ESTTA Tracking number: **ESTTA806519**

Filing date: **03/10/2017**

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

Proceeding	92063668
Party	Plaintiff Barrio Fiesta Manufacturing Corporation
Correspondence Address	MELVIN N A AVANZADO THE AVANZADO LAW FIRM 1880 CENTURY PARK EAST, SUITE 1100 LOS ANGELES, CA 90067 UNITED STATES mel@avanzadolaw.com, elaine@avanzadolaw.com
Submission	Other Motions/Papers
Filer's Name	Melvin N.A. Avanzado
Filer's e-mail	mel@avanzadolaw.com
Signature	/Melvin N.A. Avanzado/
Date	03/10/2017
Attachments	2017-03-11 RJN - BFMC FINAL w-exhs optimize.pdf(4358555 bytes)

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

BARRIO FIESTA MANUFACTURING CORPORATION, Petitioner, v. JUNE FRANCIS RONO, ASHLEY KIRSTEN C. RONO AND JUSTIN CHRISTIAN C. RONO, Registrants.	Cancellation No. 92063668 In the Matter of Registration No. 4,034,365 Mark: BARRIO FIESTA EXPRESS Date Issued: October 4, 2011 ***[Motion for Summary Judgment; Separate Statement of Undisputed Facts; Declaration of Melvin N.A. Avanzado filed concurrently herewith]***

PETITIONER BARRIO FIESTA MANUFACTURING CORPORATION'S REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT

Petitioner Barrio Fiesta Manufacturing Corporation ("BFMC") requests that the Board take judicial notice of the following matters and documents, pursuant to Rule 201 of the Federal Rules of Evidence. To the extent that documents were authenticated in depositions, those documents are attached as exhibits to the Declaration of Melvin N.A. Avanzado (the "Avanzado Declaration") filed concurrently herewith.[1/] To the extent that the documents are public records, those documents are attached as direct exhibits to this request for judicial notice.

1. The Avanzado Declaration submitted herewith attaches the Declarations of Erlinda Alianan (Exhibit 1), Ronald Yu (Exhibit 2) and Melvin N.A. Avanzado (Exhibit 3) which were filed in the lawsuit pending between BFMC's United States distributor and Registrant June Francis Rono's company entitled *Barrio Fiesta, LLC v. Northridge Foods International, Inc.*, United States District Court for the Northern District of California, Case Number 4:15-cv-02669 (the "Federal Lawsuit"). References to the exhibits in these Federal Lawsuit declarations shall be referenced by the declaration's exhibit number to the Avanzado Declaration filed herewith followed by the exhibit number to the corresponding declaration filed in the Federal Lawsuit. For example, the Avanzado Declaration filed in the Federal Lawsuit is Exhibit 3 to the declaration submitted here; thus, Exhibit A of the Avanzado Declaration filed in the Federal Lawsuit is cited herein as "Avanzado Ex. 3-A."

A. On September 14, 2010, Registrant June Francis Rono ("June") filed for incorporation and registration of Barrio Fiesta, LLC ("BFFLC") as a California limited liability company with the Secretary of State of the State of California. Attached hereto as Exhibit "**1**" is a true and correct copy of the Business Entity detail for BFLLC on the website of the California Secretary of State.

B. Barrio Fiesta Restaurant Incorporated formally filed for registration in the Philippines in 1977. Attached hereto as Exhibit "**2**" is a true and correct copy of Barrio Fiesta Restaurant Incorporated's articles of incorporation that were formally filed with the Philippines Securities and Exchange Commission ("Philippines SEC") in 1977.

C. On February 15, 2011, Registrants Ashley Kirsten C. Rono ("Ashley") and Justin Christian C. Rono ("Justin") filed trademark application serial number 85/243,004 (the "'004 Application") with the United States Patent and Trademark Office ("USPTO") for registration of the mark "Barrio Fiesta Express" in the fast-food restaurant classification. The '004 Application lists the date of first use of the "Barrio Fiesta Express" mark as January 3, 2011. The '004 Application was introduced and authenticated during June's May 12, 2016 deposition as Exhibit 58 to that deposition. The true and correct copy of the '004 Application that was introduced and authenticated during that deposition is attached as Exhibit "**3-JJ**" to the Avanzado Declaration.

D. The "Barrio Fiesta Express" mark became a registered trademark on October 4, 2011. The USPTO issued a certificate for trademark registration number 4,034,365 (the "'365 Registration") on October 4, 2011 to Ashley and Justin for the "Barrio Fiesta Express" mark for use in fast-food restaurants (later "corrected" on January 6, 2015 to include June Francis Rono as an additional owner). A true and correct copy of the original '365 Registration from the USPTO is attached hereto as Exhibit "**3**".

E. On December 8, 2014, Ashley and Justin filed the trademark assignment of the entire interest and goodwill in "Barrio Fiesta Express" to June, Ashley and Justin (collectively "Registrants") as joint owners with the USPTO. This December 8, 2014 trademark

assignment was introduced and authenticated during the January 6, 2016 deposition of Ashley as Exhibit 19 to that deposition. A true and correct copy of this trademark assignment is attached as Exhibit "**3-P**" to the Avanzado Declaration.

F. Registrants currently own the "Barrio Fiesta Express" mark as reflected in an updated '365 Registration pursuant to the December 8, 2014 trademark assignment. This "corrected" '365 Registration certificate was introduced and authenticated during the January 6, 2016 deposition of Ashley Kirsten C. Rono as Exhibit 18 to that deposition. A true and correct copy of this October 4, 2011 certificate is attached as Exhibit "**3-O**" to the Avanzado Declaration.

G. BFMC filed its by-laws and articles of incorporation with the Republic of the Philippines SEC in December 1987. BFMC's registered by-laws and articles of incorporation were introduced and authenticated during the April 18, 2016 deposition of Bonifacio E. Ongpauco, Jr. ("Bonifacio") as Exhibit 37 and Exhibit 38 to that deposition. A true and correct copy of BFMC's registered by-laws is attached to the Avanzado Declaration as Exhibit "**3-T**." A true and correct copy of BFMC's registered articles of incorporation is attached to the Avanzado Declaration as Exhibit "**3-U**."

H. Bonifacio filed or caused to be filed with the State of California and the USPTO documents in connection with BFMC's exportation and distribution of Barrio Fiesta products in the United States. Defendant requests judicial notice of the following documents:

1. Bonifacio filed an application to register the "Barrio Fiesta" trademark in connection with BFMC's packaged food products on November 25, 1992 with the Secretary of State of the State of California. This application was given registration number 097662. Attached as Exhibit "**4**" hereto is a true and correct certified copy of Bonifacio's California trademark registration application for "Barrio Fiesta."

2. Bonifacio registered the "Barrio Fiesta" trademark in connection with food products with the State of California Office of the Secretary of State on June 14, 1993. Bonifacio's trademark registration was given registration number 097662.

This document was introduced and authenticated as deposition Exhibit 45 during Bonifaco's April 18, 2016 deposition. A true and correct copy of the certificate of registration of trademark for registration number 097662 is attached as Exhibit "**3-BB**" to the Avanzado Declaration.

3. Bonifacio attempted to register the "Barrio Fiesta" mark and logo with the USPTO on May 18, 2006 in connection with packaged food products. Bonifacio filed trademark application serial number 78/886,373 with the USPTO on May 18, 2006 for the "Barrio Fiesta" mark and logo in connection with packaged food products (the "'373 Application"). The '373 Application specifies the first use of the "Barrio Fiesta" mark in commerce as December 10, 1987. The '373 Application was introduced and authenticated during Bonifacio's April 18, 2016 deposition as Exhibit 46 to that deposition. A true and correct copy of the '373 Application is attached as Exhibit "**3-CC**" to the Avanzado Declaration.

4. BFMC attempted to register the "Barrio Fiesta" mark and logo with the USPTO on May 11, 2007 in connection with packaged food products. BFMC filed trademark application serial number 77/179,318 with the USPTO on May 11, 2007 for the "Barrio Fiesta" mark and logo in connection with packaged food products (the "'318 Application"). The '318 Application specifies that the "Barrio Fiesta" mark was first used in commerce as early as December 10, 1987. The '318 Application was introduced and authenticated during Bonifacio's April 18, 2016 deposition as Exhibit 47 to that deposition. A true and correct copy of the '318 Application is attached as Exhibit "**3-DD**" to the Avanzado Declaration.

