

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



02-09-2004

U.S. Patent & TMO/TM Mail Report 200

Conchita Foods, Inc.
Petitioner,

v.

Cancellation No.

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

MOTION FOR RECONSIDERATION

Petitioner Conchita Foods, Inc., respectfully disagrees with Interlocutory Attorney's final decision on Registrants Motion to Dismiss and as such states as follows:

Interlocutory Attorney decided that Petitioner's Petition for Cancellation was untimely filed in respect to the likelihood of confusion ground, in as much as the filing date of the petition to cancel is after the fifth year anniversary of the involved registration, Petitioner disagrees.

Petitioner filed its Petition for Cancellation on August 8, 2002, as stamped by the TTAB. The fee was paid on September 6, 2002, as stated in Petitioner's Response Memorandum in Opposition to Registrant's Filing of Amended Answer and Motion to Dismiss and shown in such motion by a confirmation of payment sent via facsimile

by the TTAB, to Petitioner's counsel, on September 11, 2002, introduced as "Exhibit A" of such motion and this Motion for Reconsideration. This confirmation clearly authorized Leticia Harrison (TTAB Legal Assistant), to charge Petitioner's Account No. 190129 the pertinent filing fees for the Petition for Cancellation described in same. Therefore, the filing fee was paid on September 6, 2002 and not on October 22, 2002 as stamped by the TTAB as the receipt date. October 22, 2002 was the date the TTAB processed the payment made on September 6, 2002 but not the date payment was made.

WHEREFORE, in view of the above facts, Petitioner respectfully requests that Interlocutory Attorney reconsiders its decision as far as striking from the petition the ground of likelihood of confusion.

Respectfully submitted,

SANCHELIMA & ASSOCIATES, P.A.
Counsel for the Petitioner
235 S.W. Le Jeune Road
Miami, FL 33134-1762
Telephone: (305) 447-1617
Telecopier: (305) 445-8484

By: 

Jesus Sanchelima
(Fla. Bar No. 231207)

CERTIFICATE OF SERVICE

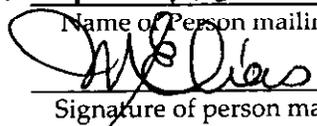
I HEREBY CERTIFY that a true and correct copy of Petitioner's First Request for Production of Documents was mailed via first-class U.S. mail, to: Law Offices of Richard R. Rodriguez, ATT: Richard Rodriguez, Esq., 1117 East Harrison Street, Harlingen, Texas, 78550, Attorney for Registrant, on this 3 day of February, 2004.

SANCHELIMA & ASSOCIATES, P.A.
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By: 
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service, pursuant to 37 C.F.R. § 1.10, in an envelope addressed to the Assistant Commissioner of Trademarks, BOX: TTAB/FEE, 2900 Crystal Drive, Arlington, VA 22203-3513 on the above-referenced date.

By: Maribel Elias
Name of Person mailing document
 2/3/04
Signature of person mailing documents and Date

facsimile transmittal

To: Jesus Sanchelima Fax: 305/445-8484

From: L. Harrison Date: 9/11/02

Re: 2,105,538 Pages: 1

CC:

- Urgent For Review Please Comment Please Reply Please Recycle

Notes: THIS IS CONFIRMATION THAT I RECEIVED A FAX ON SEP. 6, 2002
 AUTHORIZING ME TO CHARGE ACCOUNT NO. 190129 FOR 300.00 FOR THE
 DELETION OF CANCELLATION.
 THANK YOU.

CONFIDENTIAL

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Sanchelima & Associates, P.A.
Attorneys at Law

Patent, Trademark & Copyright Law

J. Sanchelima, Patent Attorney
Maitte R. Netsch, Esq.
Albert Bordas, Reg. Patent Attorney
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February 2, 2004

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Arlington, Virginia 22202-3513

Re: Registration No.: 2,105,538
Cancellation No. 32,853
Mark: CONCHITAS
Our File No.: 22525

Dear Sir/Madam:

Enclosed please find **Petitioner's Motion for Reconsideration**, 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.

JS/me
Enclosures



02-09-2004

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #39