

ESTTA Tracking number: **ESTTA806561**

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

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

Proceeding	92063674
Party	Plaintiff Consueloongpauco-Cauton
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 Exh 3 II-MM to Avanzado Decl - Cauton.pdf(3562387 bytes)

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

CONSUELO ONGPAUCO-CAUTON,

Petitioner,

v.

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

Registrants.

Cancellation No. 92063674

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; Request for Judicial
Notice; Declaration of Melvin N.A. Avanzado filed
concurrently herewith]*

EXHIBITS II THROUGH MM OF EXHIBIT 3 TO
DECLARATION OF MELVIN N.A. AVANZADO

EXHIBIT “II”

Trademark Trial and Appeal Board Electronic Filing System. <http://esta.uspto.gov>ESTTA Tracking number: **ESTTA547484**Filing date: **07/09/2013**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Petition for Cancellation**

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Consuelo Ongpauco Cauton		
Entity	Individual	Citizenship	PHILIPPINES
Address	10252 Hadley Avenue Northridge, CA 91324 UNITED STATES		

Attorney information	Thomas T. Chan Fox Rothschild LLP 1055 West 7th Street Suite 1880 Los Angeles, CA 90017 UNITED STATES ipdocket@foxrothschild.com, tchan@foxrothschild.com Phone: 2136246560
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Registration Subject to Cancellation

Registration No	1712454	Registration date	09/01/1992
Registrant	Barrio Fiesta International, Inc. PO Box 30159 WALNUT CREEK, CA 94598 UNITED STATES		

Goods/Services Subject to Cancellation

Class 042. First Use: 1990/08/01 First Use In Commerce: 1990/08/01
All goods and services in the class are cancelled, namely: restaurant services

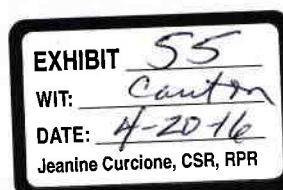
Grounds for Cancellation

<i>Torres v. Cantine Torresella S.r.l. Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)
Abandonment	Trademark Act section 14
The registration is being used by, or with the permission of, the registrant so as to misrepresent the source of the goods or services on or in connection with which the mark is used.	Trademark Act section 14

Attachments	Petition to Cancel.pdf(391575 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.



NF000039

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Signature	/Tina Wang/
Name	Tina Wang
Date	07/09/2013

NF000040

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

In the Matter of Trademark Registration No. 1,712,454
For the mark BF THE ORIGINAL BARRIO FIESTA OF MANILA and Design
Date Registered: September 1, 1992

CONSUELO ONGPAUCO CAUTON

Petitioner,

v.

BARRIO FIESTA INTERNATIONAL,
INC.

Registrant.

Cancellation No.

PETITION TO CANCEL

CONSUELO ONGPAUCO CAUTON ("Petitioner") is an individual having an address at 10252 Hadley Avenue, Northridge, California 91324. To the best of Petitioner's knowledge, BARRIO FIESTA INTERNATIONAL, INC. ("Registrant") is the current owner of Registration No. 1,712,454 for BF THE ORIGINAL BARRIO FIESTA OF MANILA and Design. Registrant is listed in the United States Patent and Trademark Office ("USPTO") Trademark Electronic Search System as a California corporation having its business address at P.O. Box 30159, Walnut Creek, California 94598.

Petitioner believes that it is and/or will be damaged by the above-identified registration, and hereby petitions to cancel same.

The grounds for cancellation are as follows:

1. Registrant obtained a registration for BF THE ORIGINAL BARRIO FIESTA OF MANILA and Design for "restaurant services[.]" in International Class 042. The registration

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was obtained pursuant to Section 1(a) of the Trademark Act with a first use in commerce date of August 1, 1990. The mark was registered on the Principal Register on September 1, 1992 under Registration No. 1,712,454.

2. Petitioner uses the mark THE ORIGINAL BARRIO FIESTA OF MANILA and Design for “Restaurant services[,]” in International Class 043. Petitioner has used this mark continuously since at least as early as August 15, 1987. An application for the registration of this mark was filed with the USPTO on June 5, 2013 under Application Serial No. 85/951,658. A printout of the status information for this application, downloaded from the USPTO Trademark Status and Document Retrieval system, is attached hereto as **Exhibit A**.

3. Petitioner uses the mark THE ORIGINAL BARRIO FIESTA OF MANILA for “Restaurant” services in International Class 042. Petitioner has used this mark continuously since at least as early as 1987 in California. This mark was registered with the State of California Secretary of State on October 3, 2001 under Registration No. 55,400. A copy of the State of California registration with the Secretary of State is attached hereto as **Exhibit B**.

4. Petitioner’s marks are symbolic of the good will and consumer recognition built up by Petitioner through time and effort in advertising and promotion.

5. Petitioner is the owner of the foregoing application and registered mark for THE ORIGINAL BARRIO FIESTA OF MANILA, Application Serial No. 85/951,658 and State Registration No. 55,400, respectively.

6. Petitioner has developed extensive goodwill with respect to Petitioner’s Marks.

7. Petitioner has spent significant sums in the advertisment and promotion of the services sold in connection with Petitioner’s Marks.

8. As a result of the advertisement and promotion of Petitioner's Marks, along with the high quality of the services sold in connection with Petitioner's Marks, Petitioner has acquired a valuable reputation for Petitioner's Marks.

9. Petitioner has been and will continue to be damaged by the issuance and existence of Registration No. 1,712,454 in that such registration is being used by, or with the permission of, the Registrant so as to misrepresent the source of the services on or in connection with which the mark is used.

10. Upon information and belief, Registrant has abandoned use of the BF THE ORIGINAL BARRIO FIESTA OF MANILA and Design mark in association with restaurant services by failing to use said mark for a period of three or more consecutive years, and/or by failing to use said mark for a period of less than three years coupled with an intent not to resume use of said mark in association with said services.

11. Upon information and belief, Registrant's BF THE ORIGINAL BARRIO FIESTA OF MANILA and Design mark has lost all capacity as a source indicator for Registrant's services.