I. Documents in connection with the Ongpauco siblings' operation of various Barrio Fiesta restaurants in the Los Angeles area were filed with the State of California.

1. The Manila Restaurant, Inc. filed an application with the California Secretary of State to register the service mark and logo "Barrio Fiesta" in connection with restaurant services for the Barrio Fiesta restaurant on Sixth Street in Los Angeles,

California (the "Los Angeles BF Restaurant") on October 1, 1986. The application specifies the "Barrio Fiesta" mark was first used anywhere in commerce as 1958 and first used in commerce in California as December 4, 1985. This application was given the service mark registration number 28689. This application was introduced and authenticated during the April 20, 2016 deposition of Cesar Cauton ("Cauton") as Exhibit 52. A true and correct copy of the application for service mark registration number 28689 is attached as Exhibit "**3-FF**" to the Avanzado Declaration.

2. The Manila Restaurant, Inc. obtained a registration for the "Barrio Fiesta" service mark – service mark registration number 28689 – from the State of California on October 29, 1986. This certificate of registration specifies that the "Barrio Fiesta" mark was first used anywhere in 1958 and first used in California on December 4, 1985. This certificate of registration for service mark registration number 28689 was introduced and authenticated during Cauton's April 20, 2016 deposition as Exhibit 51. A true and correct copy of the certificate of registration for service mark registration number 28689 is attached as Exhibit "**3-EE**" to the Avanzado Declaration.

3. The Manila Restaurant, Inc. assigned its registered service mark "Barrio Fiesta" (service mark registration number 28689) to Manuel Tamayo, Corazon Ongpauco-Tamayo and Sixta Evangelista on April 23, 1990. This assignment was filed with the Secretary of State of the State of California. This assignment was introduced and authenticated during Cauton's deposition as Exhibit 52. A true and correct copy of the assignment for service mark registration number 28689 is attached as Exhibit "**3-FF**" to the Avanzado Declaration.

4. Consuelo Ongpauco-Cauton ("Ongpauco-Cauton") obtained a registration for the service mark "The Original Barrio Fiesta of Manila" – service mark registration number 055400 – in connection with restaurant services with the State of California Secretary of State on October 3, 2001. Ongpauco-Cauton's application specifies that the first use of "The Original Barrio Fiesta" mark in commerce in

California was in 1987 and first used anywhere in commerce in 1959. This registration was introduced and authenticated during Cauton's deposition as Exhibit 53. A true and correct copy of the registration for service mark registration number 055400 is attached as Exhibit "**3-GG**" to the Avanzado Declaration.

5. Ongpauco-Cauton renewed registration for the service mark "The Original Barrio Fiesta of Manila" – service mark number 055400 –on May 26, 2011 with the State of California Secretary of State. This renewal was introduced and authenticated during Cauton's deposition as Exhibit 54. A true and correct copy of the renewal for service mark registration number 055400 is attached as Exhibit "**3-HH**" to the Avanzado Declaration.

6. Ongpauco-Cauton petitioned to cancel the federal registration of the mark "The Original Barrio Fiesta of Manila" held by Barrio Fiesta International, Inc. – registration number 1,712,454 – with the USPTO on July 9, 2013. Barrio Fiesta International, Inc. used "The Original Barrio Fiesta of Manila" mark in connection with restaurant services. Ongpauco-Cauton sought to cancel registration number 1,712,454 on abandonment grounds. This cancellation petition was introduced and authenticated during Cauton's deposition as Exhibit 55. A true and correct copy of the cancellation petition is attached as Exhibit "**3-II**" to the Avanzado Declaration.

7. The USPTO cancelled "The Original Barrio Fiesta of Manila" mark held by Barrio Fiesta International, Inc. on September 18, 2015. Attached hereto as Exhibit "**4**" is a true and correct copy of the USPTO's cancellation of "The Original Barrio Fiesta of Manila" mark formerly held by Barrio Fiesta International, Inc.

J. Facts and documents relating to BFMC's current application for registration of a "Barrio Fiesta" mark. On or about February 9, 2015, BFMC filed with the USPTO a trademark registration application Serial No. 86/528,183 (the "'183 Application") for a "Barrio Fiesta" mark in various classifications. Attached hereto as Exhibit "**5**" is a true and correct copy of the '183 Application. On or about November 28, 2015, the USPTO suspended

the '183 Application due to likelihood of confusion with Registrants' '365 Mark. Attached hereto as Exhibit "**6**" is a true and correct copy of the USPTO's suspension letter.

Judicial notice is appropriate for facts "not subject to reasonable dispute … that [are] … capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned." Fed. R. Evid. 201(c). All of the documents and information listed above are contained in the files of the United States Patent and Trademark Office, in the files of the office of the California Secretary of State or in the public records of Philippines SEC. The facts and events in such documents – the public records of the USPTO, the offices of the California Secretary of State and the Philippines SEC which Northridge submits herewith and in exhibits to the Avanzado Declaration – are matters which are "capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned." Accordingly, this request for judicial notice should be granted.

DATED: March 10, 2017

THE AVANZADO LAW FIRM

By: _____
Melvin N.A. Avanzado
Attorneys for Petitioner
Barrio Fiesta Manufacturing Corporation

EXHIBIT 1

Business Entities (BE)

Online Services
- E-File Statements of Information for Corporations
- Business Search
- Processing Times
- Disclosure Search

Main Page
Service Options
Name Availability
Forms, Samples & Fees
Statements of Information (annual/biennial reports)
Filing Tips
Information Requests (certificates, copies & status reports)
Service of Process
FAQs
Contact Information
Resources
- Business Resources
- Tax Information
- Starting A Business

Customer Alerts
- Business Identity Theft
- Misleading Business Solicitations

Business Entity Detail

Data is updated to the California Business Search on Wednesday and Saturday mornings. Results reflect work processed through Friday, August 19, 2016. Please refer to Processing Times for the received dates of filings currently being processed. The data provided is not a complete or certified record of an entity.

Entity Name:	BARRIO FIESTA, LLC
Entity Number:	201026010061
Date Filed:	09/14/2010
Status:	ACTIVE
Jurisdiction:	CALIFORNIA
Entity Address:	1790 MILMONT DRIVE
Entity City, State, Zip:	MILPITAS CA 95035
Agent for Service of Process:	JUNE FRANCIS A RONO
Agent Address:	1790 MILMONT DRIVE
Agent City, State, Zip:	MILPITAS CA 95035

* Indicates the information is not contained in the California Secretary of State's database.

* Note: If the agent for service of process is a corporation, the address of the agent may be requested by ordering a status report.

- For information on checking or reserving a name, refer to Name Availability.
- For information on ordering certificates, copies of documents and/or status reports or to request a more extensive search, refer to Information Requests.
- For help with searching an entity name, refer to Search Tips.
- For descriptions of the various fields and status types, refer to Field Descriptions and Status Definitions.

Modify Search | New Search | Printer Friendly | Back to Search Results

EXHIBIT 2

S. E. C. Form No. 10

Republic of the Philippines
SECURITIES AND EXCHANGE COMMISSION
Philcomcen Bldg., Ortigas Avenue
Pasig, Metro-Manila

Reg. No. 77652

TO ALL TO WHOM THESE PRESENTS MAY COME, GREETINGS:

WHEREAS, *Articles of Incorporation duly signed and acknowledged for the organization of the* DAPITO FIESTA RESTAURANT INCORPORATED

under and in accordance with the provisions of Act of the Philippine Commission Numbered Fourteen hundred and fifty-nine, enacted March first, Nineteen hundred and six, as amended by Acts of the Philippine Legislature, Numbered Fifteen hundred and six, Fifteen hundred and sixty-five, Sixteen hundred and thirty, Seventeen hundred and forty-four, Eighteen hundred and thirty-four, Eighteen hundred and ninety-five, Twenty hundred and three, Twenty hundred and twelve, Twenty hundred and thirty-seven, Twenty hundred and ninety-two, Twenty-one hundred, Twenty-one hundred and thirty-five; Twenty-four hundred and fifty-two, Twenty-seven hundred and twenty-eight, Twenty-seven hundred and ninety-two, Twenty-nine hundred, Twenty-nine hundred and ninety-four, Thirty-five hundred and eighteen, Thirty-six hundred and ten, Thirty-seven hundred and forty-one, Thirty-eight hundred and forty-nine and Thirty-eight hundred and fifty, and Commonwealth Acts Numbered Two hundred and eighty-seven, and Four hundred and thirty-seven, were presented for filing in this Commission on December 12, 1977, *and a copy of which said Articles is hereto attached:*

NOW, THEREFORE, *by virtue of the powers and duties vested in me by law, I do hereby certify that the said Articles of Incorporation were, after due examination to determine whether they are in accordance with law, duly registered in this Commission on the* 23 *day of* January, *Anno Domini, Nineteen hundred and* seventy-eight.

