensure the highest level of safety, productivity and expertise, our employees are kept up to date with the most current regulatory and consensus safety standards in the industry. Alliance Crane & Rigging Contractors is continually introducing new industrial technologies to improve our services for the benefit our clients.

Our training programs meet OSHA requirements for Rigging and Rigging Hardware Training, Cranes and Derricks and Signal Person Training.

Latest technological enhancements include ~~new Hilti stud guns~~ ^{TRAINING THE PIN} that replace the need for decking welding and allows our personnel to complete decking operations faster and offer a longer lifespan to the structures. ~~WHILE MAINTAINING THE STRUCTURAL INTEGRITY OF THE DIAPHRAGM.~~

Other improvements include the utilization of sophisticated leveling apparatus ^{TRAINING HILTI LASERS} to align steel beams for steel erection that remove discrepancies in steel beam alignments. ~~AS IT IS BEING ERECTED.~~

"Think Safety First" are words that we live by. Our employees are our greatest asset and it is our responsibility to provide a framework that ensures a safe work environment. This framework is a set of practices, policies and procedures that place safety above all else.

ALL OF OUR PERSONNEL HAVE THE OSHA 10 HR TRAINING AND A MAJORITY HAVE THE OSHA 30 HR TRAINING.

ADVANCED TRAINING COURSES

2/2



- American Welding Society (AWS) Welder Certifications
- OSHA Signal Person Certification
- OSHA Rigging Certification
- NCCCO Crane Operator Licenses
- New Mexico Crane Operators License
- OSHA Training

ORGANIZATIONS AND CERTIFICATIONS



STEEL

- Specialized Carriers and Riggers Association (SC & RA)
- Steel Erectors Association of America (SEAA)
- Associated General Contractors (AGC)
- Southwest Fabricators Association
- Texas Crane Owners Association
- The National Commission for the Certification of Crane Operators (NCCCO)
- New Mexico Crane Operators Licenses
- American Welding Society(AWS)
- Advanced Certified American Institute of Steel Construction (AISC) Erector



HILTI DX 860-TRAINING



- High fastening rate can help significantly reduce the time it takes to attach deck to steel
- No touch up work required, perfect for fastening painted or galvanized deck surfaces
- Magazine for 40 non-stop fastenings, up to 1000 fastenings per hour
- Built-in, adjustable power regulator for optimal control in achieving reliable fastenings
- Unique piston/brake system helps prevent fasteners from punching through the deck
- Use-on-Demand program tailored to meet your project needs
- Decking and bar joist applications

DX 860-Training Video

Liebherr Cranes

X

CONTACT US 

STABILITY AND PROFESSIONALISM AT WORK

FORM 1

CORPORATE OFFICE

Thank you for taking a moment to visit our website. Please feel free to contact us today and let us know how we can be of the greatest assistance to you. We look forward to introducing you to the many benefits provided by Alliance Riggers & Constructors.



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E-mail: customerservice@allianceriggers.com

NICK LUGO; ESTIMATOR
E-MAIL: NICK@ALLIANCERIGGERS.COM

Viviana Contreras; HR Human Resources
Viviana@allianceriggers.com

Liebherr Cranes



REQUEST FOR ADMISSION NUMBER 10:

Admit that Plaintiff submitted a reversed typeset Alliance Logo to the Defendants to be utilized in the webpage.

RESPONSE:

Plaintiff admits that it permitted Defendants to use its trademark in connection with the design of its web page. Plaintiff denies the remaining portions of this request.

REQUEST FOR ADMISSION NUMBER 11:

Admit that Exhibit "A" is an accurate copy of the reversed typeset Alliance Logo Plaintiff submitted to the Defendants. A true and correct copy of the reversed typeset Alliance Logo submitted to Defendants by Plaintiff is attached hereto as Exhibit "A."

RESPONSE:

Plaintiff admits that Exhibit "A" contains a copy of its trademark and that it allowed Defendants to use such trademark in connection with the design of Plaintiff's web page. Plaintiff denies the remaining portions of this request.

REQUEST FOR ADMISSION NUMBER 12:

Admit that the Alliance Logo (Exhibit "A") was submitted by Plaintiff to Defendants with instructions to be utilized in the webpage.

RESPONSE:

Plaintiff admits that Exhibit "A" contains a copy of its trademark and that it allowed Defendants to use such trademark in connection with the design of Plaintiff's web page. Plaintiff denies the remaining portions of this request.

REQUEST FOR ADMISSION NUMBER 13:

Admit that Plaintiff edited and approved the webpage and submitted said edits to the Defendants.

RESPONSE:

Plaintiff admits that some but not all edits, changes and modifications to its web page were submitted to Plaintiff for approval. Plaintiff denies the remaining portions of this request.

REQUEST FOR ADMISSION NUMBER 14:

Admit that Exhibit "B" is an accurate copy of Alliance Riggers web edit submitted to the Defendants by Plaintiff. A true and correct copy of an email from Plaintiff with attached Alliance Riggers web edit.pdf is attached hereto as Exhibit "B."

Counter Plaintiff	RESTREPO, LINDA S.	Pro Se
Defendant	RESTREPO, CARLOS E.	Pro Se
Defendant	RESTREPO, LINDA S.	Pro Se
Plaintiff	ALLIANCE RIGGERS & CONSTRUCTORS, LTD.	R WAYNE PRITCHARD Retained 915-533-0080(W)

EVENTS & ORDERS OF THE COURT

DISPOSITIONS			
07/05/2013	Notice of Removal (Judicial Officer: Villa, Carlos) Comment (DEFENDANTS LINDA S. RESTREPO AND CARLOS E. RESTREPO/AND MEMORANDUM IN SUPPORT OF NOTICE/ CB)		
07/22/2014	Notice of Removal (Judicial Officer: Villa, Carlos) Comment (REMOVED TO FEDERAL COURT EP14CV0277/SF)		
10/28/2014	Notice of Removal (Judicial Officer: Villa, Carlos) Comment (NOTICE OF REMOVAL TO THE UNITED STATES DISTRICT COURT/SF)		
OTHER EVENTS AND HEARINGS			
06/20/2012	Original Petition (OCA)	Doc ID# 1	
06/20/2012	Case Information Sheet	Doc ID# 2	
06/20/2012	Request for Production	Doc ID# 3	
06/20/2012	Request for Disclosure	Doc ID# 4	
06/20/2012	Interrogatories	Doc ID# 5	
06/21/2012	Citation		
	RESTREPO, LINDA S.	Returned Unserved	10/15/2012
		Returned	10/15/2012
	RESTREPO, CARLOS E.	Returned Unserved	10/15/2012
		Returned	10/15/2012
08/23/2012	Citation		
	RESTREPO, LINDA S.	Served	10/09/2012
		Returned	10/10/2012
	RESTREPO, CARLOS E.	Served	10/09/2012
		Returned	10/10/2012
10/29/2012	Motion to Dismiss	Doc ID# 6	
10/29/2012	Motion	Doc ID# 7	
10/29/2012	Motion to Quash	Doc ID# 8	
10/29/2012	Motion to Quash	Doc ID# 9	
10/29/2012	Motion to Quash	Doc ID# 10	
10/29/2012	Motion to Quash	Doc ID# 11	
11/06/2012	Order Setting Hearing	Doc ID# 12	
11/21/2012	CANCELED Motion Hearing (8:30 AM) (Judicial Officer Villa, Carlos) <i>Other</i>		
11/21/2012	Request for Production	Doc ID# 13	
11/21/2012	Admissions	Doc ID# 14	
11/21/2012	Admissions	Doc ID# 15	
11/21/2012	Interrogatories	Doc ID# 16	
11/21/2012	Motion to Dismiss for Want of Prosecution	Doc ID# 17	
11/21/2012	Motion for Protective Order	Doc ID# 18	
11/21/2012	Motion for Protective Order	Doc ID# 19	
11/26/2012	Receipt	Doc ID# 20	
11/30/2012	Response	Doc ID# 21	
11/30/2012	Response	Doc ID# 22	
12/07/2012	Status Conference (10:00 AM) (Judicial Officer Villa, Carlos)		
12/07/2012	Motion Hearing (10:00 AM) (Judicial Officer Villa, Carlos)		
12/07/2012	Motion Hearing (10:00 AM) (Judicial Officer Villa, Carlos)		
12/07/2012	Motion Hearing (10:00 AM) (Judicial Officer Villa, Carlos)		
12/07/2012	Motion Hearing (10:00 AM) (Judicial Officer Villa, Carlos)		
12/07/2012	Order Denying New Trial	Doc ID# 23	
12/07/2012	Response	Doc ID# 24	
12/07/2012	Response	Doc ID# 25	
12/07/2012	Response	Doc ID# 26	
12/10/2012	CANCELED Motion Hearing (10:00 AM) (Judicial Officer Villa, Carlos) <i>Other</i> 11/21/2012 Reset by Court to 12/10/2012		
12/27/2012	Request for Finding of Facts and Conclusions of Law	Doc ID# 27	
12/27/2012	Motion to Dismiss for Want of Prosecution	Doc ID# 28	
01/08/2013	Motion for Extension	Doc ID# 29	
01/16/2013	Motion	Doc ID# 31	
01/22/2013	Motion	Doc ID# 30	
01/22/2013	Notice of Accelerated Appeal	Doc ID# 32	
01/22/2013	Designation of Clerk's Record	Doc ID# 33	
01/22/2013	Affidavit	Doc ID# 36	
01/23/2013	Notice	Doc ID# 34	
01/23/2013	Docketing Certificate		
01/23/2013	Order Granting Extension of Time	Doc ID# 35	
02/06/2013	Letter	Doc ID# 37	