12. On February 16, 2012, Petitioner's counsel mailed a letter to Registrant's counsel in response to the latter's January 13, 2012 cease and desist letter to Petitioner over the Barrio Fiesta Restaurant. The letter requested in pertinent part that Registrant provide credible evidence that it had used the BF THE ORIGINAL BARRIO FIESTA OF MANILA and Design mark continuously for the past five years. Petitioner's counsel, however, has not received a response from Registrant's counsel to date as to Registrant's continuous use of the BF THE ORIGINAL BARRIO FIESTA OF MANILA and Design mark.

13. Upon information and belief, Registrant does not have a website showing use of BF THE ORIGINAL BARRIO FIESTA OF MANILA and Design mark in association with restaurant services, as a result of Petitioner's counsel's exhaustive Internet search of Registrant and its mark conducted through Google on or about July 5, 2013.

14. Upon information and belief, Registrant committed fraud in connection with its renewal of Registration No. 1,712,454 in 2011 with the USPTO.

15. Upon information and belief, Registrant's counsel on behalf of Registrant knowingly made a false, material representation with the intent to deceive the USPTO in the renewal of Registration No. 1,712,454 on or about September 9, 2011 when Registrant's counsel signed Registrant's "Combined Declaration of Use and/or Excusable Nonuse/Application for Renewal of Registration of a Mark under Sections 8 & 9" under oath that Registrant's mark is in use in commerce on or in connection with all goods or services listed in the existing registration for this specific class (restaurant services), when said mark is not in such use with the listed services.

16. Upon information and belief, Registrant does not have a website showing use of BF THE ORIGINAL BARRIO FIESTA OF MANILA and Design mark in association with restaurant services, as a result of Petitioner's counsel's exhaustive Internet search of Registrant and its mark conducted through Google on or about July 5, 2013.

17. If Registrant is permitted to retain the registration sought to be cancelled, a cloud will be placed on Petitioner's title in and to Petitioner's Marks, and on its right to enjoy the free and exclusive use thereof in connection with the sale of its services, all to the great injury of Petitioner.

WHEREFORE, Petitioner prays that said Registration No. 1,712,454 be cancelled and that this Petition to Cancel be sustained in favor of Petitioner.

Petitioner hereby appoints Thomas T. Chan, Lisa A. Karczewski (Reg. No. 53,096), and Lena Bacani, attorneys of FOX ROTHSCHILD LLP, with offices at 1055 W. 7th Street, Suite 1880, Los Angeles, California 90017, as its attorneys to prosecute this cancellation proceeding and to transact all business in and before the United States Patent and Trademark Office in connection herewith.

Respectfully submitted,

FOX ROTHSCHILD LLP



Dated: July 9, 2013

By: _____

Thomas T. Chan
Lisa A. Karczewski
Attorneys for Petitioner
CONSUELO ONGPAUCO CAUTON

FOX ROTHSCHILD LLP
1055 W. 7th Street, Suite 1880
Los Angeles, CA 90017
Tel: (213) 624-6560
Fax: (310) 556-9828
E-mail: IPDocket@FoxRothschild.com

CERTIFICATE OF SERVICE

I hereby certify that on July 9, 2013, I served a true copy of the foregoing **PETITION TO CANCEL** upon Registrant via U.S. First Class mail, addressed as follows:

Barrio Fiesta International, Inc.
P.O. Box 30159
Walnut Creek, CA 94598

/Tina Wang/
Tina Wang
FOX ROTHSCHILD LLP
1055 W. Seventh Street, Suite 1880
Los Angeles, CA 90017
Tel: (213) 624-6560
Fax: (310) 556-9828
Email: twang@foxrothschild.com

EXHIBIT A

NF000047

Generated on: This page was generated by TSDR on 2013-07-05 16:13:08 EDT

Mark: THE ORIGINAL BARRIO FIESTA OF MANILA



US Serial Number: 85951658

Application Filing Date: Jun. 05, 2013

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Service Mark

Status: New application will be assigned to an examining attorney approximately 3 months after filing date.

Status Date: Jun. 14, 2013

Mark Information

Mark Literal Elements: THE ORIGINAL BARRIO FIESTA OF MANILA

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of a design of a pot, with a lid, over flames and the stylized words The Original Barrio Fiesta of Manila.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Translation: The English translation of Barrio Fiesta in the mark is Village Feast.

Design Search Code(s): 01.01.05 - Stars - one or more stars with seven or more points
 11.03.13 - Frying pans, non-electric; Pans, frying, non-electric; Pots, cooking; Sauce pans (non-electric); Skillets, non-electric;
 Cookers, pressure; Pressure cookers
 27.03.05 - Objects forming letters or numerals

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Restaurant services

International Class(es): 043 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 15, 1987

Use in Commerce: Aug. 15, 1987

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: CONSUELO ONGPAUCO CAUTON

Owner Address: 10252 HADLEY AVENUE
 NORTHridge, CALIFORNIA 91324
 UNITED STATES

Legal Entity Type: INDIVIDUAL

Citizenship: PHILIPPINES

Attorney/Correspondence Information

Attorney of Record

NF000048

Attorney Name: Thomas T. Chan
Attorney Primary Email Address: JPdocket@foxrothschild.com

Docket Number: 105624.00002
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: THOMAS T. CHAN
 FOX ROTHSCHILD LLP
 1055 W 7TH ST STE 1880
 LOS ANGELES, CALIFORNIA 90017-2529
 UNITED STATES

Phone: 213.624.6560

Fax: 310.556.9828

Correspondent e-mail: JPdocket@foxrothschild.com tchan@foxrothschild.com lkarczewski@foxrothschild.com jlubensky@foxrothschild.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jun. 15, 2013	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Jun. 14, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 08, 2013	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: NEW APPLICATION PROCESSING

Date in Location: Jun. 14, 2013

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EXHIBIT B

NF000050

State of California
Secretary of State

CERTIFICATE OF RENEWAL OF SERVICE MARK

I, *DEBRA BOWEN*, Secretary of State of the State of California, hereby certify:

Service Mark Reg. No.:	55400
Renewal No.:	8869
Name of Registrant:	Consuelo Ongpauco Cauton
Business Address:	818 N. Pacific Ave. #KLM, Glendale, Ca 91203
Date First Used in California:	1987
Date First Used Anywhere:	1959
Description of Service Mark:	THE ORIGINAL BARRIO FIESTA OF MANILA
Description of Services with which the Service Mark is Used:	Restaurant
Class Number(s):	42
Date of Registration:	October 3, 2001
Term of Registration Extends to and Includes:	October 2, 2016

In accordance with the application for renewal filed in this office, the Service Mark described above has been duly renewed.