RECEIVED ORIGINAL
BY _____
ADDRESS _____
DATE _____

IN TESTIMONY WHEREOF, *I have hereunto set my hand and caused the seal of this Commission to be affixed at Manila, Philippines, this* 23 *day of* January, *in the year of our Lord nineteen hundred and* seventy-eight.

Pasig, Metro

JULIO A. SULIT, JR.
Associate Commissioner

RECORDED BY

CERTIFIED MACHINE COPY
Page 1 of 12 Pages
Verified By: _____

ARTICLES OF INCORPORATION

of

BARRIO FIESTA RESTAURANT INCORPORATED

PRESENTED BY
NAME
ADDRESS
TEL NO

KNOW ALL MEN BY THESE PRESENTS:

That we, all of legal age and all of whom are residents of the Philippines, have this day voluntarily associated together for the purpose of forming a corporation under the laws of the Republic of the Philippines.

PAID
O.R. NO
DATE

AND WE HEREBY CERTIFY:

PAID
O.R. NO
DATE

FIRST. - That the name of the corporation shall be BARRIO FIESTA RESTAURANT INCORPORATED.

SECOND. - That the purpose for which such corporation is formed is:

To engage in the business of owning, operating and maintaining restaurants, including catering and other services or operations related or incidental thereto.

PAID
O.R. NO
DATE

And, in furtherance of the hereinabove expressed purpose, the corporation shall have the power:

PAID
O.R. NO

1) To borrow such sums of money and to contract such debts from time to time as may be deemed necessary for or in accomplishment of its lawful purpose or object; to execute, issue and negotiate promissory notes, bonds, debentures, certificates and other negotiable or non-negotiable instruments, or other securities or evidences of indebtedness, for any moneys so borrowed or debts so contracted, and to secure the same by the pledge of any of its personal properties, or by mortgage or deed

PAID
O.R. NO

CERTIFIED MACHINE COPY
Page 2 of 12 Pages
Verified By:

of trust upon any or all of the estate, properties, equipment and franchises of the corporation; and to confer upon the holder of any debentures or bonds of the corporation, secured or unsecured, the right to convert the principal thereof into shares of stock of the corporation upon such lawful terms and conditions as shall be fixed by the Board of Directors, all subject to limitations established by law.

2) To issue pursuant to law shares of its capital stock, bonds, debentures or other obligations in payment for property purchased or acquired by it for money borrowed in the prosecution of its business; to purchase, acquire, hold, dispose of and otherwise deal in and with shares, stocks, bonds and securities created by any company having objects altogether or in part similar to those of this corporation, and while the owner or holder thereof, to exercise, all the rights and incidents of ownership, including the right to vote the same and to receive, collect and dispose of the interest, dividends and income therefrom.

3) Conformably with the provisions of all applicable laws, to invest the money and deal with the properties of the corporation in such manner as may from time to time be considered necessary for the advancement of the business interests of the corporation and to sell, dispose of, transfer the business, goodwill, properties and undertakings of the corporation or any part thereof, for such consideration and under such terms as it shall see fit to accept.

4) To draw, make, accept, endorse, ~~discount,~~ execute and issue bills of exchange, bills of lading,

promissory notes, and other evidences of debt and other negotiable or non-negotiable instruments so far as the exigencies of the business or businesses for which the corporation is formed shall require.

5) To acquire or obtain from any government or authority, national, provincial, municipal or otherwise, or any corporation, company, partnership or persons, such charters, contracts, franchises, privileges, exemptions, licenses and concessions as may be necessary or conducive to the realization of any of the objects of the corporation.

6) To enter into any arrangement for the sharing of profits, union of interest, cooperation, joint venture, reciprocal concession or otherwise with any corporation, person or association.

7) To carry on any other business, including the business of manufacturing any products, goods, items and merchandise, except food, drugs & cosmetics which business may conveniently be carried or in connection with any of the operations, activities or businesses of the corporation, or which business is calculated directly or indirectly to assist or improve the other business of the corporation, enhance their value and profitability, as well as the value of the asset and stock of this corporation.

8) As principal, agent, commission, merchant, commercial broker, factor, bailee, or consignee, to acquire by purchase or otherwise, own, hold, take or lease, or in exchange, mortgage, lease, sell, or otherwise dispose of any and all real and personal property, rights and privileges, suitable or convenient for any of the purposes or businesses of the corporation, and to acquire by purchase or otherwise, own, hold,

lease, mortgage, sell or otherwise dispose of, erect, construct, make, alter, enlarge, improve, and aid or subscribe toward the construction, acquisition or improvement of any factories, shops, store-houses, buildings, manufacturing and commercial establishments, and other structures of every character, including all equipment, fixtures, machinery, implements and supplies necessary or incidental to, or connected with any of the purposes or business of the corporation.

9) To manage, purchase, hold, acquire, assist, aid in or invest and take over all or any part of the rights, assets, funds and business of any person, partnership, corporation or association and to undertake and/or assume liabilities and obligations of such persons, partnership, corporation or association, whose rights, assets, business or property may be purchased, acquired or taken over.

10) To do and perform all acts and things necessary, suitable or proper, for the accomplishment and furtherance of any of the purposes or the attainment of any of the objects herein enumerated, or which shall at any time appear conducive to the protection or benefit of the corporation, including the exercise of the powers which are or may hereafter be authorized by the law to be performed by corporations organized under the laws of the Philippines in general and upon domestic corporation of like nature in particular, provided that the requirements of all applicable laws shall in all cases be observed.

THIRD. - That the place where the principal office of the corporation is to be established and

maintained is at Quezon City, Metro Manila, Philippines, but it may also establish and maintain branch offices anywhere in the Philippines or abroad.

FOURTH. - That the term for which such corporation is to exist is fifty (50) years from and after the date of incorporation.

FIFTH. - That the names and residences of the incorporators of said corporation are as follows:

Name	Citizenship	Residence
1. Sixta Evangelista	Filipino	c/o Barrio Fiesta, Cubao, Quezon City
2. Rogelio Ongpauco	Filipino	c/o Barrio Fiesta, Cubao, Quezon City
3. Reynaldo Ongpauco	Filipino	c/o Barrio Fiesta, Caloocan City
4. Rodolfo Ongpauco	Filipino	c/o Salambao Restaurant, Roxas Blvd., Manila
5. Consuelo O. Cauton	Filipino	c/o Barrio Fiesta, West Avenue, Quezon City
6. Ramon Ongpauco	Filipino	c/o Kapistahan, Timog, Quezon City
7. Corazon O. Tamayo	Filipino	c/o Barrio Fiesta, Ermita, Manila

SIXTH. - That the amount of capital stock of said corporation is THREE MILLION PESOS (P3,000,000.00), Philippine Currency, and said capital stock is divided into thirty thousand (30,000) shares with par value of ONE HUNDRED PESOS (P100.00) each.