03/14/2013 Judgment from Court of Appeals Doc ID# 38
 03/14/2013 Memorandum Doc ID# 39
 03/22/2013 Order Setting Hearing Doc ID# 40
 03/22/2013 Motion to Compel Doc ID# 41
 03/27/2013 Motion for Extension Doc ID# 42
 03/28/2013 Judgment from Court of Appeals Doc ID# 43
 03/28/2013 Memorandum Doc ID# 44
 04/02/2013 Objection Doc ID# 45
 04/02/2013 Response Doc ID# 46
 04/02/2013 Motion to Compel Doc ID# 47
 04/02/2013 Order Resetting Hearing Doc ID# 51
 04/02/2013 Motion Doc ID# 52
 04/02/2013 Objection Doc ID# 53
 04/05/2013 Motion for Recusal Doc ID# 48
 04/05/2013 Letter Doc ID# 49
 04/05/2013 Fax Doc ID# 50
 04/08/2013 Motion to Compel Hearing (11:00 AM) (Judicial Officer Villa, Carlos)
 04/08/2013 Reset by Court to 04/08/2013
 04/08/2013 Motion Hearing (9:30 AM) (Judicial Officer Villa, Carlos)
 04/08/2013 Motion to Compel Hearing (11:00 AM) (Judicial Officer Villa, Carlos)
 04/08/2013 Reset by Court to 04/08/2013
 04/08/2013 Notice Doc ID# 54
 04/11/2013 Order Setting Hearing Doc ID# 55
 04/12/2013 Order of Assignment
 04/16/2013 Returned Mail Doc ID# 56
 04/18/2013 Answer Doc ID# 57
 04/18/2013 Change of Address Doc ID# 60
 04/22/2013 Affidavit Doc ID# 58
 04/22/2013 Motion for Stay Doc ID# 59
 04/22/2013 Citation
 CORDOVA, PHILLIP Served 04/30/2013
 Returned 05/01/2013
 PRUETT, PHILLIP Served 04/30/2013
 Response Received 05/17/2013
 Returned 05/01/2013
 DELGADO, NICK Returned Unserved 05/01/2013
 Returned 05/01/2013
 CORDOVA, PAUL D Served 04/30/2013
 Response Received 05/17/2013
 Returned 05/01/2013
 CORDOVA, FRANK H Served 04/30/2013
 Response Received 05/17/2013
 Returned 05/01/2013
 STEVENS, TERRY Served 04/30/2013
 Response Received 05/17/2013
 Returned 05/01/2013
 PRUETT, MELODY Served 04/30/2013
 Response Received 05/17/2013
 Returned 05/01/2013
 04/22/2013 Citation
 CORDOVA, ROBERTA Served 04/30/2013
 Returned 05/01/2013
 04/26/2013 Motion to Recuse Judge (1:30 PM) (Judicial Officer Villa, Carlos)
 04/29/2013 Citation
 ALLIANCE RIGGERS & CONSTRUCTORS, LTD., Served 05/13/2013
 COLLECTIVLEY EL PASO CRANE & RIGGIN, INC. Response Received 05/17/2013
 Returned 05/14/2013
 EL PASO CRANE & RIGGING, INC. Served 05/13/2013
 Response Received 05/17/2013
 Returned 05/14/2013
 CORDOVA ALLIANCE, LLC Served 05/13/2013
 Response Received 05/17/2013
 Returned 05/14/2013
 05/03/2013 Motion for Sanctions Doc ID# 61
 05/03/2013 Order Denying Doc ID# 62 (Judicial Officer: Larsen, Susan)
 05/08/2013 Response Doc ID# 63
 05/10/2013 Returned Mail Doc ID# 64
 05/13/2013 Motion to Compel Hearing (11:00 AM) (Judicial Officer Villa, Carlos)
 05/14/2013 Order
 05/17/2013 Answer Doc ID# 65
 05/17/2013 Answer Doc ID# 66
 05/17/2013 Answer Doc ID# 67
 05/17/2013 Answer Doc ID# 68
 05/17/2013 Answer Doc ID# 69
 05/17/2013 Answer Doc ID# 70
 05/17/2013 Answer Doc ID# 71
 05/17/2013 Answer Doc ID# 72
 05/20/2013 Request Doc ID# 73
 05/20/2013 Request Doc ID# 74
 05/20/2013 Request Doc ID# 75
 05/20/2013 Notice of Appeal Doc ID# 77
 05/20/2013 Notice of Appeal Doc ID# 78
 05/23/2013 Letter Doc ID# 76
 05/23/2013 Motion Doc ID# 81
 05/23/2013 Order Setting Hearing Doc ID# 82
 05/24/2013 Docketing Certificate

05/24/2013	Docketing Certificate		
05/24/2013	Notice	Doc ID# 79	
05/24/2013	Notice	Doc ID# 80	
05/28/2013	Supplemental Response	Doc ID# 83	
05/28/2013	Supplemental Response	Doc ID# 84	
05/30/2013	Objection	Doc ID# 85	
05/30/2013	Motion for Sanctions	Doc ID# 86	
05/30/2013	Motion to Strike	Doc ID# 87	
05/31/2013	Motion Hearing (9:30 AM) (Judicial Officer Villa, Carlos)		
05/31/2013	Order		
06/04/2013	Request	Doc ID# 88	
06/04/2013	Admissions	Doc ID# 89	
06/04/2013	Motion to Compel	Doc ID# 90	
06/04/2013	Request	Doc ID# 91	
06/04/2013	Request for Production	Doc ID# 92	
06/04/2013	Admissions	Doc ID# 93	
06/04/2013	Interrogatories	Doc ID# 94	
06/04/2013	Request for Production	Doc ID# 95	
06/04/2013	Interrogatories	Doc ID# 96	
06/04/2013	Interrogatories	Doc ID# 97	
06/05/2013	Request for Jury	Doc ID# 98	
06/06/2013	Order Setting Jury Trial	Doc ID# 99	
06/07/2013	Order		
06/07/2013	Motion for Default Judgment	Doc ID# 100	
06/07/2013	Motion for Default Judgment	Doc ID# 101	
06/07/2013	Motion for Default Judgment	Doc ID# 102	
06/07/2013	Motion for Default Judgment	Doc ID# 103	
06/07/2013	Motion for Default Judgment	Doc ID# 104	
06/07/2013	Motion for Default Judgment	Doc ID# 105	
06/12/2013	Response	Doc ID# 106	
06/12/2013	Motion for Summary Judgment	Doc ID# 107	
06/12/2013	Order Setting Hearing	Doc ID# 108	
06/17/2013	Order		
06/17/2013	Request	Doc ID# 109	
06/17/2013	Motion	Doc ID# 110	
06/17/2013	Motion	Doc ID# 111	
06/17/2013	Motion for Default Judgment	Doc ID# 112	
06/17/2013	Objection	Doc ID# 113	
06/17/2013	Request for Finding of Facts and Conclusions of Law	Doc ID# 114	
06/17/2013	Request for Finding of Facts and Conclusions of Law	Doc ID# 115	
06/17/2013	Request for Finding of Facts and Conclusions of Law	Doc ID# 116	
06/17/2013	Request for Finding of Facts and Conclusions of Law	Doc ID# 117	
06/17/2013	Objection	Doc ID# 118	
06/18/2013	Order		
06/26/2013	Request	Doc ID# 119	
06/26/2013	Amended Answer	Doc ID# 120	
06/26/2013	Request	Doc ID# 121	
07/01/2013	Notice of Appeal	Doc ID# 122	
07/01/2013	Request	Doc ID# 123	
07/01/2013	Motion for Summary Judgment	Doc ID# 124	
07/01/2013	Motion to Strike	Doc ID# 125	
07/02/2013	Docketing Certificate		
07/02/2013	Notice	Doc ID# 126	
07/02/2013	Letter	Doc ID# 127	
07/02/2013	Response	Doc ID# 128	
07/08/2013	CANCELED Motion Hearing (3:30 PM) (Judicial Officer Villa, Carlos)		
	Other		
07/11/2013	CANCELED Motion for Summary Judgment (3:30 PM) (Judicial Officer Villa, Carlos)		
	Other		
07/11/2013	TRANSCRIPT		
07/11/2013	TRANSCRIPT		
07/11/2013	TRANSCRIPT		
07/12/2013	TRANSCRIPT		
07/12/2013	TRANSCRIPT		
07/15/2013	Receipt	Doc ID# 129	
07/17/2013	Citation		
	LUGO, NICK	Served	07/22/2013
		Response Received	08/14/2013
		Returned	07/23/2013
07/17/2013	Citation		
	CORDOVA, ROBERTA	Served	07/22/2013
		Response Received	08/14/2013
		Returned	07/23/2013
07/18/2013	Letter from Court of Appeals		
07/25/2013	Letter	Doc ID# 130	
07/25/2013	Judgment from Court of Appeals	Doc ID# 131	
07/25/2013	Opinion from Court of Appeals	Doc ID# 132	
08/01/2013	Letter	Doc ID# 133	
08/01/2013	Docket		
08/01/2013	Order		
08/01/2013	Application	Doc ID# 134	
08/01/2013	Response	Doc ID# 135	
08/01/2013	Order Granting	Doc ID# 136	
08/01/2013	Motion	Doc ID# 137	
08/01/2013	Submission	Doc ID# 138	
08/01/2013	Response in Opposition		
08/09/2013	CANCELED Non-Jury Trial (9:30 AM) (Judicial Officer Villa, Carlos)		

08/14/2013 *Cancelled Pending Reset*
 08/14/2013 **Answer Doc ID# 139**
 08/14/2013 **Answer Doc ID# 140**
 08/21/2013 **Returned Mail Doc ID# 142**
 08/30/2013 **Letter from Court of Appeals**
 08/30/2013 **Mandate Doc ID# 144**
 09/19/2013 **Order Setting Hearing Doc ID# 143**
 09/26/2013 **Letter from Court of Appeals**
 10/24/2013 **CANCELED Motion for Summary Judgment (3:00 PM) (Judicial Officer Villa, Carlos)**
Cancelled Pending Reset
 02/14/2014 **CANCELED Pre-Trial Hearing (10:30 AM) (Judicial Officer Villa, Carlos)**
Other
 03/04/2014 **Judgment from Court of Appeals Doc ID# 145**
 03/04/2014 **Letter from Court of Appeals**
 03/04/2014 **Opinion from Court of Appeals Doc ID# 146**
 03/06/2014 **Letter Doc ID# 147**
 03/17/2014 **CANCELED Motion Hearing (11:00 AM) (Judicial Officer Villa, Carlos)**
Other
 03/18/2014 **CANCELED Jury Trial (9:00 AM) (Judicial Officer Villa, Carlos)**
Other
 03/19/2014 **Mandate Doc ID# 148**
 03/28/2014 **Letter from Court of Appeals**
 03/28/2014 **Letter from Court of Appeals**
 04/17/2014 **Letter from Court of Appeals**
 04/17/2014 **Letter from Court of Appeals**
 04/17/2014 **Letter from Court of Appeals**
 04/28/2014 **Letter from Court of Appeals**
 06/04/2014 **Order Setting Hearing Doc ID# 149**
 06/20/2014 **Amended Petition Doc ID# 150**
 06/27/2014 **Order**
 06/27/2014 **Letter from Court of Appeals**
 06/27/2014 **Order**
 06/27/2014 **Letter from Court of Appeals**
 07/07/2014 **Motion Doc ID# 151**
 07/08/2014 **Order Setting Hearing Doc ID# 152**
 07/11/2014 **Request for Hearing Doc ID# 156**
 07/11/2014 **Plea to the Jurisdiction Doc ID# 153**
 07/13/2014 **Motion Doc ID# 154**
 07/13/2014 **Request for Hearing Doc ID# 155**
 07/17/2014 **Motion Doc ID# 157**
 07/17/2014 **Request for Hearing Doc ID# 158**
 07/17/2014 **Request for Hearing Doc ID# 159**
 07/19/2014 **Motion Doc ID# 161**
 07/20/2014 **Motion to Strike Doc ID# 160**
 07/22/2014 **Response Doc ID# 162**
 07/22/2014 **Notice of Removal Doc ID# 163**
 07/23/2014 **Order Setting Hearing Doc ID# 164**
 07/28/2014 **CANCELED Motion Hearing (10:00 AM) (Judicial Officer Villa, Carlos)**
Cancelled Pending Reset
 07/31/2014 **Letter Doc ID# 166**
 07/31/2014 **Docket**
 07/31/2014 **Motion to Remand Doc ID# 167**
 07/31/2014 **Motion Doc ID# 168**
 07/31/2014 **Order Granting Doc ID# 169**
 07/31/2014 **Notice of Removal Doc ID# 170**
 07/31/2014 **Order Granting Doc ID# 171**
 08/05/2014 **Motion to Dismiss Doc ID# 165**
 08/12/2014 **Motion Doc ID# 172**
 08/12/2014 **Motion for Sanctions Doc ID# 174**
 08/13/2014 **Mandate Doc ID# 173**
 08/13/2014 **Response Doc ID# 175**
 08/13/2014 **Motion to Strike Doc ID# 176**
 08/15/2014 **Motion Doc ID# 177**
 08/17/2014 **Supplement Doc ID# 178**
 08/20/2014 **CANCELED Motion Hearing (1:30 PM) (Judicial Officer Villa, Carlos)**
Cancelled Pending Reset
 08/20/2014 **CANCELED Plea to Jurisdiction Hearing (1:30 PM) (Judicial Officer Villa, Carlos)**
Cancelled Pending Reset
 08/20/2014 **CANCELED Motion Hearing (1:30 PM) (Judicial Officer Villa, Carlos)**
Cancelled Pending Reset
 08/21/2014 **CANCELED Motion Hearing (10:00 AM) (Judicial Officer Villa, Carlos)**
Cancelled Pending Reset
 08/21/2014 **Order Setting Hearing Doc ID# 179**
 08/25/2014 **CANCELED Status Conference (11:30 AM) (Judicial Officer Villa, Carlos)**
Cancelled Pending Reset
 08/29/2014 **Order Setting Hearing Doc ID# 180**
 09/21/2014 **Special Exceptions Doc ID# 181**
 09/21/2014 **Special Exceptions Doc ID# 182**
 09/22/2014 **Motion to Dismiss Doc ID# 183**
 09/22/2014 **Motion Requesting Doc ID# 184**
 09/23/2014 **Jury Demand Doc ID# 185**
 09/23/2014 **Motion Doc ID# 186**
 09/24/2014 **Motion for Protective Order Doc ID# 187**
 09/24/2014 **Letter Doc ID# 190**

09/24/2014	Letter	Doc ID# 191		
09/25/2014	Status Conference	(9:30 AM) (Judicial Officer Villa, Carlos)		
		10/16/2014	Reset by Court to 09/25/2014	
09/25/2014	Answer	Doc ID# 188		
09/25/2014	Supplement	Doc ID# 189		
09/26/2014	Order Setting Hearing	Doc ID# 192		
10/10/2014	Request for Hearing	Doc ID# 193		
10/15/2014	Order			
10/21/2014	Subpoena Requested	Doc ID# 195		
10/21/2014	Subpoena Requested	Doc ID# 196		
10/21/2014	Subpoena Requested	Doc ID# 197		
10/23/2014	Motion	Doc ID# 198		
10/24/2014	Subpoena Duces Tecum			
		PRITCHARD, R WAYNE	Served	10/28/2014
			Returned	10/29/2014
10/24/2014	Subpoena Duces Tecum			
		STEVENS, TERRY	Returned Unserved	10/29/2014
			Returned	10/29/2014
10/24/2014	Subpoena Duces Tecum			
		CORDOVA, PHILLIP	Served	10/28/2014
			Returned	10/29/2014
10/27/2014	Notice of Appeal	Doc ID# 199		
10/27/2014	Motion for Stay	Doc ID# 200		
10/28/2014	Plea to the Jurisdiction	Doc ID# 201		
10/29/2014	Motion Hearing	(9:30 AM) (Judicial Officer Villa, Carlos)		
10/29/2014	Letter from Court of Appeals			
10/29/2014	Docketing Certificate			
10/29/2014	Receipt	Doc ID# 202		
10/29/2014	Notice	Doc ID# 203		
10/30/2014	Order Resetting Hearing	Doc ID# 204		
10/30/2014	Letter	Doc ID# 208		
10/30/2014	Letter	Doc ID# 209		
10/31/2014	Notice of Removal	Doc ID# 206		
11/03/2014	Motion Hearing	(9:30 AM) (Judicial Officer Villa, Carlos)		
11/03/2014	Notice of Removal	Doc ID# 205		
11/03/2014	Order Granting	Doc ID# 207		
11/03/2014	Order for Pre-Trial Hearing in Jury Trial	Doc ID# 212		
11/03/2014	Letter	Doc ID# 214		
11/10/2014	Judgment from Court of Appeals	Doc ID# 210		
11/10/2014	Opinion from Court of Appeals	Doc ID# 211		
11/17/2014	Copy	Doc ID# 213		
12/04/2014	Motion to Vacate	Doc ID# 215		
12/04/2014	Motion for New Trial	Doc ID# 216		
12/05/2014	Order Granting	Doc ID# 217		
12/17/2014	Motion	Doc ID# 218		
12/19/2014	Order Setting Hearing	Doc ID# 219		
12/22/2014	Motion for New Trial	Doc ID# 220		
12/22/2014	Response	Doc ID# 221		
01/12/2015	Supplement	Doc ID# 222		
01/13/2015	Response	Doc ID# 223		
01/13/2015	Response	Doc ID# 224		
01/14/2015	Request	Doc ID# 225		
01/14/2015	Objection	Doc ID# 226		
01/15/2015	Motion Hearing	(1:30 PM) (Judicial Officer Villa, Carlos)		
01/15/2015	Response	Doc ID# 227		
01/15/2015	Reply	Doc ID# 228		
01/15/2015	Reply	Doc ID# 229		
01/16/2015	Order			
01/20/2015	Notice of Appeal	Doc ID# 231		
01/20/2015	Letter from Court of Appeals			
01/22/2015	Objection	Doc ID# 230		
01/26/2015	Letter from Court of Appeals			
01/26/2015	Mandate	Doc ID# 232		
01/29/2015	Findings of Facts and Conclusions of Law			
02/02/2015	Order Denying	Doc ID# 235		
02/03/2015	Letter from Court of Appeals			
02/03/2015	Notice	Doc ID# 233		
02/09/2015	Correspondence	Doc ID# 234		
03/05/2015	Memorandum	Doc ID# 236		
03/05/2015	Judgment from Court of Appeals	Doc ID# 237		
04/08/2015	Motion	Doc ID# 238		
04/15/2015	Order Setting Hearing	Doc ID# 239		
04/30/2015	Motion	Doc ID# 240		
04/30/2015	Letter	Doc ID# 241		
05/05/2015	Response	Doc ID# 242		
05/06/2015	Admissions	Doc ID# 243		
05/06/2015	Admissions	Doc ID# 244		
05/06/2015	Motion to Compel	Doc ID# 245		
05/08/2015	Objection	Doc ID# 246		
05/11/2015	Interrogatories	Doc ID# 247		
05/11/2015	Request for Production	Doc ID# 248		
05/11/2015	Request for Disclosure	Doc ID# 249		
05/13/2015	Motion for Summary Judgment	(2:30 PM) (Judicial Officer Villa, Carlos)		
05/15/2015	Request for Finding of Facts and Conclusions of Law	Doc ID# 251		
05/15/2015	Order			
05/18/2015	Special Exceptions	Doc ID# 250		

05/18/2015 | Notice Doc ID# 252
05/26/2015 | Order Setting Hearing Doc ID# 253
05/26/2015 | Order Denying Doc ID# 254
05/28/2015 | Order Setting Hearing Doc ID# 255
05/29/2015 | Mandate Doc ID# 256
06/01/2015 | Objection Doc ID# 257
06/02/2015 | Amended Doc ID# 258
06/08/2015 | Special Exception Hearing (2:00 PM) (Judicial Officer Villa, Carlos)
06/22/2015 | Pre-Trial Hearing (1:30 PM) (Judicial Officer Villa, Carlos)
07/13/2015 | Motion in Limine (11:00 AM) (Judicial Officer Villa, Carlos)
07/14/2015 | Jury Trial (9:00 AM) (Judicial Officer Villa, Carlos)

Appellate Case Number	Date Filed	Style	V.	Case Type	COA Case Number	COA Case Number	Trial Court Case Number	Trial Court County	Trial Court	Appellate Court
08-15-00011-CV	1/14/2015	Linda S. Restrepo and Carlos E. Restrepo	Alliance Riggers & Constructors, LTD.	Miscellaneous/other civil			2012-DCV-04523	El Paso	County Court at Law No 5	COA08
08-14-00292-CV	10/31/2014	In Re: Linda S. Restrepo and Carlos E. Restrepo		Prohibition			2012-DCV-04523	El Paso	County Court at Law No 5	COA08
08-14-00288-CV	10/24/2014	Linda S. Restrepo and Carlos E. Restrepo	Alliance Riggers & Constructors, LTD.	Miscellaneous/other civil			2012DCV04523	El Paso	County Court at Law No 5	COA08
08-14-00270-CV	9/24/2014	In Re: Linda S. Restrepo and Carlos E. Restrepo		Prohibition			2012-DCV-04523	El Paso	County Court at Law No 5	COA08
08-14-00159-CV	5/19/2014	In Re: Linda S. Restrepo and Carlos E. Restrepo		Mandamus/prohibition			2012-DCV-04523	El Paso	County Court at Law No 5	COA08
08-14-00075-CV	2/25/2014	In Re: Linda S. Restrepo and Carlos E. Restrepo		Mandamus/prohibition			2012-DCV-04523	El Paso	County Court at Law No 5	COA08
08-13-00183-CV	7/1/2013	Linda S. Restrepo and Carlos E. Restrepo	Alliance Riggers & Constructors, LTD.	Special Appearance			2012DCV04523	El Paso	County Court at Law No 5	COA08
08-13-00153-CV	5/20/2013	Linda S. Restrepo and Carlos E. Restrepo	Alliance Riggers & Constructors, LTD.	Unknown Civil Case Type			2012-DCV-04523	El Paso	County Court at Law No 5	COA08
08-13-00007-CV	1/8/2013	Linda S. Restrepo and Carlos E. Restrepo	Alliance Riggers & Constructors, LTD.	Unknown Civil Case Type			2012-DCV04523	El Paso	County Court at Law No 5	COA08
08-00-00485-CV	10/27/2000	Restrepo, Carlos E. and Linda S. Restrepo	Sierra Medical Foundation and Sierra ...	Automobile Personal Injury			2012-DCV04523	El Paso	County Court at Law No 5	COA08
08-00-00335-CV	7/31/2000	Restrepo, Linda S. and Carlos Restrepo	El Paso Times, Inc.; Gannett Group Co.	Miscellaneous civil			92-13087	El Paso	41st District Court	COA08
08-00-00197-CV	4/21/2000	Restrepo, Carlos E. and Linda S. Restrepo	Haugland, Corey W. and Ambram, Lily d/b/a Sunshine Service...	Automobile Personal Injury			2000-1658	El Paso	34th District Court	COA08
08-98-00340-CV	10/13/1998	Restrepo, Carlos and Linda S. Restrepo	Amparan, Lily d/b/a Sunshine Service...	Miscellaneous civil			90-10831	El Paso	41st District Court	COA08
08-98-00149-CV	5/7/1998	In Re: Carlos Restrepo and W. S. E.		Mandamus/prohibition			87-3955	El Paso	41st District Court	COA08
08-98-00142-CV	5/4/1998	In Re: Manjory S. Eskline and W. S. E.		Mandamus/prohibition						
08-98-00102-CV	4/8/1998	Restrepo, Carlos E. and Linda S. Restrepo	The Travelers Insurance Companies	Contract			98-1228	El Paso	171st District Court	COA08
08-98-00103-CV	4/8/1998	Restrepo, Carlos E. and Linda S. Restrepo	McCoy, Stephen L., The Estate of Dona...	Other Personal Injury			98-862	El Paso	41st District Court	COA08
08-95-00207-CV	7/5/1995	Restrepo, Carlos E. and wife, Linda S. Restrepo	The Honorable Ray L. McKim, Judge Ret...	Mandamus/prohibition						
08-95-00041-CV	2/10/1995	Restrepo, Carlos E. and wife, Linda S. Restrepo	First National Bank of Dona Ana Count...	Unknown Civil Case Type			89-4383	El Paso	243rd District Court	COA08
08-94-00319-CV	10/4/1994	Restrepo, Linda S. and Carlos E. Restrepo	First National Bank of Dona Ana Count...	Miscellaneous civil			94-10030	El Paso	41st District Court	COA08
08-94-00229-CV	9/6/1994	Restrepo, Carlos E. and Linda S. Restrepo	First National Bank of Dona Ana Count...	Miscellaneous civil			89-13178	El Paso	41st District Court	COA08

Appellate Case Number	Date Filed	Style	v.	Case Type	COA Case Number	Trial Court Case Number	Trial Court County	Trial Court	Appellate Court
08-94-00230-CV	9/6/1994	Restrepo, Carlos E. and Linda S. Rest...	First National Bank of Dona Ana Count...	Miscellaneous civil		91-1256	El Paso	41st District Court	COA08
08-94-00231-CV	9/6/1994	Restrepo, Carlos and wife, Linda S. R...	First National Bank of Dona Ana, New ...	Contract		91-6091	El Paso	41st District Court	COA08
08-94-00232-CV	9/6/1994	Restrepo, Carlos E. and wife, Linda S...	First National Bank of Dona Ana Count...	Unknown Civil Case Type		91-6092	El Paso	41st District Court	COA08
08-94-00233-CV	9/6/1994	Restrepo, Linda S. and Carlos E. Rest...	First National Bank of Dona Ana Count...	Miscellaneous civil		91-6369	El Paso	41st District Court	COA08
08-94-00234-CV	9/6/1994	Restrepo, Carlos E. and Linda S. Rest...	First National Bank of Dona Ana Count...	Miscellaneous civil		91-9860	El Paso	41st District Court	COA08
08-94-00235-CV	9/6/1994	Restrepo, Carlos E. and Linda S. Rest...	First National Bank of Dona Ana Count...	Miscellaneous civil		91-1257	El Paso	41st District Court	COA08
08-94-00197-CV	7/28/1994	Restrepo, Carlos E. and Linda S. Rest...	McKim, Ray L.	Miscellaneous civil		92-7268	El Paso	County Court at Law No 3	COA08
08-94-00135-CV	6/10/1994	Restrepo, Linda S. and Carlos E. Rest...	The Honorable Ray L. McKim, Retired V...	Mandamus/prohibition			El Paso	41st District Court	COA08
08-94-00083-CV	4/8/1994	Restrepo, Carlos E. and Linda S. Rest...	The Honorable Bill Stephens, Judge st...	Mandamus/prohibition			El Paso	41st District Court	COA08
08-94-00231-CV	3/29/1992	Restrepo, Carlos E. and Linda S. Rest...	The Honorable Stephen F. Preslar, Jud...	Mandamus/prohibition			El Paso	41st District Court	COA08
08-91-00324-CV	9/3/1991	Restrepo, Carlos E. and Linda S.	The Honorable Lups Rivera-Eggeneyer, ...	Mandamus/prohibition					COA08
08-91-00097-CV	3/28/1991	Restrepo, Carlos E. & Linda S. Restre...	First Natl. Bank of Dona Ana County, ...	Miscellaneous civil		91-1256	El Paso	County Court at Law No 3	COA08

CLOSED,PATENT/TRADEMARK

**U.S. District Court [LIVE]
Western District of Texas (El Paso)
CIVIL DOCKET FOR CASE #: 3:13-cv-00211-DCG**

Alliance Riggers & Constructors, LTD. v. Restrepo et al Date Filed: 07/05/2013
Assigned to: Judge David C Guaderrama Date Terminated: 07/29/2013
Related Case: 3:14-cv-00277-PRM Jury Demand: Both
Case in other court: County Court at Law No. 5 of El Paso County, TX, 2012DCV4523 Nature of Suit: 840 Trademark
Cause: 15:44 Trademark Infringement Jurisdiction: Federal Question

Plaintiff**Alliance Riggers & Constructors,
LTD.**

represented by **Robert Wayne Pritchard**
R. Wayne Pritchard, P.C.
300 East Main
Suite 1240
El Paso, TX 79901
(915) 533-0080
Fax: 915/533-0081
Email: wpritchard@pritchlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**Linda S. Restrepo**
doing business as
Collectively RDI Global Services
and R&D International

represented by **Linda S. Restrepo**
PO Box 12066
El Paso, TX 79912
(915) 581-2732
PRO SE

Defendant**Carlos E. Restrepo**
doing business as
Collectively RDI Global Services
and R&D International

represented by **Carlos E. Restrepo**
PO Box 12066
El Paso, TX 79912
(915) 581-2732
PRO SE

Counter Plaintiff**Carlos E. Restrepo**
doing business as
Collectively RDI Global Services
and R&D International

represented by **Carlos E. Restrepo**
(See above for address)
PRO SE

Counter Plaintiff

Linda S. Restrepo
doing business as
Collectively RDI Global Services
and R&D International

represented by **Linda S. Restrepo**
(See above for address)
PRO SE

V.

Counter Defendant

Alliance Riggers & Constructors, LTD.

represented by **Robert Wayne Pritchard**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Counter Defendant

El Paso Crane & Rigging, Inc.

represented by **Robert Wayne Pritchard**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Counter Defendant

Cordova Alliance, Inc.

represented by **Robert Wayne Pritchard**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Counter Defendant

Phillip Cordova
Individually, Jointly and Severally
and as the Registered Agent for
Alliance Riggers & Constructors,
LTD. and Cordova Alliance, LLC
and El Paso Crane & Rigging, Inc.

represented by **Robert Wayne Pritchard**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Counter Defendant

Phillip Pruett
Individually, Jointly and Severally

represented by **Robert Wayne Pritchard**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Counter Defendant

Melody Pruett
Individually, Jointly and Severally

represented by **Robert Wayne Pritchard**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Counter Defendant

Terry Stevens
Individually, Jointly and Severally

represented by **Robert Wayne Pritchard**
(See above for address)
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Counter Defendant

Frank H. Cordova
*Individually, Jointly and Severally
 and as Registered Agent for El Paso
 Crane & Rigging, Inc.*

represented by **Robert Wayne Pritchard**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Counter Defendant

Roberta Cordova
*Individually, Jointly and Severally,
 as the Registered Agent for El Paso
 Crane & Rigging, Inc.*

Counter Defendant

Nick Lugo

Counter Defendant

Paul B. Cordova

represented by **Robert Wayne Pritchard**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
07/05/2013	<u>1</u>	MOTION to Proceed in forma pauperis by Carlos E. Restrepo, Linda S. Restrepo. (Attachments: # <u>1</u> Notice of Removal, # <u>2</u> Civil Cover Sheet, # <u>3</u> Supplemental Civil Cover Sheet)(da) (Entered: 07/08/2013)
07/05/2013		If ordered by the court, all referrals will be assigned to Magistrate Judge Castaneda (da) (Entered: 07/08/2013)
07/08/2013		Remark: " All parties shall comply with the Standing Orders of Judge David C. Guaderrama located at http://www.txwd.uscourts.gov/rules/stdord/default.asp#elpaso " (mc4) (Entered: 07/08/2013)
07/08/2013	<u>2</u>	Report on Patent/Trademark sent to U.S. Patent and Trademark Office. (mc4) (Entered: 07/08/2013)
07/12/2013	<u>3</u>	MOTION to Remand to State Court by Alliance Riggers & Constructors, LTD.. (Attachments: # <u>1</u> Proposed Order)(Pritchard, Robert) (Entered: 07/12/2013)
07/12/2013	<u>4</u>	ORDER GRANTING <u>1</u> Motion for Leave to Proceed in forma pauperis Signed by Judge David C Guaderrama. (lc3) (Entered: 07/15/2013)
07/15/2013	<u>5</u>	NOTICE OF REMOVAL, filed by Linda S. Restrepo, Carlos E. Restrepo. (lc3) (Entered: 07/15/2013)
07/16/2013	<u>6</u>	MOTION Requesting Permission for E-Filing by Defendants/Counter

		Plaintiffs, Carlos E. Restrepo and Linda S. Restrepo. (Attachments: # <u>1</u> Proposed Order)(mc4) (Entered: 07/17/2013)
07/17/2013	<u>7</u>	NOTICE of Filing---Submission of State Court Record in PDF Format/DVD by Defendants/Counter Plaintiffs Carlos E. Restrepo, and Linda S. Restrepo. DVDs available at the District Clerk's Office File Room. (mc4) (Entered: 07/17/2013)
07/23/2013	<u>8</u>	Response in Opposition to Motion, filed by Carlos E. Restrepo, Linda S. Restrepo, re <u>3</u> MOTION to Remand to State Court filed by Plaintiff Alliance Riggers & Constructors, LTD. (Attachments: # <u>1</u> Proposed Order)(mc4) (Entered: 07/23/2013)
07/29/2013	<u>9</u>	ORDER GRANTING <u>3</u> Motion to Remand to State Court to the County Court at Law Number 5 in El Paso County, Texas; All pending Motions, if any, are DENIED AS MOOT Signed by Judge David C Guaderrama. (mc4) (Entered: 07/30/2013)
07/30/2013	<u>10</u>	Report on Patent/Trademark sent to U.S. Patent and Trademark Office. (mc4) (Entered: 07/30/2013)
08/01/2013	<u>11</u>	Transmittal Letter/Correspondence to Norma L. Favela, District Clerk, El Paso COunty Courthouse as per Order Remanding Case. (mc4) (Entered: 08/01/2013)

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Transaction Receipt			
06/02/2015 15:34:27			
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Description:	Docket Report	Search Criteria:	3:13-cv-00211-DCG
Billable Pages:	3	Cost:	0.30

CLOSED,PATENT/TRADEMARK

**U.S. District Court [LIVE]
Western District of Texas (El Paso)
CIVIL DOCKET FOR CASE #: 3:14-cv-00277-PRM**

Alliance Riggers & Constructors, LTD. v. Restrepo et al Date Filed: 07/21/2014
Assigned to: Judge Philip R. Martinez Date Terminated: 07/30/2014
Related Case: [3:13-cv-00211-DCG](#) Jury Demand: Defendant
Case in other court: County Court at Law 5 of El Paso Nature of Suit: 840 Trademark
County, TX, 2012DCV4523 Jurisdiction: Federal Question
Cause: 15:44 Trademark Infringement

Plaintiff**Alliance Riggers & Constructors,
LTD.**

represented by **Robert Wayne Pritchard**
R. Wayne Pritchard, P.C.
300 East Main
Suite 1240
El Paso, TX 79901
(915) 533-0080
Fax: 915/533-0081
Email: wpritchard@pritchlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**Linda S. Restrepo**
*doing business as Collectively RDI
Global Services and R&D
International*

represented by **Linda S. Restrepo**
PO Box 12066
El Paso, TX 79912
(915)581-2732
PRO SE

Defendant**Carlos E. Restrepo**
*doing business as Collectively RDI
Global Services and R & D
International*

represented by **Carlos E. Restrepo**
PO Box 12066
El Paso, TX 79912
(915) 581-2732
PRO SE

Counter Plaintiff**Carlos E. Restrepo**
*doing business as Collectively RDI
Global Services and R&D
International*

represented by **Carlos E. Restrepo**
(See above for address)
PRO SE

Counter Plaintiff

Linda S. Restrepo
*doing business as Collectively RDI
Global Services and R&D
International*

represented by **Linda S. Restrepo**
PO Box 12066
El Paso, TX 79912
PRO SE

V.

Counter Defendant

**Alliance Riggers & Constructors,
LTD.**

represented by **Robert Wayne Pritchard**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Counter Defendant

El Paso Crane & Rigging, Inc.

represented by **Robert Wayne Pritchard**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Counter Defendant

Cordova Alliance, Inc.

represented by **Robert Wayne Pritchard**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Counter Defendant

Phillip Cordova
*Individually, Jointly and Severally
and as the Registered Agent for
Alliance Riggers & Constructors,
LTD, and Cordova Alliance, LLC
and El Paso Crane & Rigging, Inc.*

represented by **Robert Wayne Pritchard**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Counter Defendant

Melody Pruett
Individually, Jointly and Severally

represented by **Robert Wayne Pritchard**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Counter Defendant

Terry Stevens
Individually, Jointly and Severally

represented by **Robert Wayne Pritchard**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Counter Defendant

Frank H. Cordova
*Individually, Jointly and Severally
and as Registered Agent for El Paso*

represented by **Robert Wayne Pritchard**
(See above for address)
LEAD ATTORNEY

Crane & Rigging, Inc.