IN WITNESS WHEREOF, I execute
this certificate and affix the Great
Seal of the State of California this
26th day of May 2011



Debra Bowen

DEBRA BOWEN
Secretary of State



State of California

Secretary of State

RENEWAL OF TRADEMARK OR SERVICE MARK

Pursuant to Business and Professions Code section 14217

IMPORTANT - Read instructions before completing this form.

RENEWAL APPLICATION FOR (Check One): <input type="checkbox"/> TRADEMARK <input checked="" type="checkbox"/> SERVICE MARK		
1. NAME OF OWNER OF MARK (REGISTRANT) <u>Consuelo Ongpaucio Cauton</u>		
2. BUSINESS ADDRESS OF REGISTRANT <u>818 N. Pacific Ave. # KLM</u>		
CITY <u>Glendale</u>	STATE <u>CA</u>	ZIP CODE <u>91203</u>
3. BUSINESS STRUCTURE OF REGISTRANT (Check One and Complete)		
<input type="checkbox"/> CORPORATION (State of Incorporation) _____ <input type="checkbox"/> LIMITED LIABILITY COMPANY (State of Organization) _____ <input type="checkbox"/> LIMITED PARTNERSHIP (State of Organization) _____ <input type="checkbox"/> GENERAL PARTNERSHIP (State of Organization) _____ <input checked="" type="checkbox"/> SOLE PROPRIETOR <input type="checkbox"/> SPOUSES, AS COMMUNITY PROPERTY <input type="checkbox"/> DOMESTIC PARTNERS, AS COMMUNITY PROPERTY <input type="checkbox"/> OTHER (Describe) _____		
4. NAMES OF GENERAL PARTNERS, IF REGISTRANT IS A PARTNERSHIP <u>N/A</u>		
5. NAME AND/OR DESCRIPTION OF TRADEMARK OR SERVICE MARK <u>The Original Barrio Fiesta of Manila (The English translation of the words "Barrio Fiesta" is town festival.)</u>		
6. TRADEMARK OR SERVICE MARK REGISTRATION NUMBER <u>055400</u>	7. DATE OF REGISTRATION <u>October 3, 2001</u>	
8. The mark has been and is still in use within the State of California by the registrant in the form and manner specified in the present registration. I certify under penalty of perjury under the laws of the state of California that the foregoing statement is true and correct. <u>May 16, 2011</u> DATE <u><i>Consuelo Ongpaucio Cauton</i></u> SIGNATURE OF AUTHORIZED PERSON <u>Consuelo Ongpaucio Cauton - Owner</u> TYPE OR PRINT NAME AND TITLE		
9. RETURN ACKNOWLEDGMENT TO: (Type or Print)		THIS SPACE FOR FILING OFFICER USE TRADEMARK OR SERVICE MARK REG. NO. <u>55400</u> RENEWAL NO. <u>8869</u> FILED in the office of the Secretary of State of the State of California MAY 26 2011
NAME <u>Consuelo Ongpaucio Cauton</u>		
ADDRESS <u>10252 Hadley Ave.</u>		
CITY/STATE/ZIP <u>Northridge, CA 91324</u>		

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TM X SM REG. NO. 55400 RENEWAL NO. 8869

Mabuhay!

The Original
Barrio FESTA
of Manila

Pesta is of Spanish origin meaning celebration, festivity, fun. It is the heritage of Filipino and Western cultures and represents the country's colonial past. The very heart of the Philippine life. Filipinos have every reason to celebrate occasions the festa way - from birthdays to graduations to weddings, Christmas, and especially on the Feast Days of countless Patron Saints.

Pesta is the words used to capture the spirit. It is a gathering of people sharing a few laughs. It is a beautiful table with an array of colorful and mouthwatering native delicacies. And most of all, it is the smile on your face after the sumptuous meal you have partaken and the good company you enjoyed. It is warm.

It is simply a way of life.

Welcome!

- Business Hours •
- Monday - Sunday
- 11 am - 10 pm

Our Location

4420 Eagle Rock Blvd., Los Angeles, CA 90041
323.259.5826 - 323.259.9011
barriofesta@yahoo.com
www.barriofestofmanila.com

15% Gratuity added for parties of 10 or more
© 2007 Barrio F. All Rights Reserved

Beverages


Small Cooled with Caramel Syrup	\$2.75
.....	\$2.55
.....	\$3.45
.....	\$3.45


Food

of the Americas Lemon-Lime Juice	\$3.45
.....	\$2.75
.....	\$2.68
.....	\$3.00
.....	\$1.75
.....	\$1.25
.....	\$1.50

Wine

.....	\$3.99
.....	\$3.99
..... BOTTLE \$18.00/ GLASS \$4.95	
..... BOTTLE \$25.00/ GLASS \$5.25	
..... BOTTLE \$30.00/ GLASS \$5.75	
..... BOTTLE \$18.00/ GLASS \$4.95	





NF000053

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500

DUNN

Mailed: April 12, 2015

Cancellation No. 92057510

Consuelo Ongpauco Cauton

v.

Barrio Fiesta International, Inc.

Before Bucher, Zervas, and Hightower, Administrative Trademark Judges:

By the Board:

This case comes up on Petitioner's motion, filed October 21, 2014, for judgment as a discovery sanction. The motion has been fully briefed.

On September 1, 1992, Reg. No. 1712454 issued to Barrio Fiesta International, Inc. for the mark for the mark shown at right for restaurant services.