SEVENTH. - That the amount of capital stock which has been actually subscribed is SIX HUNDRED THOUSAND (P600,000.00) PESOS and the following persons have subscribed for the numbers of shares and amounts of capital stock set out after their respective names:

	Name	No. of Shares	Amount of Capital Stock Subscribed
1.	Sixta Evangelista	2000	₱200,000.00
2.	Rogelio Ongpauco	500	50,000.00
3.	Reynaldo Ongpauco	500	50,000.00
4.	Rodolfo Ongpauco	500	50,000.00
5.	Consuelo Cauton	500	50,000.00
6.	Ramon Ongpauco	500	50,000.00
7.	Corazon Tamayo	1500	150,000.00
		6000	₱600,000.00

EIGHT. - That the following persons have paid on the shares of capital stock for which they have subscribed the amounts set out after their respective names:

	Name	Amount Paid on Subscription
1.	Sixta Evangelista	₱ 50,000.00
2.	Rogelio Ongpauco	12,500.00
3.	Reynaldo Ongpauco	12,500.00
4.	Rodolfo Ongpauco	12,500.00
5.	Consuelo Cauton	12,500.00
6.	Ramon Ongpauco	12,500.00
7.	Corazon Tamayo	37,500.00
		₱150,000.00

NINTH. - That the number of directors of said corporation shall be seven (7) and that the names and residences of the directors of the corporation who are to serve until their successors are elected and qualified as provided in the by-laws are as follows:

Name	Residence
1. Sixta Evangelista	c/o Barrio Fiesta, Cubao, Quezon City
2. Rogelio Ongpauco	c/o Barrio Fiesta, Cubao, Quezon City
3. Reynaldo Ongpauco	c/o Barrio Fiesta, Caloocan City
4. Rodolfo Ongpauco	c/o Salambao Restaurant, Roxas Blvd., Manila
5. Consuelo O. Cauton	c/o Barrio Fiesta, West Avenue, Quezon City
6. Ramon Ongpauco	c/o Kapistahan, Timog, Quezon City
7. Corazon O. Tamayo	c/o Barrio Fiesta, Ermita, Manila

TENTH. - That no transfer of stock or interest which will reduce the ownership of Filipino citizens to less than the required percentage as allowed by law shall be permitted to be recorded in the proper books and this restriction shall be indicated in the stock certificates to be issued by the corporation.

That the subscription or ownership of any paid up shares of stock in the corporation is made and taken subject to the condition that any subscriber, owner or stockholder desiring to sell or otherwise dispose of his/her shares of stock except in the cases of disposition by will or inheritance to the legal heirs, shall observe the following priorities, limitations and restrictions.

a) First Order of Priority. - Any stockholder desiring to sell or otherwise dispose of his/her shares or holdings shall first offer the same to the corporation through the Secretary. The corporation shall have at least thirty (30) days from receipt of the written offer within which to buy the

shares of the stockholder priced at the book value of each share as shown in the latest balance sheet of the corporation.

b) Second Order of Priority. - Upon failure of the corporation to exercise the foregoing option within the aforementioned period, the President through the Secretary shall notify all stockholders of the shares for sale. The stockholders shall have at least thirty (30) days from the date or receipt of notice to exercise their option priced at the book value of each share as shown in the latest balance sheet of the corporation.

c) Third Order of Priority. - Upon the failure of the stockholders to exercise the option herein granted, the selling stockholder shall be free to offer the same to any person under such terms and conditions agreed upon but in no case shall the price of the shares be lower than the book value of each share as shown in the latest balance sheet of the corporation. In case the stockholder is unable to sell his shares at book value and he is willing to sell such shares for less than the book value, he may sell them subject to the order of priorities in the preceding paragraphs (a) and (b).

In case of involuntary transfer, execution, levy, foreclosure, or attachment of the shares, the corporation shall exercise the right of redemption within 120 days from and after the time title to the shares shall have been vested on any person or firm other than the stockholders of the corporation.

The foregoing limitations and restrictions shall be printed on the stock certificates of the corporation and shall be binding upon all the heirs, successors, assigns, administrators, or representatives of the stockholders of the corporation. Any transfer or conveyance in violation of the above terms and conditions shall be null and void and shall not be recorded and transferred in the books of the corporation.

ELEVENTH. - That CORAZON O. TAMAYO has been elected by the subscribers as Treasurer of the corporation to act as such until her successor is duly elected and qualified, in accordance with the by-laws and that, as such Treasurer, she has been authorized to receive for the corporation and to receipt in its name all subscriptions paid in by said subscribers.

IN WITNESS WHEREOF, we have hereunto set our hands on this 17th day of July, 1977 at Makati, Rizal, Philippines.

SIXTA EVANGELISTA
Legally separated pursuant to the Decision hereto attached

ROGELIO ONGPAUCO

REYNALDO ONGPAUCO

RODOLFO ONGPAUCO

CONSUELO O. CAUTON

RAMON ONGPAUCO

CORAZON O. TAMAYO

SIGNED IN THE PRESENCE OF:

Marital Conforme:

CESAR CAUTON

MANUEL TAMAYO

CERTIFIED MACHINE COPY
Page 12 of 12 Pages
Verified By:

A C K N O L E D G M E N T

REPUBLIC OF THE PHILIPPINES)
MAKATI, RIZAL) S.S.

BEFORE ME, this day, personally appeared:

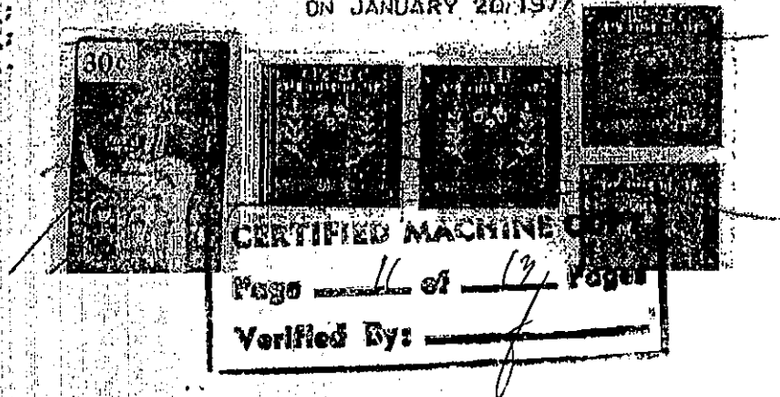
Name	Res. Cert. No.	Date & Place
Sixta Evangelista TAN - 3124-0849	A- 7189455 B- 1421843	1-7-77 Caloocan city 1-20-77 Q.C.
Roger Ongpauco TAN - 101216-4640-8 A	A- 0056655 B- 974293	1-7-77 Omnipaino, Manila 4-11-77 -do-
Reyhalda Ongpauco TAN - [illegible]	A- 753-145 B- 85-7130	1-25-77 Caloocan city 3-25-77 -do-
Rodolfo Ongpauco TAN - 3124-414-J	A- 1147656 B- 2013948	1-18-77 Parañaque 4-14-77 -do-
Consuelo Cauton TAN - 3929-902-X	A- 679-220 B-	2-21-77 Manila
Ramon Ongpauco TAN - 3115-437-0	A- 921251 B- 657134	1-10-77 Q.C. 3-25-77 Caloocan city
Corazon Tamayo TAN - 031-714-3	A- 7534597 B- 0117645	1-29-77 Caloocan city 1-20-77 -do-

known to me and to me known to be the same persons who executed the foregoing Articles of Incorporation and they acknowledged that the same is their voluntary act and deed.

WITNESS MY HAND AND SEAL on this 7th day of July 1977 at Makati, Rizal, Philippines.

JOSE VICENTE E. JIMENEZ
NOTARY PUBLIC
UNTIL DECEMBER 31, 1977
PTR NO. 4256674
ISSUED AT MANDALUYONG, RIZAL
ON JANUARY 20, 1977

Doc. No. 31;
Page No. 8;
Book No. VII;
Series of 1977.



REPUBLIC OF THE PHILIPPINES)
: S.S.
MAKATI, METRO MANILA)

TREASURER'S AFFIDAVIT

I, CORAZON O. TANAY, Filipino, of legal age, married, with business address c/o Barrio Fiesta, Cubao, Quezon City, after first being duly sworn, depose and say:

1. That on 16 July 1977, I was duly elected by the subscribers named in the foregoing Articles of Incorporation as the treasurer of the BARRIO FIESTA RESTAURANT INCORPORATED and to act as such until my successor has been elected and qualified in accordance with the by-laws of said corporation;

2. That, as such treasurer, I have been authorized by the subscribers to receive for the corporation all subscriptions paid in by said subscribers for the capital stock;

3. That, of the total authorized capital stock, six thousand (6,000) shares of stock, worth SIX HUNDRED THOUSAND (₱600,000.00) PESOS, have been actually subscribed;

4. That, of said subscription, ONE HUNDRED FIFTY THOUSAND (₱150,000.00) PESOS in cash have been actually transferred to and received by me in trust for the benefit and to the credit of the corporation;

5. That at least twenty per centum (20%) of the entire number of authorized shares of capital stock has been subscribed and at least twenty-five per centum (25%) of the subscription has been actually

Corazon O. Tanay

CERTIFIED MACHINE COPY
Page 12 of 13 Pages
Verified By:

2.