ATTORNEY TO BE NOTICED

Counter Defendant

Roberta Cordova

*Individually, Jointly and Severally,
as the Registered Agent for El Paso
Crane & Rigging Inc*

Counter Defendant

Nick Lugo

Counter Defendant

Paul Cordova

represented by **Robert Wayne Pritchard**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Counter Defendant

Phillip Pruett

Individually, jointly and severally

Date Filed	#	Docket Text
07/21/2014	<u>2</u>	MOTION to Proceed in forma pauperis by Carlos E. Restrepo, Linda S. Restrepo. (Attachments: # <u>1</u> Notice of Removal, # <u>2</u> Civil Cover Sheet, # <u>3</u> Motion Requesting for E-filing)(jg1) (Additional attachment(s) added on 7/24/2014: # <u>4</u> Supplemental Cover Sheet) (jg1). (Attachment 2 replaced on 7/24/2014) (jg1). (Entered: 07/23/2014)
07/21/2014		If ordered by the court, all referrals will be assigned to Magistrate Judge Torres (jg1) (Entered: 07/23/2014)
07/23/2014	<u>1</u>	MOTION to Remand to State Court by Alliance Riggers \$ Constructors, LTD.. (Attachments: # <u>1</u> Exhibit Exhibit "A", # <u>2</u> Exhibit Exhibit "B", # <u>3</u> Exhibit Exhibit "C", # <u>4</u> Proposed Order Proposed Order Granting Remand)(Pritchard, Robert) (Entered: 07/23/2014)
07/30/2014	<u>3</u>	ORDER GRANTING <u>1</u> Motion to Remand to State Court; GRANTING <u>2</u> Motion for Leave to Proceed in forma pauperis Signed by Judge Philip R. Martinez. (mg2) (Entered: 07/30/2014)
07/30/2014	<u>4</u>	NOTICE OF REMOVAL (Filing fee \$0 receipt number XXXXX), filed by Alliance Riggers & Constructors, LTD.(mg2) (Entered: 07/30/2014)
07/30/2014	<u>5</u>	CORRECTED ORDER GRANTING MOTION TO REMAND TO County Court at Law Number 5 AND GRANTING APPLICATION TO PROCEED without PREPAYING FEES OR COSTS. Signed by Judge Philip R. Martinez. (mg2) (Entered: 07/30/2014)
07/31/2014	<u>6</u>	Certified Mail Receipt of <u>5</u> Order to Carlos E. Restrepo & Linda S. Restrepo (mg2) (Entered: 07/31/2014)

07/31/2014	<u>7</u>	Case Remanded from TXWD has been received and opened in County Court at Law Number Five (5) District, El Paso County, TX., Division as to case number 2012-DCV04523. (mg2) . (Entered: 07/31/2014)
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PACER Service Center			
Transaction Receipt			
06/02/2015 15:35:11			
PACER Login:	wp0191:2663672:0	Client Code:	
Description:	Docket Report	Search Criteria:	3:14-cv-00277-PRM
Billable Pages:	3	Cost:	0.30

11/03/2014	<u>7</u>	Mailed: Register of Copyrights (lc3) (Entered: 12/17/2014)
11/04/2014		Remark:"All parties shall comply with the Standing Orders of Judge David C. Guaderrama located at http://www.txwd.uscourts.gov/Rules/StandingOrders/default.asp#elpaso " (lc3) (Entered: 11/04/2014)
11/24/2014	<u>2</u>	Defendants Submission of State Court Case Record by Carlos E. Restrepo, Linda S. Restrepo. CD given to Judge Guaderrama. (lc3) (Entered: 11/25/2014)
12/04/2014	<u>3</u>	ORDER GRANTING <u>1</u> Motion for Leave to Proceed in forma pauperis Signed by Judge David C Guaderrama. Case ordered to be remanded; defendant's sanctioned \$100 for each and barred from filing another notice of removal or IFP (lc3) Modified on 12/17/2014 (lc3). (Entered: 12/05/2014)
12/05/2014	<u>4</u>	NOTICE OF REMOVAL, filed by Carlos E. Restrepo, Linda S. Restrepo. (Attachments: # <u>1</u> exhibits)(lc3) (Entered: 12/05/2014)
12/05/2014	<u>5</u>	Letter/Correspondence regarding remand to state court. (lc3) (Entered: 12/05/2014)
12/17/2014	<u>6</u>	MOTION to Alter or Amend Judgment by Carlos E. Restrepo. (Attachments: # <u>1</u> exhibit 1, # <u>2</u> exhibit 2, # <u>3</u> exhibit 3 - 5, # <u>4</u> exhibit 6-10)(lc3) (Entered: 12/17/2014)
12/18/2014	<u>8</u>	MOTION to Strike <u>6</u> MOTION, <u>4</u> Notice of Removal by Alliance Riggers & Constructors, LTD.. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Proposed Order) (Pritchard, Robert) (Entered: 12/18/2014)
12/30/2014	<u>9</u>	RESPONSE to Motion, filed by Carlos E. Restrepo, Linda S. Restrepo, re <u>8</u> MOTION to Strike <u>6</u> MOTION, <u>4</u> Notice of Removal filed by Plaintiff Alliance Riggers & Constructors, LTD. (Attachments: # <u>1</u> SANCTION PAYMENT)(lc3) (Entered: 12/31/2014)
01/08/2015	<u>10</u>	ORDER DENYING <u>6</u> Motion ; MOOTING <u>8</u> Motion to Strike Signed by Judge David C Guaderrama. (lc3) Modified on 2/9/2015 to designate as opinion (kc). (Entered: 01/08/2015)

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Description:	Docket Report	Search Criteria:	3:14-cv-00408-DCG
Billable Pages:	2	Cost:	0.20

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**U.S. District Court [LIVE]
Western District of Texas (El Paso)
CIVIL DOCKET FOR CASE #: 3:14-cv-00359-KC**

Restrepo et al v. Alliance Riggers & Constructors, LTD. Date Filed: 09/25/2014
et al Date Terminated: 01/21/2015
Assigned to: Judge Kathleen Cardone Jury Demand: Plaintiff
Cause: 17:501 Copyright Infringement Nature of Suit: 820 Copyright
Jurisdiction: Federal Question

Plaintiff

Linda S. Restrepo

represented by **Linda S. Restrepo**
P.O. Box 12066
El Paso, TX 79912
(915)581-2732
PRO SE

Plaintiff

Carlos E. Restrepo
*D/B/A Collectively RDI Global
Services and R & D International*

represented by **Carlos E. Restrepo**
PO Box 12066
El Paso, TX 79912
(915) 581-2732
PRO SE

V.

Defendant

**Alliance Riggers & Constructors,
LTD.**

represented by **Robert Wayne Pritchard**
R. Wayne Pritchard, P.C.
300 East Main
Suite 1240
El Paso, TX 79901
(915) 533-0080
Fax: 915/533-0081
Email: wpritchard@pritchlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Cordova Alliance, LLC.

Defendant

El Paso Crane and Rigging Inc.

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Date Filed	#	Docket Text
09/24/2014	<u>1</u>	MOTION to Proceed in forma pauperis by Carlos E. Restrepo, Linda S. Restrepo. (Attachments: # <u>1</u> Complaint, # <u>2</u> Civil Cover Sheet)(jg1) (Entered: 09/25/2014)
09/24/2014		If ordered by the court, all referrals will be assigned to Magistrate Judge Garney (jg1) (Entered: 09/25/2014)
10/03/2014	<u>2</u>	ORDER for more definite stateent by 10/16/14. Signed by Judge Kathleen Cardone. (dl1) (Entered: 10/03/2014)
10/03/2014	<u>3</u>	Doc#2 sent certified mail to Carlos E. Restrepo (dl1) (Entered: 10/06/2014)
10/03/2014	<u>4</u>	Doc#2 sent certified mail to Linda S. Restrepo (dl1) (Entered: 10/06/2014)
10/14/2014	<u>5</u>	Certified Mail Receipt of <u>2</u> Order as to Carlos E. Restrepo (dl1) (Entered: 10/14/2014)
10/14/2014	<u>6</u>	Certified Mail Receipt of <u>2</u> Order as to Linda S. Restrepo (dl1) (Entered: 10/14/2014)
10/16/2014	<u>7</u>	MOTION for Leave to File Amended Complaint by Carlos E. Restrepo, Linda S. Restrepo. (Attachments: # <u>1</u> Amended Complaint)(dl1) (Entered: 10/17/2014)
10/23/2014	<u>8</u>	ORDER GRANTING <u>1</u> Motion for Leave to Proceed in forma pauperis; GRANTING <u>7</u> Motion for Leave to File Signed by Judge Kathleen Cardone. (dl1) (Entered: 10/23/2014)
10/23/2014	<u>9</u>	AMENDED COMPLAINT against Alliance Riggers & Constructors, LTD., Cordova Alliance, LLC., El Paso Crane and Rigging Inc. amending, filed by Linda S. Restrepo, Carlos E. Restrepo.(dl1) (Entered: 10/23/2014)
10/23/2014	<u>10</u>	Document #8 sent by certified mail to Linda S. Restrepo (dl1) (Entered: 10/27/2014)
10/23/2014	<u>11</u>	Document #8 sent certified mail to Carlos Restrepo (dl1) (Entered: 10/27/2014)
10/27/2014	<u>12</u>	ORDER for Service. Signed by Judge Kathleen Cardone. (dl1) (Entered: 10/27/2014)
10/29/2014	<u>13</u>	Report on Copyright sent to Register of Copyrights. (dl1) (Entered: 10/29/2014)
10/29/2014	<u>14</u>	Summons Issued as to Alliance Riggers & Constructors, LTD., Cordova Alliance, LLC., El Paso Crane and Rigging Inc.. (dl1) (Main Document 14 replaced on 10/31/2014) (dl1). (Entered: 10/29/2014)
10/29/2014	<u>16</u>	ORDER Striking Pleading 15 Notice (Other). Signed by Judge Kathleen Cardone. (dl1) (Entered: 10/30/2014)

10/30/2014	<u>17</u>	Summons Issued as to Alliance Riggers & Constructors, LTD., Cordova Alliance, LLC., El Paso Crane and Rigging Inc.. (dl1) (Entered: 10/30/2014)
10/30/2014	<u>18</u>	Document #16 sent certified mail to Carlos E. Restrepo (dl1) (Entered: 10/31/2014)
10/30/2014	<u>19</u>	Document #16 sent certified mail to Linda S. Restrepo (dl1) (Entered: 10/31/2014)
11/04/2014	<u>20</u>	Certified Mail Receipt to Carlos E. Restrepo of <u>8</u> Order on Motion for Leave to Proceed in Forma Pauperis, Order on Motion for Leave to File (dl1) (Entered: 11/05/2014)
11/04/2014	<u>21</u>	Certified Mail Receipt to Linda S Restrepo of <u>8</u> Order on Motion for Leave to Proceed in Forma Pauperis, Order on Motion for Leave to File (dl1) (Entered: 11/05/2014)
11/04/2014	<u>22</u>	Certified Mail Receipt to Linda S. Restrepo of <u>16</u> Order Striking Pleading (dl1) (Entered: 11/05/2014)
11/04/2014	<u>23</u>	Certified Mail Receipt to Carlos E. Restrepo of <u>16</u> Order Striking Pleading (dl1) (Entered: 11/05/2014)
11/05/2014	<u>24</u>	MOTION for permission for e-filing by Carlos E. Restrepo, Linda S. Restrepo. (Attachments: # <u>1</u> Proposed Order)(dl1) (Entered: 11/06/2014)
11/07/2014	<u>25</u>	MOTION to Dismiss <i>Rule 12b(6)</i> by Alliance Riggers & Constructors, LTD., Cordova Alliance, LLC., El Paso Crane and Rigging Inc.. (Attachments: # <u>1</u> Exhibit Exhibit "A", # <u>2</u> Proposed Order Proposed Order Granting Motion to Dismiss)(Pritchard, Robert) (Entered: 11/07/2014)
11/19/2014	<u>27</u>	ORDER Striking Pleading 26 Response in Opposition to Motion,. Signed by Judge Kathleen Cardone. (dl1) (Entered: 11/19/2014)
11/20/2014	<u>28</u>	Document #27 sent certified mail to Linda S. Restrepo (dl1) (Entered: 11/24/2014)
11/20/2014	<u>29</u>	Document #27 sent certified mail to Carlos E. Restrepo (dl1) (Entered: 11/24/2014)
12/01/2014	<u>31</u>	Certified Mail Receipt of <u>27</u> Order Striking Pleading received 11/28/14 by Carlos E. Restrepo (dl1) (Entered: 12/02/2014)
12/01/2014	<u>32</u>	Certified Mail Receipt of <u>27</u> Order Striking Pleading received 11/28/14 by Linda S. Restrepo (dl1) (Entered: 12/02/2014)
12/02/2014	<u>30</u>	NOTICE for Submission of Corrected Typographical Errors by Carlos E. Restrepo, Linda S. Restrepo (dl1) (Entered: 12/02/2014)
12/03/2014	<u>33</u>	SUMMONS Returned Executed by Linda S. Restrepo, Carlos E. Restrepo. Alliance Riggers & Constructors, LTD. served on 11/5/2014, answer due 11/26/2014. (dl1) (Entered: 12/03/2014)

12/03/2014	<u>34</u>	RESPONSE to Motion, filed by Carlos E. Restrepo, Linda S. Restrepo, re <u>25</u> MOTION to Dismiss <i>Rule 12b(6)</i> filed by Defendant Alliance Riggers & Constructors, LTD., Defendant Cordova Alliance, LLC., Defendant El Paso Crane and Rigging Inc. (Attachments: # <u>1</u> Exhibit) (dl1) (Entered: 12/03/2014)
12/03/2014	<u>35</u>	MOTION for permission for e-filing by Carlos E. Restrepo, Linda S. Restrepo. (dl1) (Entered: 12/03/2014)
12/04/2014	<u>36</u>	Request for U.S. Marshals Service Expenses in Pauper Case (dl1) (Entered: 12/05/2014)
12/04/2014	<u>37</u>	Process Receipt and Return from Marshal (dl1) (Entered: 12/05/2014)
12/12/2014	<u>38</u>	ORDER denying request to consolidate this case with state proceeding, order for bond in the amount of \$10,000.00, order to pay sanction, it is further ordered that this case is STAYED until plaintiffs comply with Court's orders. Signed by Judge Kathleen Cardone. (dl1) (Entered: 12/12/2014)
12/15/2014	<u>39</u>	Document #38 sent certified mail to Carlos E. Restrepo (dl1) (Entered: 12/15/2014)
12/15/2014	<u>40</u>	Document #38 sent certified mail to Linda S. Restrepo (dl1) (Entered: 12/15/2014)
12/18/2014	<u>41</u>	Certified Mail Receipt of <u>38</u> Order to Carlos E. Restrepo on 12/17/14 (dl1) (Entered: 12/23/2014)
12/18/2014	<u>42</u>	Certified Mail Receipt of <u>38</u> Order to Linda S. Restrepo on 12/17/14 (dl1) (Entered: 12/23/2014)
01/21/2015	<u>43</u>	ORDER DISMISSING CASE. Signed by Judge Kathleen Cardone. (mn) (Entered: 01/21/2015)
01/21/2015	<u>44</u>	MOTION for Leave to File Response by Carlos E. Restrepo, Linda S. Restrepo. (Attachments: # <u>1</u> Exhibit 1-3, # <u>2</u> Proposed Order)(mn) (Entered: 01/22/2015)
01/22/2015	<u>45</u>	Clerk's Copy of <u>43</u> Order Dismissing Case sent via certified mail to Carlos Restrepo (mn) (Entered: 01/22/2015)
01/22/2015	<u>46</u>	Clerk's Copy of <u>43</u> Order Dismissing Case sent via certified mail to Linda Restrepo (mn) (Entered: 01/22/2015)
01/23/2015	<u>47</u>	ORDER DENYING <u>44</u> Motion for Leave to File Response Signed by Judge Kathleen Cardone. (mt) (Entered: 01/23/2015)
01/23/2015	<u>48</u>	FINAL JUDGMENT DISMISSING CASE. Signed by Judge Kathleen Cardone. (mt) (Entered: 01/23/2015)
01/26/2015	<u>49</u>	Clerk's Copy of <u>47</u> Order on Motion for Leave to File, <u>48</u> Order, sent via certified mail to Carlos Restrepo. (mt) (Entered: 01/26/2015)
01/26/2015	<u>50</u>	Clerk's Copy of <u>47</u> Order on Motion for Leave to File, <u>48</u> Order sent via

		certified mail to Linda Restrepo. (mt) (Entered: 01/26/2015)
02/09/2015	<u>51</u>	Certified Mail Receipt of <u>43</u> Order Dismissing Case recieved from Carlos Restrepo (mn) (Entered: 02/10/2015)
02/09/2015	<u>52</u>	Certified Mail Receipt of <u>43</u> Order Dismissing Case received from Linda Restrepo (mn) (Entered: 02/10/2015)
02/20/2015	<u>53</u>	NOTICE of Filing REQUEST FOR FINDINGS AND CONCLUSIONS OF LAW by Carlos E. Restrepo, Linda S. Restrepo (mt) (Entered: 02/20/2015)
02/20/2015	<u>54</u>	Certified Mail Receipt as to Linda S. Restrepo, of <u>47</u> Order on Motion for Leave to File, <u>48</u> Order (vm1) (Entered: 02/23/2015)
02/20/2015	<u>55</u>	Certified Mail Receipt as to Carlos E. Restrepo of <u>47</u> Order on Motion for Leave to File, <u>48</u> Order (vm1) (Entered: 02/23/2015)
02/24/2015	<u>56</u>	ORDER DENYING Request for Findings and Conclusions of Law re <u>53</u> Notice of Filing filed by Linda S. Restrepo, Carlos E. Restrepo. Signed by Judge Kathleen Cardone. (mt) (Entered: 02/24/2015)
02/26/2015	<u>57</u>	Clerk's Copy sent via certified mail as to Linda S. Restrepo of <u>56</u> Order (bg) (Entered: 02/26/2015)
02/26/2015	<u>58</u>	Clerk's Copy sent via certified mail as to Carlos E. Restrepo of <u>56</u> Order (bg) (Entered: 02/26/2015)
03/09/2015	<u>59</u>	Certified Mail Receipt as to Linda S. Restrepo of <u>56</u> Order (bg) (Entered: 03/10/2015)
03/09/2015	<u>60</u>	Certified Mail Receipt as to Carlos E. Restrepo of <u>56</u> Order (bg) (Entered: 03/10/2015)

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Description:	Docket Report	Search Criteria:	3:14-cv-00359-KC
Billable Pages:	3	Cost:	0.30



U.S. Patent & TMOfr/TM Mail Ropt Dt. #22

Applicant: Alliance Riggers & Constructors, Ltd..
Applicant's Address: 1200 Kastrin Street
El Paso, Texas 79907
Goods recited in application: Crane and Erectors Services, namely: Structural Steel Erection, Tilt-up and Precast Erection, Crane and Rigging, Overhead Crane Systems, Machinery Moving, In-Plant Heavy Hauling, Welding Service, Crane Lift Drafting, Trans-Loading, and Pre-Engineered Metal Building Erection, din International Class 037



TRADEMARK APPLICATION:

76716209

SERIAL NO. _____

U.S. DEPARTMENT OF COMMERCE

PATENT AND TRADEMARK OFFICE

FEE SHEET

04/21/2014 SWILSON1 00000009 76716209

01 FC:6001

375.00 OP

R. WAYNE PRITCHARD, P.C.
Intellectual Property Law

R. Wayne Pritchard, P. E.

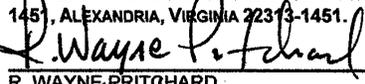
Admitted to Practice before the United States Patent & Trademark Office

300 East Main, Suite 1240
El Paso, Texas 79901
Telephone: (915) 533-0080
Facsimile: (915) 533-0081
wpritchard@pritchlaw.com

April 18, 2014

Via Express Mail

Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS EXPRESS MAIL NO. EI 498 588 363 US, IN AN ENVELOPE ADDRESSED TO: COMMISSIONER FOR TRADEMARKS, P.O. BOX 1451, ALEXANDRIA, VIRGINIA 22313-1451.  R. WAYNE PRITCHARD DATE 04/16/2014
--

Re: Applicant: Alliance Riggers & Constructors, Ltd
Mark: ALLIANCE RIGGERS & CONSTRUCTORS (with design)

Dear Sirs:

In connection with the above referenced marks, please find enclosed the original actual use trademark application for the mark "Alliance Riggers & Constructors" (with design), one specimen; and a check made payable to the Commissioner for Trademarks in the amount of \$375.00. Should you have any questions relating to the foregoing, please do not hesitate to contact me.

Respectfully,



R. Wayne Pritchard, P.E.
Registration Number 34,903

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK/SERVICE MARK APPLICATION**

MARK: ALLIANCE RIGGERS & CONSTRUCTORS with Design
INT. CL. NO. : 037
INT. CL. TITLE: BUILDING CONSTRUCTION; REPAIR; INSTALLATIONS
SERVICES

TO THE ASSISTANT SECRETARY AND
COMMISSIONER OF PATENTS AND TRADEMARKS:

APPLICANT: Alliance Riggers & Constructors, Ltd
APPLICANT IS: A Texas Limited Partnership
BUSINESS ADDRESS: 1200 Kastrin Street
El Paso, Texas 79907
GOODS OR SERVICES: Crane and Erectors Services, namely: Structural Steel
Erection, Tilt-up and Precast Erection, Crane and Rigging,
Overhead Crane Systems, Machinery Moving, In-Plant
Heavy Hauling, Welding Service, Crane Lift Drafting, Trans-
Loading, and Pre-Engineered Metal Building Erection, in
International Class 037

Applicant requests registration of the above identified trademark/service mark shown on the accompanying drawing in the United States Patent and Trademark Office on the Principal Register established by the Act of July 25, 1946 (15 U.S.C. §1051, et seq.) as amended for the above identified goods/services.

The Applicant is using the mark in commerce or in connection with the above identified goods/services (15 U.S.C. §1051(a), as amended). Pursuant to Section 904.1 of the TMPEP, Applicant submits one specimen showing the mark as used in commerce.

Date of first use of the mark anywhere: July 1, 1997

Date of first use of the mark in interstate commerce: July 1, 1997

POWER OF ATTORNEY

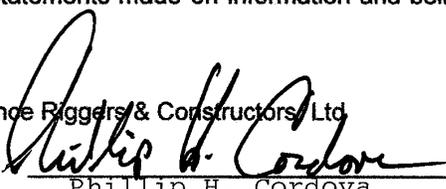
The Applicant hereby appoints R. Wayne Pritchard of the firm R. Wayne Pritchard, P.C., 300 East Main, Suite 1240, El Paso, Texas 79901, Telephone Number (915) 533-0080, Facsimile

Number (915) 533-0081, e-mail address wpritchard@pritchlaw.com, to prosecute and pursue this mark and this application to register, to transact all business with the Patent and Trademark Office in connection therewith, and to receive the Certificate of Registration. The USPTO is authorized to communicate with the applicant through its designated agent at the above stated e-mail address.

DECLARATION

The undersigned being hereby warned that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful, false statements may jeopardize the validity of the application or any resulting registration, declares that he/she believes the applicant to be the owner of the mark sought to be registered, or, if the application is being filed under 15 U.S.C. §1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use said mark in commerce either in identical form thereof or in such near resemblance thereto as to be likely, when applied to the goods of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Alliance Riggers & Constructors, Ltd

By: 

Name: Phillip H. Cordova

Its: General Manager

Date: April 17, 2014

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

DR. LINDA S. RESTREPO,

Opposer,
v.

ALLIANCE RIGGERS & CONSTRUCTORS,
LTD., CORDOVA ALLIANCE, LLC. and
CORDOVA ALLIANCE, LLC.,

Applicants.

§
§
§
§
§
§ Opposition No. 91220386
§
§
§
§
§
§

OPPOSERS RULE 12B(6) MOTION TO DISMISS APPLICANT'S
TRADEMARK APPLICATION AND
BRIEF IN SUPPORT THEREOF

TO THE HONORABLE JUDGE OF SAID COURT:

Now Come Opposer Linda S. Restrepo and files this her Rule 12b(6) Motion to Dismiss Applicant's Trademark application and Brief in support thereof as follows: **FRCP Rule 12(b)** pertains to pretrial motions, and 12(b)(6) specifically deals with motions to dismiss for failure to state a claim upon which relief can be granted.

**I
BACKGROUND**

On May 18, 2012, Applicant Phillip Cordova and Attorney R. Wayne Pritchard filed an application to trademark the name "allianceriggersandconstructors" making sworn affidavits under the provisions of 18 U.S.C. §1001 to the USPTO on issues

which in fact were false¹. At the time Phillip Cordova and Attorney Wayne R. Pritchard acting under a power of Attorney from Alliance signed their false² affidavit under 18 U.S.C. §1001 to the USPTO on May 18, 2012, they knew or should have known that Alliance Steel, Inc. domiciled at 3333 South Council Road, Oklahoma City OKLAHOMA 72179, was the legal owner of the trademark name "Alliance" under Federal Trademark Registrations 3604909 and 3600905. They also knew that they had pirated the Patented three pronged ruler design of Paul Thomas Wood, Mandeville, LA Pub. No: US2010/0083515 A1; Pub. Date: April 8, 2010.³ As well as the fact that a domain name had already been purchased.

In the Office Action from the USPTO, the applicants for trademark application SN 76711574 were required to make an Entity Clarification of its alleged general

¹ While in their April 21, 2014 Trademark Application Alliance Riggers Phillip Cordova, General Manager who has hired a trademark attorney, stated under the provisions of 18 U.S.C. §1001 with full knowledge that willful, false statements made in his trademark application may jeopardize the validity of the application he continued to state that he "believes no other person, firm, corporation, or association has the right to use said mark in commerce either in identical form thereof or in such near resemblance thereto as to be likely, when applied to the goods of such other person, to cause confusion, or to cause mistake, or to deceive and that all statements made of his own knowledge are true and that all statements made on information and belief are believed to be true". This is spite of the fact that Mr. Cordova and his trademark attorney knew or should have known and chose to ignore the documentation and facts contained therein.

² Fraud in procuring a federal trademark registration occurs when an applicant for registration knowingly makes a specific false, material representation of fact in connection with an application to register with the intent of obtaining a registration to which it is otherwise not entitled. See *In re Bose Corp.*, 580 F.3d 1240, 91 USPQ2d 1938 (Fed. Cir. 2009).

³ The Trademark Trial and Appeal Board's has explained that: "[t]he appropriate inquiry is not into the registrant's subjective intent, but rather into the objective manifestations of that intent.". The board went on to hold that "[a] trademark applicant commits fraud in procuring a registration when it makes material representation of fact in its declaration, which it knows or should know to be false or misleading." *Id.*

and limited partnerships, to include their their citizenship, Applicant refused to do so and instead chose to “abandon” their trademark application⁴.

The USPTO refused the registration of the applied-for mark SN 76711574 on September 14, 2012 because of a likelihood of confusion with the marks in U.S. Registration Nos. 3604909 and 3600905. Trademark Act Section 2(d), 15 U.S.C. §1052(d); see TMEP §§1207.01 et seq. Nothing has changed since the 2012 USPTO determination.

There still exists a likelihood of confusion with the marks in U.S. Registration Nos. 3604909 and 3600905. Furthermore, the USPTO ruling directed Alliance to disclaim the use of the words “riggers & constructors” as merely descriptive, common words found in the English dictionary and not subject to trademark registration.

On April 21, 2014 exactly two years from the first filing and 8 months after receiving their abandonment notice from the USPTO (April 15, 2013) in an apparent attempt to pull a fast one on the USPTO Alliance filed the same exact trademark application it had previously filed May 22, 2012.

On April 21, 2014, Attorney R. Wayne Pritchard filed an application for the trademark name “allianceriggersandconstructors” for the second time, making

⁴ Entity Clarification

Applicant indicated it is a Limited Partnership. However, applicant has not indicated the names and citizenship of the partners. After setting forth the applicant’s name and entity, the application of a partnership should specify the state or country under whose laws the partnership or joint venture is organized. 37 C.F.R. §2.32(a)(3)(ii). In addition, domestic partnerships must set forth the names, legal entities, and national citizenship (for individuals), or state or country of organization (for businesses), of all general partners or active members that compose the partnership or joint venture. 37 C.F.R. §§2.32(a)(3)(iii) and (iv). These requirements apply to both general and limited partnerships. They also apply to a partnership that is a general partner in a larger partnership. Limited partners or silent or inactive partners need not be listed. The following format should be used:

sworn affidavits under the provisions of 18 U.S.C. §1001 to the USPTO on issues which in fact were false⁵. At the time Phillip Cordova and Attorney Wayne R. Pritchard acting under a power of Attorney from Alliance signed their false affidavit under 18 U.S.C. §1001 to the USPTO on April 21, 2014 (filed under Serial Number 76716209) they knew or should have known that Alliance Steel, Inc. domiciled at 3333 South Council Road, Oklahoma City OKLAHOMA 72179 was the legal owner of the trademark name "Alliance" under Federal Trademark Registration 3604909 and 3600905. They also knew or should have known that they had pirated the three pronged ruler Patented design of Paul Thomas Wood, Mandeville, LA Pub. No: US2010/0083515 A1; Pub. Date: April 8, 2010 and that a domain name already existed.

Accordingly, Phillip Cordova and Attorney Wayne R. Pritchard acting under a power of Attorney from Alliance Riggers & Constructors, Ltd, had Alliance Steel, Inc., the Patent design of Paul Thomas and the domain name of the Opposers in mind when attempting to obtain a trademark in bad faith which they knew they were not entitled to.

The reasons the USPTO refused the first registration are the same basis that the second registration of the same generic words and mark should be once again denied and their application should be dismissed under the mandates of Fed. R. Civ. P. 12(b)(3).

⁵ Fraud in procuring a federal trademark registration occurs when an applicant for registration knowingly makes a specific false, material representation of fact in connection with an application to register with the intent of obtaining a registration to which it is otherwise not entitled. See *In re Bose Corp.*, 580 F.3d 1240, 91 USPQ2d 1938 (Fed. Cir. 2009).

Which brings us to the current RULE 12B(6) MOTION TO DISMISS APPLICANT'S TRADEMARK APPLICATION; notwithstanding the fact that Alliance Riggers & Constructors, Ltd., has officially and formally "disclaimed" usage of the generic words "riggers & constructors" and the name "Alliance" TWICE they have no standing to register a trademarked name and the generic and "merely descriptive" words. The applicant for trademark application SERIAL NUMBER: 76716209 has failed to state a claim upon which relief can be granted, neither is it plausible on its face. *Ashcroft v. Iqbal*, 556 U.S. 662, 129 S.Ct. 1937, 1949-50(2009). It is an unconstitutional application of Federal Trademark Laws for trademark application SN 76716209 to continue.

Furthermore, Applicant not only has disclaimed any rights to the names "Alliance" and "riggers and constructors" but Applicant on November 18, 2014, has registered to do business under a different new entity known as Alliance Tower Cranes, LLC., registered agent Phillip Cordova, 1200 Kastrin St., El Paso, Texas 79907, (Exhibit A) thus formally abandoning for all intent and purposes any rights to use the name "Alliance Riggers & Constructors" and ceasing to exist as "Alliance Riggers & Constructors". Thus, under the law Applicant has no standing to apply for a trademark to the name "Alliance Riggers & Constructors" and the USPTO must dismiss the trademark application SERIAL NUMBER: 76716209.

Moreover, Cordova Alliance, LLC., is a separate new Corporate entity which has deceptively been implemented into the current Trademark application SERIAL NUMBER: 76716209 voiding the application and making it legally insufficient because: (1) Cordova Alliance, LLC., has not made any Entity Clarification of its alleged general and limited partnerships, to include their citizenship, (2) Cordova

Alliance, LLC., as a separate Corporate Entity has not paid a trademark application fee, (3) There is no USPTO written policy or regulation which permits TWO separate Corporate entities to both claim and file a trademark application for one fee and one trademark (4) If Cordova Alliance, LLC., is allowed to piggyback on the application fee of another Corporate Entity, there will be no stopping point. It can become an new precedent established within the USPTO in which, two, three, a hundred different Corporate Entities can file a trademark application based on a singular application fee, (5) Cordova Alliance, LLC., has not stated, nor has it shown any rights or legitimate interests in respect to the name "alliance riggers & constructors" a name they are attempting to trademark, (6) Cordova Alliance, LLC., has not stated what business they are in. The applicant for trademark application SERIAL NUMBER: 76716209 has failed to state a claim upon which relief can be granted. At this point in time, the USPTO has no information as to who the ownership of the alleged Limited Liability Corporation are, and what citizenship they claim.

The applicant Cordova Alliance, LLC., has not stated that it has a bona fide intent to use the August 4, 2014 new mark for related goods or services. Under these circumstances neither Alliance Riggers & Constructors, Ltd. or Cordova Alliance, LLC., have standing to bring this Trademark Application SN 76716209.

The documentation before the USPTO shows that neither Cordova Alliance, LLC., nor Alliance Riggers & Constructors, Ltd. have:

(1) used the opposed mark in commerce as of the filing date of Applicant's use-based application,

- (2) the opposed mark is generic for identified services which Cordova Alliance, LLC., has not specified they are in, at this point the USPTO has no idea what alleged services Cordova Alliance, LLC., is engaged in,
- (3) the opposed mark is incapable of functioning as a service mark,
- (4) neither Cordova Alliance, LLC. nor Alliance Riggers & Constructors, Ltd. are the rightful owner of the mark identified trademark application SN 76716209,
- (5) the mark in trademark application SN 76716209 is merely ornamental, is not inherently distinctive, and has not become distinctive as an indicator of the source of the unidentified services of Cordova Alliance, LLC. or Alliance Riggers & Constructors, Ltd.

NEW DRAWING SUBMITTED

The documents before the Trademark Trial and Appeal Board document that on August 4, 2014 the trademark applicant SN 76716209 submitted a "new" drawing and alleged trademark to the USPTO. A drawing and trademark that was different from the original one submitted in their April 21, 2014 application.

Not only does the USPTO have before it a trademark application for Cordova Alliance, LLC., an undefined Corporate Entity, whose citizenship is unknown and who has NOT PAID the trademark application fee, but a NEW trademark design which was not part of, nor the same trademark for which the April 21, 2014 trademark application SN 76716209 was filed.