On July 9, 2013, Consuelo Ongpauco Cauton filed a petition to cancel Registration No. 1712454 on the ground that the mark was abandoned, and Respondent committed fraud in its 2011 trademark maintenance filing with its averment of continued use. On August 26, 2013, Respondent filed an answer

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Cancellation No. 92057510

denying the salient allegations of the petition to cancel and pleading various affirmative defenses.

On February 7, 2014, Petitioner served discovery requests. On March 10, 2014, Respondent served objections to the number of interrogatories, and responses to the document requests and requests for admission, but produced no responsive documents. On March 21, 2014, Petitioner sent a discovery deficiencies letter to Respondent in which Petitioner withdrew a number of its interrogatories to meet Respondent's objection, and requested supplemental responses and document production. On March 28, 2014, Respondent stated the requested documents would be produced in the next few weeks. Thereafter, no documents having been received, Petitioner filed a motion to compel.

On August 25, 2014, the Board granted Petitioner's motion to compel, and ordered Respondent, within thirty days, to serve (i) written responses to Interrogatory Nos. 1-14, without objection; (ii) responsive documents or to provide supplemental written responses indicating no responsive documents exist pursuant to Request for Production Nos. 1-2, 6-11, 13, 15, 17- 23, 25-89, and 91-93; and (iii) responsive documents or to provide supplemental written responses indicating no responsive documents exist "to the extent that Petitioner seeks documents sufficient to show Reynaldo Ongpauco's, Cecilia Ongpauco's and Nelson Reyes' interest to registrant or companies related to registrant," pursuant to Request for Production Nos. 3-5. The order reset discovery to close December 19, 2014, and advised

Cancellation No. 92057510

Respondent that the failure to comply with the order could result in discovery sanctions.

There is no dispute that, as of the October 21, 2014 filing date of the motion for sanctions, almost four weeks after the Board's deadline for serving the compelled discovery responses, Respondent had not complied with the Board order. Respondent served neither the compelled responses, nor the compelled responsive documents. Petitioner contends that entry of judgment is appropriate because Respondent has delayed this proceeding, and has made Petitioner's attempts to obtain discovery "an expensive, damaging, and futile exercise," and Respondent's deleterious actions are now compounded by Respondent's deliberate disregard for the Board's order.

Respondent opposes entry of judgment, and submits the November 10, 2014 sworn statement of attorney Christopher Shiplett averring that, in the good faith belief that an imminent change of Respondent's ownership would change the discovery responses, and to avoid later supplementation of discovery responses, Attorney Shiplett withheld responses to the discovery requests until the change of Respondent's ownership was completed on November 7, 2014; that Respondent "was acting on the good faith advice of counsel," and that Respondent "is providing a full set of discovery responses, including prior and current ownership documents today, and is withholding no documents on grounds of objections."¹ Respondent contends

¹ Respondent's opposition uses a case title for this proceeding which lists Respondent as "101 Domain, Inc." in lieu of "Barrio Fiesta International, Inc." This is improper, as only the Board can order the substitution or joinder of parties to its proceedings. *See Life Zone Inc. v. Middleman Group Inc.*, 87 USPQ2d 1953, 1955 n.1 (TTAB 2008) (Board will not add or

Cancellation No. 92057510

that any prejudice to Petitioner caused by the delay could be remedied by an extension of discovery.

Petitioner filed a reply brief on its motion, including the November 24, 2014 declaration of attorney Albert Wu. The Wu declaration denies that Petitioner was served with any responses. More specifically, attorney Wu avers that as of November 24, 2014, the date the reply brief was filed, two months after the Board's deadline for serving compelled discovery responses and documents, Petitioner has yet to receive any documents or supplementary responses from Respondent.

Petitioner also argues that, despite the averment of "good faith" by counsel for Respondent, Respondent provides no explanation how the failure to produce responses to avoid later supplementation was permissible; how any necessary supplementation regarding the change in ownership would alter the necessity of providing the responses already ordered; or why, if Respondent believed supplementation would be burdensome and its alleged postponement was warranted by the change in ownership, it did not seek an extension or communicate with Petitioner in any way.

Finally, Petitioner submits website printouts indicating that the purported new owner of the subject registration is not a restaurant, but a business for registering

substitute an applicant as party to an opposition without motion and submission of either proof of name change or assignment, or proof of recordation of same with the USPTO). Notwithstanding counsel's statement that ownership of the subject registration has changed, no proof of assignment was submitted with the opposition or recorded with the USPTO Assignment Branch. Absent proof of the change, the owner of the mark at the time the petition to cancel was filed remains party defendant. Moreover, if proof of the ownership change had been submitted or recorded, the Board's general practice would be to join (and not substitute) the new owner of the mark, to facilitate discovery. See Trademark Trial and Appeal Board Manual of Procedure (TBMP) § 512 (2014).

Cancellation No. 92057510

domain names, and contends that Respondent's unilateral attempt to substitute the purported new owner of the registration as a party is a plain effort to avoid producing discovery entirely, and Respondent's prolonged waste of the time of Petitioner and the Board should end with entry of judgment as a discovery sanction.

Trademark Rule 2.120(g)(1) permits sanctions provided under Fed. R. Civ. P. 37(b)(2). Rule 37(b)(2) allows entry of a variety of sanctions including "dismissing the action or proceeding in whole or in part." Fed. R. Civ. P. 37(b)(2)(A)(v). "Moreover, the Board has the authority to control the disposition of cases, which necessarily includes the inherent power to enter sanctions." *Patagonia, Inc. v. Azzolini*, 109 USPQ2d 1859, 1861 n.8 (TTAB 2014) (citing *Carrini Inc. v. Carla Carini S.R.L.*, 57 USPQ2d 1067, 1071 (TTAB 2000)). Client and counsel share the duty to advance prosecution of the case before the Board, and counsel's failures are imputed to the party which counsel represents. See *CTRL Systems, Inc. v. Ultraphonics of North America*, 52 USPQ2d 1300, 1302 (TTAB 1999) (citing *Pioneer Inv. Servs. v. Brunswick Assocs. Ltd. Partnership*, 507 U.S. 380, 392 (1993) ("clients must be held accountable for the acts and omissions of their attorneys")). See also *Caymus Vineyards v. Caymus Medical Inc.*, 107 USPQ2d 1519, 1523 n. 5 (TTAB 2013); *DeLorme Publishing Co. v. Eartha's Inc.*, 60 USPQ2d 1222, 1223 n.3. (TTAB 2000); and *Gaylord Entertainment Co. v. Calvin Gilmore Productions Inc.*, 59 USPQ2d 1369, 1372 (TTAB 2000).

After careful consideration of the parties' arguments and explanations, and in light of Respondent's admission that it did not comply with the Board's September

Cancellation No. 92057510

deadline to produce the compelled discovery responses and documents; the paucity of convincing detail or corroborating evidence for Respondent's explanation for its failure to timely comply with the Board's order; Petitioner's sworn statement that Respondent has never complied with the Board's order; and the absence of any evidence that Respondent ever served Petitioner with any compelled responses, we conclude Respondent's conduct deserves sanction. Any sanction short of judgment would be futile and unfair to Petitioner. *See Benedict v. Super Bakery Inc.*, 665 F.3d 1263, 101 USPQ2d 1089, 1093 (Fed. Cir. 2011) ("The possession of a trademark registration places a routine obligation on the possessor to participate in reasonable procedures concerning rights or interests affected by that registration. ... The remedy of default judgment was within the Board's discretion in view of Mr. Benedict's repeated failures to comply with established and reasonable procedures orders."); *Patagonia, Inc.*, 109 USPQ2d at 1862 ("[G]iven the continuing nature of respondent's violations despite multiple prior admonitions from the Board, we conclude that any sanction short of judgment would be futile and unfair to petitioner, which brought this case well over a year ago and has been unable, despite diligent efforts, to move it forward, due to respondent's intransigence."); *MySpace Inc. v. Mitchell*, 91 USPQ2d 1060, 1061-62 (TTAB 2009) ("In view of our previous warning that we would enter judgment unless he complied with our order and his continued blatant non-compliance, the sanction of entry of judgment is now warranted.").

Cancellation No. 92057510

We have previously warned Respondent that it would be subject to sanctions if it did not comply with our order granting Petitioner's motion to compel. Therefore, and in view of the foregoing, Petitioner's motion for judgment as a discovery sanction is GRANTED.

Accordingly, judgment is entered against Respondent, the petition to cancel is granted, and Registration No. 1712454 will be cancelled in due course by the Commissioner for Trademarks.

EXHIBIT “JJ”

PTO Form 1478 (Rev 9/2006)
 OMB No. 0851-0009 (Exp 12/31/2011)

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 85243004

Filing Date: 02/15/2011

NOTE: Data fields with the * are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.

The table below presents the data as entered.

Input Field	Entered
TEAS Plus	YES
MARK INFORMATION	
*MARK	<u>Barrio Fiesta Express</u>
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	Barrio Fiesta Express
*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	Rono, Justin Christian C.
*STREET	1629 Wharton Road
*CITY	San Jose
*STATE (Required for U.S. applicants)	California
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	95132



PHONE	408-300-6630
FAX	888-887-4977
EMAIL ADDRESS	jfrono@gmail.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
LEGAL ENTITY INFORMATION	
*TYPE	INDIVIDUAL
* COUNTRY OF CITIZENSHIP	Armenia
APPLICANT INFORMATION	
*OWNER OF MARK	Rono, Ashley Kirsten C.
*STREET	1629 Wharton Road
*CITY	San Jose
*STATE (Required for U.S. applicants)	California
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	95132
PHONE	408-300-6630
FAX	888-887-4977
EMAIL ADDRESS	jfrono@gmail.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
LEGAL ENTITY INFORMATION	
*TYPE	INDIVIDUAL
* COUNTRY OF CITIZENSHIP	United States
GOODS AND/OR SERVICES AND BASIS INFORMATION	
*INTERNATIONAL CLASS	043
IDENTIFICATION	Fast-food restaurants
*FILING BASIS	SECTION 1(a)
FIRST USE	

ANYWHERE DATE	At least as early as 01/03/2011
FIRST USE IN COMMERCE DATE	At least as early as 01/03/2011
SPECIMEN FILE NAME(S)	
ORIGINAL PDF FILE	spec-1709154-173031025 . Menu PDF - Barrio Fiesta Express.pdf
CONVERTED PDF FILE(S) (2 pages)	\\TICRS\EXPORT11\IMAGEOUT11\852\430\85243004\xml1\FTK0003.JPG
	\\TICRS\EXPORT11\IMAGEOUT11\852\430\85243004\xml1\FTK0004.JPG
SPECIMEN DESCRIPTION	PDF version of Barrio Fiesta Express Food Menu for customers.
ADDITIONAL STATEMENTS SECTION	
*TRANSLATION (if applicable)	
*TRANSLITERATION (if applicable)	
*CLAIMED PRIOR REGISTRATION (if applicable)	
*CONSENT (NAME/LIKENESS) (if applicable)	
*CONCURRENT USE CLAIM (if applicable)	
MISCELLANEOUS STATEMENT	The nature of the relationship of the applicants is that of Joint Applicants.
CORRESPONDENCE INFORMATION	
*NAME	Rono, Justin Christian C.
*STREET	1629 Wharton Road
*CITY	San Jose
*STATE (Required for U.S. applicants)	California
*COUNTRY	United States
*ZIP/POSTAL CODE	95132
PHONE	408-300-6630
FAX	888-887-4977

*EMAIL ADDRESS	jfrono@gmail.com
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	1
FEE PER CLASS	275
*TOTAL FEE PAID	275
SIGNATURE INFORMATION	
* SIGNATURE	/Justin Christian C. Rono/
* SIGNATORY'S NAME	Justin Christian C. Rono
* SIGNATORY'S POSITION	Owner
* DATE SIGNED	02/15/2011
* SIGNATURE	/Ashley Kirsten C. Rono/
* SIGNATORY'S NAME	Ashley Kirsten C. Rono
* SIGNATORY'S POSITION	Owner
* DATE SIGNED	02/15/2011