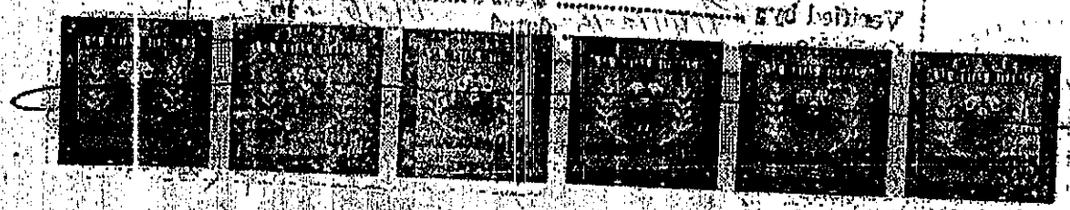
transferred to and received by me in trust for the benefit and to the credit of the corporation.

CORAZON C. TAMAYO

SUBSCRIBED AND SWORN to before me in Makati, Metro Manila, Philippines, on this 4th day of July, 1977, affiant exhibited to me her Residence Certificate No. A-7534597 issued at Caloocan City on 1-29-77.

NOTARY PUBLIC
UNTIL DECEMBER 31, 1977
MANDALUYONG, RIZAL
JANUARY 20, 1977

Doc. No. 33;
Page No. 8;
Book No. VII;
Series of 1977.



ISMA C. GONZALES
PUBLIC REFERENCE UNIT, HRAS-D

CERTIFIED MACHINE COPY
Page 13 of 13 Pages
Verified By:

Republic of the Philippines
SECURITIES AND EXCHANGE COMMISSION
Edsa, Mandaluyong, Metro Manila

I HEREBY CERTIFY that the foregoing is a true and correct machine reproduction of the Official file (s) thereof in the custody of this Commission consisting of (12) page (s).

DARIO PIEDRA RESTAURANT, INC.

Verified by: Fees ₱ 100 paid under O.R. No. 0477 2016 dated 01-16-2016

ISMA C. GONZALES
PUBLIC REFERENCE UNIT, HRASD

EXHIBIT 3

United States of America
United States Patent and Trademark Office

Barrio Fiesta Express

Reg. No. 4,034,365

Registered Oct. 4, 2011

Int. Cl.: 43

SERVICE MARK

PRINCIPAL REGISTER

RONO, JUSTIN CHRISTIAN C. (ARMENIA INDIVIDUAL)
1629 WHARTON ROAD
SAN JOSE, CA 95132 AND

RONO, ASHLEY KIRSTEN C. (UNITED STATES INDIVIDUAL)
1629 WHARTON ROAD
SAN JOSE, CA 95132

FOR: FAST-FOOD RESTAURANTS, IN CLASS 43 (U.S. CLS. 100 AND 101).

FIRST USE 1-3-2011; IN COMMERCE 1-3-2011.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "EXPRESS", APART FROM THE MARK AS SHOWN.

THE ENGLISH TRANSLATION OF "BARRIO FIESTA" IN THE MARK IS "NEIGHBORHOOD PARTY".

SER. NO. 85-243,004, FILED 2-15-2011.

DAWN FELDMAN, EXAMINING ATTORNEY

David J. Kappos

Director of the United States Patent and Trademark Office

REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION

WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.

Requirements in the First Ten Years*
What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.* *See* 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*
What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or reminder of these filing requirements.

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see http://www.wipo.int/madrid/en/.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at http://www.uspto.gov.

EXHIBIT 4

State of California
March Fong Eu
Secretary of State

REGISTRATION OF TRADEMARK OR SERVICE MARK

Pursuant to Business and Professions Code Section 14230.

NOTICE: READ ACCOMPANYING INSTRUCTIONS BEFORE COMPLETING THIS FORM

REGISTRATION APPLICATION FOR

☒ TRADEMARK ☐ SERVICEMARK

1. APPLICANT NAME

Bonifacio Ongpauco, Jr.

2. STREET ADDRESS 29 Christine, Parkway Subdivision San Francisco del Monte | 3. CITY AND STATE Quezon City, Phils. | 4. ZIP CODE

5. BUSINESS STRUCTURE (CHECK ONE)

☐ LIMITED PARTNERSHIP ☒ SOLE PROPRIETOR

☐ UNINCORPORATED ASSOCIATION ☐ CORPORATION

☐ HUSBAND AND WIFE, AS COMMUNITY PROPERTY ☐ GENERAL PARTNERSHIP

☐ OTHER (DESCRIBE)

6. NAMES OF THE GENERAL PARTNERS, IF APPLICANT IS A PARTNERSHIP

N/A

7. STATE OF INCORPORATION, IF A CORPORATION

N/A

8. NAME AND/OR DESCRIPTION OF MARK (FOR DESIGN PROVIDE A BRIEF WRITTEN DESCRIPTION THAT CAN BE PICTURED IN THE MIND WITHOUT REFERENCE TO THE SPECIMEN.)

BARRIO FIESTA (Translation: Town Feast)

DISCLAIMER (IF APPLICABLE) NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE THE TERM:

9. DATE THE MARK WAS FIRST USED IN CALIFORNIA

March, 1988

DATE THE MARK WAS FIRST USED ANYWHERE

March, 1988

10. THE SPECIFIC GOODS OR SERVICES WITH WHICH THE MARK IS USED:

Meat, fish, poultry, meat extracts, preserved and dried fish and other food products

11. CLASS NUMBER 29, 46 (ONE CLASSIFICATION NUMBER ONLY)

12. RETURN ACKNOWLEDGMENT TO: (TYPE OR PRINT)

NAME
ADDRESS
CITY
STATE
ZIP CODE

Rolando N. Velasco, Esq.
Domingo & Domingo
3600 Wilshire Blvd., Ste. 2132
Los Angeles, CA 90010

SOC/STATE LP/TM 101 (Rev. 01-89) FILING FEE: $60.00

THIS SPACE FOR FILING OFFICER USE

TRADE/SERVICE MARK

REG. NO. 097662

CLASS NO. 46

FILED

In the office of the Secretary of State of the State of California

JUN 14 1993

March Fong Eu

MARCH FONG EU, Secretary of State

13. THE MARK HAS PREVIOUSLY BEEN USED, AND IS NOW BEING USED IN THE STATE OF CALIFORNIA IN THE FOLLOWING MANNER:

FOR TRADEMARKS ONLY

- [X] ON LABELS AND TAGS AFFIXED TO THE GOODS.
- [ ] ON LABELS AND TAGS AFFIXED TO CONTAINERS OF THE GOODS.
- [ ] BY PRINTING IT DIRECTLY ONTO THE GOODS.
- [ ] BY PRINTING IT DIRECTLY ONTO THE CONTAINERS FOR THE GOODS.
- [ ] OTHER _____

FOR SERVICE MARKS ONLY

- [ ] ON BUSINESS SIGNS.
- [ ] ON ADVERTISING BROCHURES.
- [ ] ON ADVERTISING LEAFLETS.
- [ ] ON BUSINESS CARDS.
- [ ] ON LETTERHEADS.
- [ ] ON MENUS.
- [ ] OTHER _____

14. ENCLOSED AS SPECIMENS ARE: (MUST NOT BE LARGER THAN 8 1/2" X 11")

FOR TRADEMARKS ONLY

- [X] THREE IDENTICAL ACTUAL LABELS.
- [ ] THREE IDENTICAL ACTUAL TAGS.
- [ ] THREE IDENTICAL PHOTOGRAPHS OF THE GOODS/ CONTAINERS SHOWING THE TRADEMARK.
- [ ] THREE ENTIRE FRONT PANELS OF A PAPER CONTAINER BEARING THE TRADEMARK.
- [ ] OTHER _____

FOR SERVICE MARKS ONLY

- [ ] THREE IDENTICAL BUSINESS CARDS.
- [ ] THREE IDENTICAL ADVERTISING BROCHURES.
- [ ] THREE ADVERTISING LEAFLETS.
- [ ] THREE SHEETS LETTERHEAD.
- [ ] THREE MENUS, SHOWING THE MARK.
- [ ] THREE IDENTICAL PHOTOGRAPHS SHOWING THE MARK
- [ ] OTHER _____

DECLARATION OF OWNERSHIP

APPLICANT HEREWITH DECLARES THAT HE/SHE HAS READ THE ABOVE AND FOREGOING APPLICATION AND KNOWS THE CONTENTS THEREOF AND THAT THE FACTS SET OUT HEREIN ARE TRUE AND CORRECT AND THAT THE THREE SPECIMENS OF THE MARK SUBMITTED ARE TRUE AND CORRECT, AND TO HIS/HER BEST KNOWLEDGE AND BELIEF NO OTHER PERSON, FIRM, CORPORATION, UNION OR ASSOCIATION HAS THE RIGHT TO USE SAID MARK IN THIS STATE, EITHER IN IDENTICAL FORM OR IN SUCH NEAR RESEMBLANCE THERETO AS MIGHT BE CALCULATED TO DECEIVE OR CONFUSE.

