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June 25, 2003



06-30-2003

U.S. Patent & TMO/TM Mail Rcpt Dt. #22

Box TTAB No Fee
Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513

Re: Registration No.: 2,105,538
Mark: CONCHITAS
Our File No.: 22525

Dear Sir/Madam:

Enclosed please find **Petitioner's Motion to Compel Registrant to Answer Discovery** for filing in connection with this matter.

We would appreciate your acknowledging receipt by signing the enclosed self-addressed, postage paid postcard.

If you have any questions and/or concerns, please feel free to contact us.

Sincerely,

Maribel Elias, paralegal for
Jesus Sanchelima, Esq.

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JS/me
Enclosures

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

In the Matter of Registration No. 2,105,538
Registration date: October 13, 1997
For the Mark: CONCHITAS
For: corn chips



06-30-2003

U.S. Patent & TMO/TM Mail Rcpt Dt. #22

Conchita Foods, Inc.
Petitioner,

v.

Cancellation No. 92032853

Fritas Encanto de Monterrey, S.A. de C.V.
Registrant.

**MOTION TO COMPEL REGISTRANT TO ANSWER
DISCOVERY**

COMES NOW, Petitioner, by and through its undersigned attorney, and hereby moves the Board, pursuant to 37 CFR Section 2.120 (e) and Section 523.01 of the TBMP, to Compel Registrant, to fully respond to Petitioner's First Request For Production of Documents and Petitioner's First Set of Interrogatories served on said party on December 13, 2002.

As of today, Opposer has not made a good faith attempt to respond to this discovery completely. The responses sent by Registrant on May 22, 2003, after an extension of 30 days was given, are incomplete. We deem necessary that Registrant submits proper answers, in order to fairly continue with these proceedings.

WHEREFORE, Petitioner prays this Board for the issuance of an order compelling Registrant to comply with the propounded request.

Respectfully submitted,

SANCHELIMA & ASSOCIATES, P.A.

Jesus Sanchelima, Esq.

Attorneys for Applicant

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Miami, Florida 33134

Tel: (305) 447-1617

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By: 

Jesus Sanchelima
Florida Bar No. 231,207

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

In the Matter of Registration No. 2,105,538
For the Mark: CONCHITAS
For: corn chips



06-30-2003

U.S. Patent & TMOs/TM Mail Rpt Dt. #22

Conchita Foods, Inc.
Petitioner,

v.

Cancellation No. 92032853

Fritas Encanto de Monterrey, S.A. de C.V.
Registrant.

**MEMORANDUM OF LAW IN SUPPORT OF PETITIONER'S
MOTION TO COMPEL REGISTRANT TO ANSWER DISCOVERY**

Petitioner, Conchita Foods, Inc., served its Request for Production of Documents and First Set of Interrogatories to Registrant on December 13, 2002. Registrant answered on May 26, 2003. See Petitioner's Exhibit "1" and "2" , attached, corresponding respectively to the First Set of Interrogatories and Requests for Production and the responses thereto. The answers were grossly incomplete.

On May 2, 2003, registrant's counsel contacted petitioner's counsel to request an extension of time to respond to discovery. This extension was granted, until May 19, 2003. See Petitioner's Exhibit "3".

On May 19, 2003 registrant's counsel contacted petitioner's counsel, again, to request another extension of four days, until May 23, 2003. This extension was granted as well. Registrant's incomplete answers were received on May 26, 2003.

The responses are not complete and had to be supplemented, as stated in Registrant's answers. To this end, we contacted registrant's attorney and gave them an additional 10 days to send the supplemental answers by June 16, 2003. Please refer to Petitioner's letter to Registrant's counsel marked as Exhibit "3". To this date, supplemental responses have not been served to with Petitioner's counsel.

Petitioner's undersigned counsel hereby certifies that he has attempted to resolve this matter in good faith without succeeding, as required by Section 523.02 of the TBMP.

Respectfully submitted,

SANCHELIMA & ASSOCIATES, P.A.

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By: 

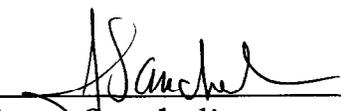
Jesus Sanchelima
Florida Bar No. 231,207

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Petitioner's Motion to Compel Registrant to Answer Discovery and Memorandum in Support thereof, was served via First Class Mail to: Law Offices of Richard Rodriguez, ATT: Richard Rodriguez, Esq. 1117 East Harrison Street Harlingen, Texas 78550, attorney for Registrant, on this 27th day of June 2003.

SANCHELIMA & ASSOCIATES, P.A.

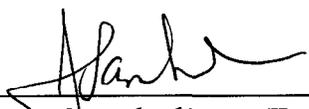
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By: 
Jesus Sanchelima
(Fla. Bar No. 231207)

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited in the United States Postal Service as First Class mail, in an envelope addressed to the Honorable Assistant Commissioner of Trademarks, Box: TTAB/NO FEE, 2900 Crystal Drive, Arlington, Va. 22202-3513 on the below-mentioned date.

Date: June 27, 2003

By: 
Jesus Sanchelima, Esq.