PTO Form 1476 (Rev 9/2006)
OMB No. 0651-0009 (Exp 12/31/2011)

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 85243004

Filing Date: 02/15/2011

To the Commissioner for Trademarks:

MARK: Barrio Fiesta Express (Standard Characters, see mark)

The literal element of the mark consists of Barrio Fiesta Express.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicants, Justin Christian C. Rono, a citizen of Armenia, having an address of

1629 Wharton Road

San Jose, California 95132

United States Ashley Kirsten C. Rono, a citizen of United States, having an address of

1629 Wharton Road

San Jose, California 95132

United States

request 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:

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 043: Fast-food restaurants

In International Class 043, the mark was first used at least as early as 01/03/2011, and first used in commerce at least as early as 01/03/2011, and is now in use in such commerce. The applicants are submitting one 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) PDF version of Barrio Fiesta Express Food Menu for customers..

Original PDF file:

spec-1709154-173031025 . Menu PDF - Barrio Fiesta Express.pdf

Converted PDF file(s) (2 pages)

Specimen File1

Specimen File2

The nature of the relationship of the applicants is that of Joint Applicants.

The applicant's current Correspondence Information:

Rono, Justin Christian C.
1629 Wharton Road
San Jose, California 95132
408-300-6630(phone)
888-887-4977(fax)
jfrono@gmail.com (authorized)

A fee payment in the amount of \$275 has been submitted with the application, representing payment for 1 class(es).

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. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 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 the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services 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.

Signature: /Justin Christian C. Rono/ Date Signed: 02/15/2011
Signatory's Name: Justin Christian C. Rono
Signatory's Position: Owner

Signature: /Ashley Kirsten C. Rono/ Date Signed: 02/15/2011
Signatory's Name: Ashley Kirsten C. Rono
Signatory's Position: Owner

RAM Sale Number: 4611
RAM Accounting Date: 02/16/2011

Serial Number: 85243004
Internet Transmission Date: Tue Feb 15 17:54:39 EST 2011
TEAS Stamp: USPTO/FTK-170.91.5.4-2011021517543923321
9-85243004-480bdd7cda687610fab0a3ffea0e4
cc5c-CC-4611-20110215173031025683

Barrio Fiesta Express

Nitaga

BABOY(Pork)	11.95	TINOLANG MANOK	10.95
BIAS OR BULALO	14.95	Chunks of chicken and green papaya in	
MANOK(Chicken)	10.95	clear soup spiced with ginger and chili leaves.	

VEGETABLES

CHOPSUEY GUISADO	9.95	PINAKBET- A mixed vegetable dish sautéed	
A Chinese dish of sautéed mixed		in shrimp, posted choice of:	
vegetables cooked the Filipino way.		BABOY(Pork)	12.95
GUINATAAN GULAY AT HIPON	11.95	BABOY AT HIPON (Pork and Shrimp)	12.95
Mixed vegetables and steamed shrimp		BANGUS(Milkfish)	12.95
cooked in coconut milk.		HIPON(Shrimp)	12.95
GUINATAAN LAING	10.95	HITO(Catfish)	12.95

GUISADO – Sautéed vegetables in tidbits		RELLENONG TALONG	9.95
of pork and shrimp. Choices of:		Eggplant w/ sautéed ground pork, Filipino style.	
BETCHUELAS(Green Beans)	9.95	Ampalaya, Guisado	9.95
CHICHARQ(Snow Peas)	10.95	LUMPIA, SARIWA/PRITO	9.95
REPOLYO(Cabbage)	8.95	Egg roll with mixed vegetables wrapped	
SITAW(String Beans)	9.95	in freshly made egg wrapper or deep fried.	
TALONG(Eggplant)	9.95	GUINATAAN LANGKA	10.95

NOODLES

MIKE GUISADO	9.95	MIKE/BIHON GUISADO	9.95
PANCIT BIHON	9.95	SOTANGHON GUISADO	9.95
PANCIT CANTON	9.95	LOMI	9.95

RICE

ADOBO RICE	6.95	SHANGHAI RICE	6.95
Rice fried in adobo sauce		Rice with tidbits of shrimp, pork and egg.	
CRAB FRIED RICE	6.95	PLAIN RICE (Steamed) ...	3.50
SINANGAG (Garlic Rice)	4.25		

DESSERT

BUKO SALAD (Seasonal)	3.95	HALAYANG UBE	3.75
LECHE FLAN	2.95	Purple yam pudding.	
Custard and milk with caramel syrup		ICE CREAM	2.95

HALO-HALO (Regular)	4.25	HALO-HALO (Special)	5.25
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MERIENDA

ARROZCALDONG GOTO	5.95	ARROZCALDONG MANOK	5.95
Porridge with beef strip.		Porridge with chunks of chicken.	

REFRESHMENTS/BEVERAGES

Excellent selection of fresh fruit juices(J) and shakes(S).

COKE, DIET COKE, SPRITE	1.75	CALAMANSI (J)	2.85
BUKO JUICE (J)(S)	2.85/2.95	MANGO (J)(S)	2.85/2.95
PINEAPPLE (J)(S)	2.85/2.95	FOUR(4) SEASON	3.25
AVOCADO (S)	2.95	GULAMAN AND SAGO	2.95
WATERMELON (S), Seasonal	2.95	BARRIO COLADA	2.95



Express

"Fun-loving, carefree Filipinos love to laugh. They love to celebrate. They love life. They will find every excuse to hold a feast, weddings, christenings, birthdays and graduations. A patron saint's feast day... Anything! When they celebrate, laughter flows like wine. Brass bands blare endlessly. People in their Sunday finery dance tirelessly. It is the Fiesta time! And no feast is complete without a table brimming with delicious food and homemade delicacies.

Indulge! Feast! Celebrate!