15. NAME OF CORPORATION/PARTNERSHIP (IF APPLICABLE)

16. SIGNATURE OF APPLICANT ▶	DATE: November 25, 1992
17. TYPE OR PRINT NAME OF APPLICANT: Bonifacio Ongpauco, Jr.	IF PARTNER OR CORPORATE OFFICER, MUST INCLUDE TITLE

TYPE OR PRINT THE NAME AND ADDRESS OF THE PERSON OR FIRM TO RECEIVE THE ACKNOWLEDGMENT OF THE FILING.
SEND THE SIGNED APPLICATION WITH ORIGINAL SIGNATURE(S) TO THE SECRETARY OF STATE, TRADEMARK UNIT, 923 - 12TH STREET, SUITE 201, SACRAMENTO, CA 95814, WITH THE $50 FILING FEE.


ATED CORN
LIC, SUGAR,
AND
Barrio
FIESTA

I hereby certify that the foregoing transcript of 23 page(s) is a full, true and correct copy of the original record in the custody of the California Secretary of State's office.

MAY 06 2016

Date: _____

ALEX PADILLA, Secretary of State

EXHIBIT 5

PTO Form 1478 (Rev 9/2006)
OMB No. 0651-0009 (Exp 02/28/2018)

Trademark/Service Mark Application, Principal Register

Serial Number: 86528183
Filing Date: 02/09/2015

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86528183
MARK INFORMATION	
***MARK**	BARRIO FIESTA
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	BARRIO FIESTA
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
***OWNER OF MARK**	Barrio Fiesta Manufacturing Corporation
***STREET**	Re30 T. Santiago Street, Canumay West
***CITY**	Valenzuela City, MMla
***COUNTRY**	Philippines
LEGAL ENTITY INFORMATION	
TYPE	corporation
STATE/COUNTRY OF INCORPORATION	Philippines
GOODS AND/OR SERVICES AND BASIS INFORMATION	
INTERNATIONAL CLASS	029
***IDENTIFICATION**	meat, fish, poultry, and game; meat extracts; preserved, frozen, dried and cooked fruits and vegetables; jellies, jams, compotes; eggs, milk; milk products, namely, ice cream, ice milk and frozen yogurt; edible oils and fats; confectionery, namely, non-dairy based mix for making whipped topping
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 10/00/1999
FIRST USE IN COMMERCE DATE	At least as early as 10/00/1999
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT16\IMAGEOUT 16\865\281\86528183\xml1\RFA0003.JPG
	\\TICRS\EXPORT16\IMAGEOUT 16\865\281\86528183\xml1\RFA0004.JPG
SPECIMEN DESCRIPTION	product label
INTERNATIONAL CLASS	030

*IDENTIFICATION	meal flavorings and powdered meal mixes; salt; mustards; vinegars; condiments, namely, vinegars, sauces and dips; spices;
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 04/00/2013
FIRST USE IN COMMERCE DATE	At least as early as 04/00/2013
SPECIMEN FILE NAME(S)	
JPG FILE(S)	\\TICRS\EXPORT16\IMAGEOUT 16\865\281\86528183\xml1\ RFA0006.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\865\281\86528183\xml1\RFA0007.JPG
ORIGINAL PDF FILE	SPE010-6320917811-20150123080740123602_._USA-BF_New_Logo-_DAU_for_Class_30.pdf
CONVERTED PDF FILE(S) (1 page)	\\TICRS\EXPORT16\IMAGEOUT16\865\281\86528183\xml1\RFA0005.JPG
SPECIMEN DESCRIPTION	product packaging
ATTORNEY INFORMATION	
NAME	Patricia Smink Rogowski
ATTORNEY DOCKET NUMBER	688303.0002
FIRM NAME	Panitch Schwarze Belisario & Nadel LLP
STREET	2005 Market Street, Suite 2200
CITY	Philadelphia
STATE	Pennsylvania
COUNTRY	United States
ZIP/POSTAL CODE	19103
PHONE	215-965-1330
FAX	215-965-1331
EMAIL ADDRESS	usptotm@panitchlaw.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
OTHER APPOINTED ATTORNEY	Tamika Crawl-Bey and Jefferson Cheatham
DOMESTIC REPRESENTATIVE INFORMATION	
NAME	Patricia Smink Rogowski
FIRM NAME	Panitch Schwarze Belisario & Nadel LLP
STREET	2005 Market Street, Suite 2200
CITY	Philadelphia
STATE	Pennsylvania
COUNTRY	United States
ZIP CODE	19103
PHONE	215-965-1330
FAX	215-965-1331
EMAIL ADDRESS	usptotm@panitchlaw.com

AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
CORRESPONDENCE INFORMATION	
NAME	Patricia Smink Rogowski
FIRM NAME	Panitch Schwarze Belisario & Nadel LLP
STREET	2005 Market Street, Suite 2200
CITY	Philadelphia
STATE	Pennsylvania
COUNTRY	United States
ZIP/POSTAL CODE	19103
PHONE	215-965-1330
FAX	215-965-1331
*EMAIL ADDRESS	usptotm@panitchlaw.com;progowski@panitchlaw.com
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
APPLICATION FILING OPTION	TEAS RF
NUMBER OF CLASSES	2
FEE PER CLASS	275
*TOTAL FEE DUE	550
*TOTAL FEE PAID	550
SIGNATURE INFORMATION	
ORIGINAL PDF FILE	hw_6320917811-080204717_._00703928.PDF
CONVERTED PDF FILE(S) (3 pages)	\\TICRS\EXPORT16\IMAGEOUT16\865\281\86528183\xml1\RFA0008.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\865\281\86528183\xml1\RFA0009.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\865\281\86528183\xml1\RFA0010.JPG
SIGNATORY'S NAME	/Rolando B. Hortaleza, M.D.
SIGNATORY'S POSITION	Authorized Signatory for Barrio Fiesta Manufacturing Corporation
SIGNATORY'S PHONE NUMBER	215-965-1330

PTO Form 1478 (Rev 9/2006)
OMB No. 0651-0009 (Exp 02/28/2018)

Trademark/Service Mark Application, Principal Register

Serial Number: 86528183
Filing Date: 02/09/2015

To the Commissioner for Trademarks:

MARK: BARRIO FIESTA (Standard Characters, see mark)
The literal element of the mark consists of BARRIO FIESTA.
The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Barrio Fiesta Manufacturing Corporation, a corporation of Philippines, having an address of
Re30 T. Santiago Street, Canumay West
Valenzuela City, MMla
Philippines

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 029: meat, fish, poultry, and game; meat extracts; preserved, frozen, dried and cooked fruits and vegetables; jellies, jams, compotes; eggs, milk; milk products, namely, ice cream, ice milk and frozen yogurt; edible oils and fats; confectionery, namely, non-dairy based mix for making whipped topping

In International Class 029, the mark was first used by the applicant or the applicant's related company or licensee or predecessor in interest at least as early as 10/00/1999, and first used in commerce at least as early as 10/00/1999, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, consisting of a(n) product label.
Specimen File1
Specimen File2

International Class 030: meal flavorings and powdered meal mixes; salt; mustards; vinegars; condiments, namely, vinegars, sauces and dips; spices;

In International Class 030, the mark was first used by the applicant or the applicant's related company or licensee or predecessor in interest at least as early as 04/00/2013, and first used in commerce at least as early as 04/00/2013, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, consisting of a(n) product packaging.
JPG file(s):
Specimen File1
Specimen File2
Original PDF file:
SPE010-6320917811-20150123080740123602_._USA-BF_New_Logo-_DAU_for_Class_30.pdf
Converted PDF file(s) (1 page)
Specimen File1

The applicant's current Attorney Information:
Patricia Smink Rogowski and Tamika Crawl-Bey and Jefferson Cheatham of Panitch Schwarze Belisario & Nadel LLP
2005 Market Street, Suite 2200
Philadelphia, Pennsylvania 19103
United States
The attorney docket/reference number is 688303.0002.

The applicant hereby appoints Patricia Smink Rogowski of Panitch Schwarze Belisario & Nadel LLP
2005 Market Street, Suite 2200
Philadelphia Pennsylvania 19103

United States

as applicant's representative upon whom notice or process in the proceedings affecting the mark may be served.
The applicant's current Correspondence Information:

Patricia Smink Rogowski

Panitch Schwarze Belisario & Nadel LLP

2005 Market Street, Suite 2200

Philadelphia, Pennsylvania 19103

215-965-1330(phone)

215-965-1331(fax)

usptotm@panitchlaw.com;progowski@panitchlaw.com (authorized)

E-mail Authorization: I authorize the USPTO to send e-mail correspondence concerning the application to the applicant or applicant's attorney at the e-mail address provided above. I understand that a valid e-mail address must be maintained and that the applicant or the applicant's attorney must file the relevant subsequent application-related submissions via the Trademark Electronic Application System (TEAS). Failure to do so will result in an additional processing fee of $50 per international class of goods/services.

A fee payment in the amount of $550 has been submitted with the application, representing payment for 2 class(es).

Declaration

The signatory believes that: if the applicant is filing the application under 15 U.S.C. Section 1051(a), the applicant is the owner of the trademark/service mark sought to be registered; the applicant or the applicant's related company or licensee is using the mark in commerce on or in connection with the goods/services in the application, and such use by the applicant's related company or licensee inures to the benefit of the applicant; the specimen(s) shows the mark as used on or in connection with the goods/services in the application; and/or if the applicant filed an application under 15 U.S.C. Section 1051(b), Section 1126(d), and/or Section 1126(e), the applicant is entitled to use the mark in commerce; the applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the goods/services in the application. The signatory believes that to the best of the signatory's knowledge and belief, no other person has the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion or mistake, or to deceive. The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of the application or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Declaration Signature

Signature: Not Provided Date: Not Provided
Signatory's Name: /Rolando B. Hortaleza, M.D.
Signatory's Position: Authorized Signatory for Barrio Fiesta Manufacturing Corporation
RAM Sale Number: 86528183
RAM Accounting Date: 02/09/2015

Serial Number: 86528183
Internet Transmission Date: Mon Feb 09 08:08:26 EST 2015
TEAS Stamp: USPTO/BAS-XX.XXX.XXX.XX-2015020908082673
3301-86528183-530b442ade12c4ffa78b7d9b9d
a87d53119cc5aace4b39b6f696c726430a441a-C
C-8492-20150209080204717546

BARRIO FIESTA

A quality product of
Produit de qualité de:

splash foods corporation

5/F W High Street Building, 11th Avenue Corner 28th Street, Bonifacio Global City, Philippines 1634

SPLASH FOODS HOTLINE
P.O. Box 1126 Q.C. Central PO
Tel. No. (632) 491-7737
email: customerv@splashfoods.com.ph

FOR EXPORT MARKET ONLY

LOT CODE/NUMÉRO DE LOT:
BEST BEFORE/CONSOMMER AVANT:

NOTE: White spots due to recrystallization of salt and sugar may appear during atmospheric changes. This does not change the quality of the product.

NOTE: Des résidus blancs peuvent apparaître durant les changements atmosphériques ou lors de la recristallisation du sel et du sucre. Cela ne change en rien a la qualité du produit.

HACCP CERTIFIED

Refrigerate after opening.
Réfrigérer une fois ouvert.

7 37552 87047 7

EXPORT QUALITY

Barrio FIESTA

Sautéed Shrimp Paste

Pâte de Crevettes Rissolée

Sweet/Douce

Net Wt. 500g (17.6oz)

Nutrition Facts

Serving Size 1tbsp (15g)
Servings per container about 33

Amount Per Serving	
Calories 45	Calories from Fat 30
	% Daily Value*
Total Fat 3g	5%
Saturated Fat 0g	1%
Trans Fat 0g	
Cholesterol less than 5mg	2%
Sodium 380mg	16%
Total Carbohydrate 3g	1%
Dietary Fiber 0g	0%
Sugars 2g	
Protein 2g	
Vitamin A 0% •	Vitamin C 0%
Calcium 25% •	Iron 6%

* Percent Daily Values are based on a 2,000 calorie diet. Your daily values may be higher or lower depending on your calorie needs.

	Calories:	2,000	2,500
Total Fat	Less than	65g	80g
Saturated Fat	Less than	20g	25g
Cholesterol	Less than	300mg	300mg
Sodium	Less than	2,400mg	2,400mg
Total Carbohydrate		300g	375g
Dietary Fiber		25g	30g

Calories per gram:
Fat 9 • Carbohydrate 4 • Protein 4

INGREDIENTS: Salted shrimp fry, Corn oil, Vinegar, Sugar, Onion, Garlic and Monosodium Glutamate

Contains: Shrimp

INGREDIENTS: Crevette Fermentées Salees, Huile de mais, Vinaigre, Sucre, Oignon, Ail et Glutamate Monosodique

PRODUCT OF THE PHILIPPINES
PRODUIT DES PHILIPPINES

Manufactured by
Fabriqué par:

Barrio Fiesta Manufacturing Corporation
L-2 B-3 Grand Industrial Estate
Subdivision, Parulan, Plaridel
Bulacan, Philippines 3004

3 V

HALAL IDCP

HALAL CERTIFIED
Fatwa No.: F-003-01


New Look
same great taste!
Regular
Barrio FIESTA
Bagoong
(Sautéed Shrimp Paste)
Net Wt. 250g (8.8 oz)
NO EXTENDERS


Kare
uce Mix
Barrio Fiesta
All-Around Gata
Coconut Milk Powder Mix
Net Wt. 40g (1.41oz)
Serving Suggestion
Barrio Fiesta
Afritada
Meat Stew Mix


Barrio FIESTA
EXPORT QUALITY
Tubasuk
SPICED NATURAL COCONUT VINEGAR
HOT & SPICY
Shake well before using
Barrio FIESTA
EXPORT QUALITY
Tubasuk
SPICED NATURAL COCONUT VINEGAR
SWEET & SPICY
Barrio FIESTA
Tubasuk
SPICED NATURAL COCONUT VINEGAR
HOT & SPICY


Barrio FIESTA
EXPORT QUALITY
Tubasuk
SPICED NATURAL COCONUT VINEGAR
HOT & SPICY
Barrio FIESTA
EXPORT QUALITY
Tubasuk
SPICED NATURAL COCONUT VINEGAR
SWEET & SPICY
Barrio FIESTA
Tubasuk
SPICED NATURAL COCONUT VINEG

PTO Form 1478 (Rev 09/2006)
OMB No. 0651-0009 (Exp 12/31/2014)

Trademark/Service Mark Application, Principal Register
Handwritten Signature

To the Commissioner for Trademarks:

MARK: BARRIO FIESTA (Standard Characters, see mark)
The literal element of the mark consists of BARRIO FIESTA.
The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Barrio Fiesta Manufacturing Corporation, a corporation of Philippines, having an address of

Re30 T. Santiago Street, Canumay West
Valenzuela City, MMla
Philippines

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 029: meat, fish, poultry, and game; meat extracts; preserved, frozen, dried and cooked fruits and vegetables; jellies, jams, compotes; eggs, milk; milk products, namely, ice cream, ice milk and frozen yogurt; edible oils and fats; confectionery, namely, non-dairy based mix for making whipped topping

In International Class 029, the mark was first used by the applicant or the applicant's related company or licensee or predecessor in interest at least as early as 10/00/1999, and first used in commerce at least as early as 10/00/1999, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) product label.
Specimen-1 [SPE010-6320917811-20150123080740123602_._BF-SSP-Sweet_CO_.500g-DAU6-Class_29.jpg]

International Class 030: meal flavorings and powdered meal mixes; salt; mustards; vinegars; condiments, namely, vinegars, sauces and dips; spices;

In International Class 030, the mark was first used by the applicant or the applicant's related company or licensee or predecessor in interest at least as early as 04/00/2013, and first used in commerce at least as early as 04/00/2013, and is now in use in such commerce. The applicant is

submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) product packaging. Specimen-1 [SPE010-6320917811-20150123080740123602_._USA-BF_New_Logo-_DAU_for_Class_30.pdf]

The applicant's current Attorney Information:
Patricia Smink Rogowski and Tamika Crawl-Bey and Jefferson Cheatham of Panitch Schwarze Belisario & Nadel LLP
2005 Market Street, Suite 2200
Philadelphia, Pennsylvania 19103
United States
The attorney docket/reference number is 688303.0002.

The applicant hereby appoints Patricia Smink Rogowski of Panitch Schwarze Belisario & Nadel LLP
2005 Market Street, Suite 2200
Philadelphia Pennsylvania 19103
United States
as applicant's representative upon whom notice or process in the proceedings affecting the mark may be served.

The applicant's current Correspondence Information:
Patricia Smink Rogowski
Panitch Schwarze Belisario & Nadel LLP
2005 Market Street, Suite 2200
Philadelphia, Pennsylvania 19103
215-965-1330(phone)
215-965-1331(fax)
usptotm@panitchlaw.com;progowski@panitchlaw.com (authorized)
E-mail Authorization: I authorize the USPTO to send e-mail correspondence concerning the application to the applicant or applicant's attorney at the e-mail address provided below. I understand that a valid e-mail address must be maintained and that the applicant or the applicant's attorney must file the relevant subsequent application-related submissions via the Trademark Electronic Application System (TEAS). Failure to do so will result in an additional processing fee of $50 per international class of goods and/or services.

A fee payment in the amount of $550 will be submitted with the application, representing payment for 2 class(es).

Declaration

The signatory believes that: if the applicant is filing the application under 15 U.S.C. Section 1051(a), the applicant is the owner of the trademark/service mark sought to be registered; the applicant or the applicant's related company or licensee is using the mark in commerce on or in connection with the goods/services in the application, and such use by the applicant's related company or licensee inures to the benefit of the applicant; the specimen(s) shows the mark as used on or in connection with the goods/services in the application; and/or if the applicant filed an application under 15 U.S.C. Section 1051(b), Section 1126(d), and/or Section 1126(e), the applicant is entitled to use the mark in commerce; the applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the goods/services in the application. The signatory believes that to the best of the signatory's knowledge and belief, no other person has the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion or mistake, or to deceive. The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of the application or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Signature Section:

Signature:_____
Signatory's Name: / ROLANDO B. HORTALEZA, M.D.
Signatory's Position: Authorized Signatory for Barrio Fiesta Manufacturing Corporation
Signatory's Phone Number: 215-965-1330

Date Signed:_____

EXHIBIT 6

To:	Barrio Fiesta Manufacturing Corporation (usptotm@panitchlaw.com)
Subject:	U.S. TRADEMARK APPLICATION NO. 86528183 - BARRIO FIESTA - 688303.0002
Sent:	11/28/2015 2:01:40 PM
Sent As:	ECOM112@USPTO.GOV
Attachments:	

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION

U.S. APPLICATION SERIAL NO. 86528183

MARK: BARRIO FIESTA

86528183

CORRESPONDENT ADDRESS:
PATRICIA SMINK ROGOWSKI
PANITCH SCHWARZE BELISARIO & NADEL LLP
2005 MARKET ST STE 2200
PHILADELPHIA, PA 19103-7086

GENERAL TRADEMARK INFORMATION:
http://www.uspto.gov/trademarks/index.jsp

VIEW YOUR APPLICATION FILE

APPLICANT: Barrio Fiesta Manufacturing Corporation

CORRESPONDENT'S REFERENCE/DOCKET NO :
688303.0002
CORRESPONDENT E-MAIL ADDRESS:
usptotm@panitchlaw.com

SUSPENSION NOTICE: NO RESPONSE NEEDED

ISSUE/MAILING DATE: 11/28/2015

The trademark examining attorney is suspending action on the application for the reason stated below. *See* 37 C.F.R. §2.67; TMEP §§716 *et seq.*

The effective filing date of the pending application(s) identified below precedes the filing date of applicant's application. If the mark in the referenced application(s) registers, applicant's mark may be refused registration under Section 2(d) because of a likelihood of confusion with that registered mark(s). *See* 15 U.S.C. §1052(d); 37 C.F.R. §2.83; TMEP §§1208 *et seq.* Therefore, action on this application is suspended until the earlier-filed referenced application(s) is either registered or abandoned. 37 C.F.R. §2.83(c). A copy of information relevant to this referenced application(s) was sent previously.

- Application Serial No(s). 85951658 and 86490510

The USPTO will periodically conduct a status check of the application to determine whether suspension remains appropriate, and the trademark examining attorney will issue as needed an inquiry letter to applicant regarding the status of the matter on which suspension is based. TMEP §§716.04, 716.05. Applicant will be notified when suspension is no longer appropriate. *See* TMEP §716.04.

No response to this notice is necessary; however, if applicant wants to respond, applicant should use the "Response to Suspension Inquiry or Letter of Suspension" form online at http://teasroa.uspto.gov/rsi/rsi.

Applicant's request to suspend based on pending litigation is denied because applicant is not a party to the litigation, and the outcome of the litigation will have no impact on applicant's ability to register its mark.

The following refusal is continued and maintained:

Section 2(d) Refusal—Likelihood of Confusion
Registration of the applied-for mark is refused because of a likelihood of confusion with the mark in U.S. Registration No. 4034365. Trademark

Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* See the previously attached registration.

Contacting the Examining Attorney

If applicant has any questions concerning the above action, it is encouraged to contact the examining attorney at the number listed below.

/DETJr/
David E. Tooley, Jr.
Trademark Examining Attorney
Law Office 112
571-272-8206
david.tooley@uspto.gov

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at http://tsdr.uspto.gov/. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at TrademarkAssistanceCenter@uspto.gov or call 1-800-786-9199. For more information on checking status, see http://www.uspto.gov/trademarks/process/status/.

TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS: Use the Trademark Electronic Application System (TEAS) form at http://www.uspto.gov/trademarks/teas/correspondence.jsp.

To:	Barrio Fiesta Manufacturing Corporation (usptotm@panitchlaw.com)
Subject:	U.S. TRADEMARK APPLICATION NO. 86528183 - BARRIO FIESTA - 688303.0002
Sent:	11/28/2015 2:01:40 PM
Sent As:	ECOM112@USPTO.GOV
Attachments:	

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

IMPORTANT NOTICE REGARDING YOUR U.S. TRADEMARK APPLICATION

USPTO OFFICE ACTION (OFFICIAL LETTER) HAS ISSUED
ON **11/28/2015** FOR U.S. APPLICATION SERIAL NO.86528183

Please follow the instructions below:

(1) TO READ THE LETTER: Click on this link or go to http://tsdr.uspto.gov/, enter the U.S. application serial number, and click on "Documents."

The Office action may not be immediately viewable, to allow for necessary system updates of the application, but will be available within 24 hours of this e-mail notification.

(2) QUESTIONS: For questions about the contents of the Office action itself, please contact the assigned trademark examining attorney. For *technical* assistance in accessing or viewing the Office action in the Trademark Status and Document Retrieval (TSDR) system, please e-mail TSDR@uspto.gov.

WARNING

PRIVATE COMPANY SOLICITATIONS REGARDING YOUR APPLICATION: Private companies **not** associated with the USPTO are using information provided in trademark applications to mail or e-mail trademark-related solicitations. These companies often use names that closely resemble the USPTO and their solicitations may look like an official government document. Many solicitations require that you pay "fees."

Please carefully review all correspondence you receive regarding this application to make sure that you are responding to an official document from the USPTO rather than a private company solicitation. All official USPTO correspondence will be mailed only from the "United States Patent and Trademark Office" in Alexandria, VA; or sent by e-mail from the domain "@uspto.gov." For more information on how to handle private company solicitations, see http://www.uspto.gov/trademarks/solicitation_warnings.jsp.

PROOF OF SERVICE

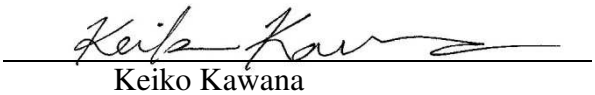
I hereby certify that a true and complete copy of the foregoing document:

PETITIONER BARRIO FIESTA MANUFACTURING CORPORATION'S REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT

has been served on Registrants by mailing said copy on date set forth below via Priority United States Mail, postage prepaid, to:

James Cai, Esq.
SAC Attorneys LLP
111 North Market Street, Suite 1020
San Jose, California 95113

Executed on March 10, 2017 at Los Angeles, California.



Keiko Kawana