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Filing date: **08/10/2016**

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

Proceeding	92063668
Party	Plaintiff Barrio Fiesta Manufacturing Corporation
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Date	08/10/2016
Attachments	2016-08-10 BFMC Stipulation to Use Evidence_FINAL w sigs.pdf(141865 bytes)

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

15 BARRIO FIESTA MANUFACTURING
16 CORPORATION,

17 Petitioner,

18 v.

19 JUNE FRANCIS RONO, ASHLEY KRISTEN
20 C. RONO AND JUSTIN CHRISTIAN C.
RONO,

21 Registrants.

Cancellation No. 92063668

STIPULATION AND ORDER TO USE
EVIDENCE FROM FEDERAL COURT
ACTION

In the Matter of Registration No.
4,034,365

Mark: BARRIO FIESTA EXPRESS
Date Issued: October 4, 2011

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that Petitioner Barrio Fiesta Manufacturing Corporation
3 (“BFMC”), on the one hand, and Respondents June Francis Rono, Ashley Kristen C. Rono and
4 Justin Christian C. Rono (collectively “the Ronos”), on the other hand, by and through their
5 respective counsel of record, hereby stipulate that the Trademark Trial and Appeal Board of the
6 United States Patent and Trademark Office (“TTAB”) may enter the Stipulation and Order to Use
7 Evidence From A Federal Court Action (“Stipulation to Use Evidence From Federal Court Action”)
8 as set forth below:

9 **RECITALS**

10 A. WHEREAS, the Ronos are the owners of the registered trademark BARRIO
11 FIESTA EXPRESS (the “Mark”);

12 B. WHEREAS the Mark is the subject of a federal trademark infringement action
13 in the United States District Court, Northern District of California, Case Number 4:15-cv-02669,
14 filed June 12, 2015 by a corporation owned and controlled by June Francis Rono (the “Federal Court
15 Action”);

16 C. WHEREAS, the parties to the Federal Court Action conducted discovery
17 which resulted in the production of numerous documents and depositions concerning the Mark;

18 **STIPULATION**

19 WHEREFORE BFMC and the Ronos, by and through their counsel of record, hereby
20 agree and stipulate as follows:

21 1. BFMC and the Ronos will use the discovery taken and produced in the
22 Federal Court Action as if it were taken and produced in the instant cancellation proceeding before
23 TTAB (the “Cancellation Proceeding”);

24 2. BFMC and the Ronos enter into this Stipulation to promote efficiency and
25 avoid as much as possible duplicative efforts;

26 3. BFMC and the Ronos agree to attempt in good faith to avoid discovery that
27 was already completed in the Federal Court Action and agree to avoid conducting discovery that is
28 vexatious, harassing or burdensome;

1 4. BFMC and the Ronos agree to avoid propounding discovery duplicative of
2 that which was already taken and completed in the Federal Court Action;

3 5. This Stipulation to Use Evidence From Federal Court Action does not
4 preclude BFMC and the Ronos from conducting new and further discovery in the Cancellation
5 Proceeding, even if similar discovery was taken in the Federal Court Action;

6 6. This Stipulation to Use Evidence From Federal Court Action does not
7 preclude BFMC or the Ronos from objecting to the admissibility or authenticity of any discovery.

8 This Stipulation to Use Evidence From Federal Court Action may be executed in
9 counterparts.

10 DATED: August 10, 2016

THE AVANZADO LAW FIRM

11
12
13 By: 
14

Melvin N.A. Avanzado

Attorneys for Petitioner Barrio Fiesta
Manufacturing Corporation

16 DATED: August 10, 2016

SAC ATTORNEYS LLP

18
19 By: /s/ James Cai

James Cai

Marc Guèdenet

Attorneys for Respondents June Francis Rono, Ashley
Kristen C. Rono and Justin Christian C. Rono

22 **ORDER**

23 **GOOD CAUSE APPEARING**, the Trademark Trial and Appellate Board of the United
24 States Patent and Trademark Office hereby approves this Stipulation to Use Evidence From Federal
25 Court Action.

26 **IT IS SO ORDERED.**

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28 DATED: _____

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PROOF OF SERVICE

STATE OF CALIFORNIA, CITY AND COUNTY OF LOS ANGELES

I am employed in the City and County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is: 1880 Century Park East, Suite 1100, Los Angeles, California 90067.

I hereby certify that a true and correct copy of the foregoing Stipulation to Use Evidence From Federal Court Action filed by Petitioner Barrio Fiesta Manufacturing Corporation has been served on

June Francis Rono
Ashley Kirsten C. Rono
Justin Christian C. Rono

By mailing said copy on May 5, 2016, via First Class Mail, postage prepaid to:

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

Signature 

Date August 10, 2016