Enjoy a **BARRIO FIESTA** with us!"
1790 Milmont Drive Milpitas, CA 95035 (408) 934-9902

APPETIZERS

CRISPED CHICKEN	6.95	CRISPY PUSIT (Calamari)	6.95
		LUMPIA SHANGHAI	6.95
BAKED TAHONGTALABA	8.95 / 9.95	SITSARON BULAKLAK	6.95
Mussels, oysters topped with cheese, garlic and baked in butter		TAPA TAPA	6.95
CRISPY CHICKEN WINGS	8.95	Broiled marinated beef with spices	

HOUSE SPECIALTIES

CRISPY PATA	The famous, the original Barrio Fiesta recipe, selected pig's knuckle seasoned and deep fried into a crisp golden-brown		
Extra Large	17.95	Large	14.95
		Medium	12.95
		Small	11.95
KARE-KARE	Mouth-watering! Barrio Fiesta's famous recipe of chunks of beef, ox tail, tripe and vegetable in a delightful peanut gravy. Served in clay pots (good for 2-3).		
			12.95

INIHAU (CHARCOAL BROILED)

BULALO STEAK	14.95	SINALAB	29.95
A new house recipe, beef with mushroom gravy sauce		A festival of seafood, pork, chicken and vegetable, broiled to perfection.	
INIHAU NA BABOY	8.95	PORK BARBEQUE	4.95
Broiled pork chops		Two pieces per order	
INIHAU NA BANGUS	12.95	PUSIT(Broiled Squid)	8.95
Milkfish, broiled to perfection, stuffed with selected spices.		LECHON MANOK	13.95
		Broiled whole chicken	

FROM THE SEA

ADOBO	Seafoods sautéed in soy sauce and vinegar with your choice of platter with gravy sauce and your choice of		
HITO (Catfish)	10.95/lb.	KABUTE (Mushroom)	7.95
PUSIT(Squid)	9.95	PUSIT(Squid)	9.95
TAHONG(Mussels)	10.95	TAHONG(Mussels)	10.95
TALABA(Oyster)	12.95	TALABA(Oyster)	12.95
CAMARON REBOSADO	9.95	SWEET-SOUR FISH	13.95/lb.
Breaded fried shrimps.		Fried rock cod, served in sweet-sour sauce	
HALABOS NA HIPON	10.95	TORTANG ALIMANGO	10.95
Steamed Shrimp		Crab Omelet	
SHRIMP WITH GREEN PEAS	11.95	DANG NA BANGUS	12.95
Shrimp sautéed in creamy white sauce, topped with greenpeas and cashew nuts.		Dried and salted milkfish.	

THE GRILL

LAPU-LAPU	13.95/lb	SISIG	9.95
Whole rock cod with lemon butter sauce		Grilled & chopped, served sizzling hot	
SUGPO (Prawns)	13.95	BANGUS(Milkfish)	12.95/lb.

OLD TIME FAVORITES

ADOBO	Choice of fine selected meats served in marinated special sauce of garlic and vinegar.		
BABOY(Pork)	10.95	BEF	11.95
MANOK(Chicken)	9.95	BEEFSTEAK TAGALOG	11.95
HALQ(Mixed)	11.95	Thin slices of tender beef, marinated in a special sauce topped with sautéed onion rings.	
FRIED CHICKEN(Whole)	12.95		
(Half)	6.95		
MENUDO	10.95	LECHON KAWALI	8.95
Tidbits of pork and diced potatoes, prepared with tomato and liver gravy.		Chunks of pork boiled and deep fried to a crisp golden brown.	
DINUGUAN	9.95	LONGGANISA	6.95
Tidbits of pork in a dark-chocolate like gravy.		Filipino style sausage	
KILAWN TOKWA AT BABOY	6.95	TAPA	8.95
Bean curd and slices of pork in a special sauce.		Thin sliced beef with special seasonings.	
MGA BAGONG PAGKAIN (NEW MENU)			
MAMO CHIT SPECIAL	29.95	GINATAAN MANOK	10.95
CHICKEN WITH GREENPEAS	10.95	Sliced chicken cooked in spicy coconut milk	
ALIGUE MANGO	12.85/lb.	TOCINONG PUSIT	9.95
Crab cooked in Alique		Squid marinated in special sweet sauce.	
ALIMANGO GUISADO SA BAWANG	12.85/lb.		
GINATAAN ALIMANGO SA ANGHANG	12.95/lb.	PINAUPONG MANOK	13.95
Spicy crab cooked in coconut milk		Steamed chicken with specially made sauce	
GINATAAN HITO AT HIPON SA LAING	12.95/lb.	AMPALAYA CON CARNE	10.95
Califish and shrimps in coconut milk with native vegetable.		GINATAAN PLA-PLA SA LAING	12.95/lb.
CRISPY SPARE RIBS	9.95	FRIED PLA-PLA	12.95/lb.
GARLIC CHICKEN	8.95	SHRIMP GUMBAS	12.95
		CHICKEN CURRY	10.95
		SHRIMP CURRY	12.95
		PRAWN CURRY	13.95
SOUP			
BOULLABAISSE	15.95	SINIGANG-A special Filipino soup with Vegetables and your choice of the following:	
Pieces of assorted seafood like mussels, shrimps and crab in a cream concoction.			
CHICKEN ASPARAGUS	8.95	CATFISH	12.95
An American favourite cooked Filipino style		MILKFISH	12.95
		PORK	11.95
		SHRIMP	12.95
HOTOTAL	10.95	HALAAN OR TAHONG	12.95/11.95
A clear mixed vegetable soup mixed with a whole egg.		Clams or Mussels with Clear Soup and ginger	
NILAGA	An optional house broth with cabbage and potato and your choice of the following in tomato based sauce		
BAKA(Beef)	13.95	SOTANGHON CALDO	10.95

EXHIBIT “KK”

PTO Form 1478 (Rev 9/2006)
 OMB No. 0651-0009 (Exp 12/31/2014)