The documents before the USPTO show that this "new" trademark design was generated and the "first use" of said alleged trademark was August 4, 2014. As a matter of law neither neither Alliance Riggers & Constructors, Ltd., nor Cordova Alliance, LLC., have utilized the August 4, 2014 new trademark design for at least

three years in commerce for their alleged (unidentified) goods and services. As a matter of law, neither Alliance Riggers & Constructors, Ltd., nor Cordova Alliance, LLC., have any standing to file a trademark application based on "one trademark name" and then obtain a trademark based on "another trademark name and design". Trademark application SN 76716209 should be dismissed for lack of standing and failure to state a claim upon which relief may be granted.

Neither Alliance Riggers & Constructors, Ltd. or Cordova Alliance, LLC., have any state, federal or common law trademark in the newly created alleged trademark as of August 4, 2014. Neither have they stated nor shown any legitimate interests in the newly created trademark.

Neither has the new trademark "first used on August 4, 2014" been published for opposition as required by USPTO regulations. It is an unconstitutional application of the Federal Trademark Laws for trademark application SN 76716209 to continue.

Again, allowing Cordova Alliance, LLC., to freely interchange alleged "trademarks" and substitute one for another at "random" presents an unconstitutional and illegal application of current Federal trademark laws. Allowing these transgressions can set a dangerous new precedent within the USPTO in which, two, three, a hundred different alleged trademarks can be substituted or switched continually and infinitely under the same registration fee and trademark application. The danger and negative implications this practice imposes upon the legitimacy of the entire trademark application process is far fetching and global in nature.

II MOTION TO DISMISS

A motion to dismiss for lack of standing and failure to state a claim upon which relief may be granted is a test solely of the legal sufficiency of the complaint. *Advanced Cardiovascular Sys., Inc. v. SciMed Life Sys., Inc.* 988 F.2d 1157, 26 USPQ2d 1038, 1041 (Fed. Cir. 1993).

Rights or Legitimate Interests

Once a complainant makes a prima facie showing of absence of rights or legitimate interests in a “trademark” name on the part of the alleged trademark applicant⁶, as the opposer Linda S. Restrepo has done herein, the evidentiary burden shifts to the respondent to show by concrete evidence that it does have rights or legitimate interests in that trademark name. See *Hanna-Barbera Prods., Inc. v. Entm’t Commentaries*, FA741828 (Nat. Arb. Forum Aug. 18, 2006).

⁶ The documentation before the USPTO shows that neither Cordova Alliance, LLC., nor Alliance Riggers & Constructors, Ltd. have:

- (1) used the opposed mark in commerce as of the filing date of Applicant’s use-based application. See, e.g. *Clorox Co. v. Salazar*, 108 USPQ2d 1083, 1086-87 (TTAB 2013).
- (2) the opposed mark is generic for identified services which Cordova Alliance, LLC., has not specified they are in, at this point the USPTO has no idea what alleged services Cordova Alliance, LLC., is engaged in. See Trademark Act § 23.
- (3) the opposed mark is incapable of functioning as a service mark. See Trademark Act §§ 1,2 and 45.
- (4) neither Cordova Alliance, LLC. nor Alliance Riggers & Constructors, Ltd. are the rightful owner of the proposed mark identified in the trademark application SN 76716209. See, e.g., *Nahshin v. Product Source Int’l, LLC*, 107 USPQ2d 1257 (TTAB 2013).
- (5) the mark in trademark application SN 76716209 is merely ornamental, is not inherently distinctive, and has not become distinctive as an indicator of the source of the unidentified services of Cordova Alliance, LLC. See Trademark Act §§ 1,2 and 45.

In order to withstand such a motion each Corporate Entity, Cordova Alliance, LLC., and Alliance Riggers & Constructors, Ltd. independently and separately need to allege such facts as would, if proven establish that they are entitled to the relief sought; that is:

- (1) Cordova Alliance, LLC., and Alliance Riggers & Constructors, Ltd. independently and separately must establish that they have standing to maintain the proceeding;
- (2) Cordova Alliance, LLC., and Alliance Riggers & Constructors, Ltd. independently and separately must establish a valid ground exists for approval of the registration they seek. *Young v. AGB Corp.*, 152 F3d 1377, 47 USPQ2d 1752, 1854 (Fed. Cir. 1998).

Standing is a threshold issue that must be proved in every inter parties case. *Lipton industries, Inc., v. Ralston Purina Co.*, 670 F.2d 1024, 213 USPQ 185, 188 (CCPA 1982). To establish standing Cordova Alliance, LLC., and Alliance Riggers & Constructors, Ltd. independently and separately must show that they have a direct and personal stake in the outcome of this proceeding and to the “newly created” alleged trademark filed August 4, 2014.

It is clear as a matter of law that two separate legal entities, Cordova Alliance, LLC., and Alliance Riggers & Constructors, Ltd., cannot both claim rights to the same alleged trademark name.

The chameleon approach Cordova Alliance, LLC., and Alliance Riggers & Constructors, Ltd., have taken of applying for “any trademark name and design” that the USPTO will accept makes evidentiary clear that neither Cordova Alliance,

LLC., nor Alliance Riggers & Constructors, Ltd., have a valid or legitimate trademark application or name and thus have no standing herein.

The Applicant's attempt to obtain a trademark to prevent legitimate trademarks from being registered, and to benefit monetarily from any variation of any trademark they may be able to deceive the USPTO into granting them.

Cordova Alliance, LLC., and Alliance Riggers & Constructors, Ltd., are fully aware of the legally owned trademark of (Alliance Steel), the Patented design of Paul Thomas Wood, Mandeville, LA Pub. No: US2010/0083515 A1; Pub. Date: April 8, 2010 and that a domain name already exists.

Applicant April 21, 2014 fraud in procuring a federal trademark registration and their knowing specific false, material representation of fact in connection with the application to register was done with the intent of obtaining a registration to which they are not otherwise not entitled. See *In re Bose Corp.*, 580 F.3d 1240, 91 USPQ2d 1938 (Fed. Cir. 2009).

Since neither Cordova Alliance, LLC., and Alliance Riggers & Constructors, Ltd., have any legal interest in the name they are attempting to obtain a trademark on, there is no reasonable basis in that that either Cordova Alliance, LLC., and Alliance Riggers & Constructors, Ltd. have any direct, personal or commercial interest in the outcome of this proceeding. Without such interest, Cordova Alliance, LLC., and Alliance Riggers & Constructors, Ltd., do not have standing and they have failure to state a claim upon which relief can be granted.

Trademark application SN 76716209 is an unconstitutional application of Federal Trademark Laws; it should never have been filed at all. It is fatally deficient

on the law as well and, barring dismissal under Fed. R. Civ. P. 12(b)(3), this Court can, and should dismiss it for failure to state a claim.

WHEREFORE, PREMISES CONSIDERED, Opposer Linda S. Restrepo, requests that trademark application SN 76716209 submitted by Cordova Alliance, LLC., and Alliance Riggers & Constructors, Ltd. be dismissed in its entirety and that Opposer Linda S. Restrepo be award such other and further relief to which she is entitled in equity and in law.

Respectfully submitted.

/s/ LINDA S. RESTREPO-Pro Se
P.O. Box 12066
El Paso, Texas 79912
(915)581-2732
rd-intl@zianet.com

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of May 2015 a true and correct copy of the foregoing document was delivered as required by the Federal Rules of civil Procedure by mailing a copy of same via first class mail, postage pre-paid to Wayne R. Pritchard, P.C., 300 East Main, Suite 1240, El Paso, Texas 79901.

/s/ Linda S. Restrepo
P.O. Box 12066
El Paso, Texas 79912
(915) 581-2732
rd-intl@zianet.com

TEXAS SECRETARY of STATE
CARLOS H. CASCOS

EXHIBIT A

[UCC](#) | [Business Organizations](#) | [Trademarks](#) | [Notary](#) | [Account](#) | [Help/Fees](#) | [Briefcase](#) | [Logout](#)

BUSINESS ORGANIZATIONS INQUIRY - VIEW ENTITY

Filing Number: 802103054 **Entity Type:** Domestic Limited Liability Company (LLC)
Original Date of Filing: November 18, 2014 **Entity Status:** In existence
Formation Date: N/A
Tax ID: **FEIN:**
Duration: Perpetual
Name: ALLIANCE TOWER CRANES, LLC
Address: [ADDRESS NOT PROVIDED]

REGISTERED AGENT	FILING HISTORY	NAMES	MANAGEMENT	ASSUMED NAMES	ASSOCIATED ENTITIES
Last Update	Name	Title	Address		
November 18, 2014	Phillip H. Cordova	Manager	1200 Kastrin St. El Paso, TX 79907-1709 USA		
November 18, 2014	Paul B. Cordova	Manager	1200 Kastrin St. El Paso, TX 79907-1709 USA		
November 18, 2014	Phillip H. Pruett	Manager	1200 Kastrin St. El Paso, TX 79907-1709 USA		

Instructions:

● To place an order for additional information about a filing press the 'Order' button.

R. WAYNE PRITCHARD, P.C.
Intellectual Property Law

R. Wayne Pritchard, P. E.

Admitted to Practice before the United States Patent & Trademark Office

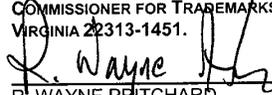
300 East Main, Suite 1240
El Paso, Texas 79901
Telephone: (915) 533-0080
Facsimile: (915) 533-0081
wpritchard@pritchlaw.com

August 4, 2014

Via Express Mail

Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS EXPRESS MAIL NO. EI 497 288 169 US, IN AN ENVELOPE ADDRESSED TO: COMMISSIONER FOR TRADEMARKS, P.O. BOX 1451, ALEXANDRIA, VIRGINIA 22313-1451.

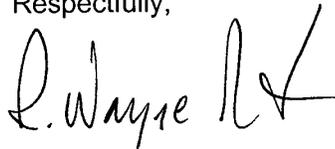

R. WAYNE PRITCHARD
8/4/2014
DATE

Re: Mark: ALLIANCE RIGGERS & CONSTRUCTORS (with design)
Ser. No.: 76716209
Applicant: Alliance Riggers & Constructors, Ltd

Dear Sirs:

In connection with the above referenced mark, please find enclosed my client's Response to Office Action dated August 1, 2014. Should you have any questions relating to the foregoing, please do not hesitate to contact me.

Respectfully,



R. Wayne Pritchard, P.E.
Registration Number 34,903



08-05-2014

U.S. Patent and Trademark Office #72

UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Alliance Riggers & Constructors, Ltd	§	
Serial Number:	76716209	§	
Date of Filing:	April 21, 2014	§	Law Office: 101
Mark:	Alliance Riggers & Constructors	§	Trademark Attorney:
		§	Ira Goodsaid

RESPONSE TO OFFICE ACTION

Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

Dear Sirs:

In response to the Office Action dated August 1, 2014, please accept the following:

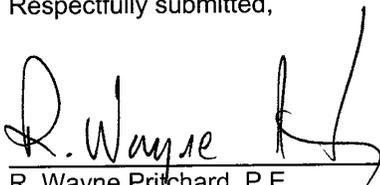
DRAWING

In accordance with the request of the Trademark Attorney, a new drawing page is submitted as attached which Applicant believes does show the applied for mark as used in commerce.

CONCLUSION:

Applicant has provided a new drawing page as requested by the Trademark Attorney. Applicant believes that this application proceed to registration.

Respectfully submitted,



R. Wayne Pritchard, P.E.

NEW DRAWING PAGE

Applicant:

Alliance Riggers & Constructors, Ltd

Applicant's Address:

1200 Kastrin Street
El Paso, Texas 79907

Goods recited in application:

Crane and erectors services, namely, structural steel erection, in International Class 037