Trademark/Service Mark Application, Principal Register

Serial Number: 86490510

Filing Date: 12/24/2014

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86490510
MARK INFORMATION	
*MARK	<u>Barrio Fiesta Express</u>
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	Barrio Fiesta Express
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	June F. Rono
*STREET	1629 Wharton Road
*CITY	San Jose
*STATE (Required for U.S. applicants)	California
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	95132
LEGAL ENTITY INFORMATION	
TYPE	individual
COUNTRY OF CITIZENSHIP	United States
APPLICANT INFORMATION	
*OWNER OF MARK	Ashley K. Rono
*STREET	1629 Wharton Road



*CITY	San Jose
*STATE (Required for U.S. applicants)	California
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	95132
LEGAL ENTITY INFORMATION	
TYPE	individual
COUNTRY OF CITIZENSHIP	United States
APPLICANT INFORMATION	
*OWNER OF MARK	Justin C. Rono
*STREET	1629 Wharton Road
*CITY	San Jose
*STATE (Required for U.S. applicants)	California
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	95132
LEGAL ENTITY INFORMATION	
TYPE	individual
COUNTRY OF CITIZENSHIP	United States
GOODS AND/OR SERVICES AND BASIS INFORMATION	
INTERNATIONAL CLASS	029
*IDENTIFICATION	Frozen meat, deserts, cooked packaged food, mixes for marinades, candies, frozen vegetables, frozen cooked vegetables, preserved and dried fruits,
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 12/06/2014
FIRST USE IN COMMERCE DATE	At least as early as 12/06/2014
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT16\IMAGEOUT 16864\905\86490510\xml1\ APP0003.JPG
SPECIMEN DESCRIPTION	Frozen meat bearing trademark
INTERNATIONAL CLASS	030

*IDENTIFICATION	beverage, bread, pastry, sauces, spices.
FILING BASIS	SECTION 1(b)
ATTORNEY INFORMATION	
NAME	James Cai
ATTORNEY DOCKET NUMBER	RONO-05-2014
FIRM NAME	SAC Attorneys LLP
INTERNAL ADDRESS	111 N. Market Street Suite 1020
STREET	111
CITY	San Jose
STATE	California
COUNTRY	United States
ZIP/POSTAL CODE	95113
PHONE	4082109634
EMAIL ADDRESS	jcai@sacattorneys.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
CORRESPONDENCE INFORMATION	
NAME	James Cai
FIRM NAME	SAC Attorneys LLP
INTERNAL ADDRESS	111 N. Market Street Suite 1020
STREET	111
CITY	San Jose
STATE	California
COUNTRY	United States
ZIP/POSTAL CODE	95113
PHONE	4082109634
EMAIL ADDRESS	jcai@sacattorneys.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	2
FEE PER CLASS	325

*TOTAL FEE DUE	650
*TOTAL FEE PAID	650
SIGNATURE INFORMATION	
SIGNATURE	/James Cai/
SIGNATORY'S NAME	James Cai
SIGNATORY'S POSITION	Attorney
DATE SIGNED	12/24/2014
SIGNATURE	/James Cai/
SIGNATORY'S NAME	James Cai
SIGNATORY'S POSITION	Attorney
DATE SIGNED	12/24/2014
SIGNATURE	/James Cai/
SIGNATORY'S NAME	James Cai
SIGNATORY'S POSITION	Attorney
DATE SIGNED	12/24/2014

PTO Form 1478 (Rev 9/2006)
OMB No. 0651-0009 (Exp 12/31/2014)

Trademark/Service Mark Application, Principal Register

Serial Number: 86490510

Filing Date: 12/24/2014

To the Commissioner for Trademarks:

MARK: Barrio Fiesta Express (Standard Characters, see mark)

The literal element of the mark consists of Barrio Fiesta Express.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicants, June F. Rono, a citizen of United States, having an address of

1629 Wharton Road
San Jose, California 95132
United States

Ashley K. Rono, a citizen of United States, having an address of

1629 Wharton Road
San Jose, California 95132
United States

Justin C. Rono, a citizen of United States, having an address of

1629 Wharton Road
San Jose, California 95132
United States

request 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: Frozen meat, deserts, cooked packaged food, mixes for marinades, candies, frozen vegetables, frozen cooked vegetables, preserved and dried fruits,

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 12/06/2014, and first used in commerce at least as early as 12/06/2014, and is now in use in such commerce. The applicants are 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) Frozen meat bearing trademark.

Specimen File1

International Class 030: beverage, bread, pastry, sauces, spices.

Intent to Use: 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 identified goods and/or services. (15 U.S.C. Section 1051(b)).

The applicant's current Attorney Information:

James Cai of SAC Attorneys LLP

111 N. Market Street Suite 1020

111

San Jose, California 95113

United States

The attorney docket/reference number is RONO-05-2014.

The applicant's current Correspondence Information:

James Cai

SAC Attorneys LLP

111 N. Market Street Suite 1020

111

San Jose, California 95113

4082109634(phone)

jcai@sacattorneys.com (authorized)

A fee payment in the amount of \$650 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: /James Cai/ Date: 12/24/2014

Signatory's Name: James Cai

Signatory's Position: Attorney

Signature: /James Cai/ Date: 12/24/2014

Signatory's Name: James Cai

Signatory's Position: Attorney
Signature: /James Cai/ Date: 12/24/2014
Signatory's Name: James Cai
Signatory's Position: Attorney
RAM Sale Number: 86490510
RAM Accounting Date: 12/29/2014

Serial Number: 86490510
Internet Transmission Date: Wed Dec 24 21:46:53 EST 2014
TEAS Stamp: USPTO/BAS-107.3.161.179-2014122421465309
2998-86490510-500380362dc615ee487b5f14d3
657db81dd5ee3d036c6760594ed69044366593-C
C-10799-20141224213040421617

Barrio Fiesta Express



EXHIBIT “LL”

EXHIBIT 30

S. QUESADA

4/7/2016

Louise Sousoures, CSR #3575



EXHIBIT “MM”



EXHIBIT cm
61
5/13/16 Villanueva





PROOF OF SERVICE

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

EXHIBITS II THROUGH MM OF EXHIBIT 3 TO DECLARATION OF
MELVIN N.A. AVANZADO

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.

A handwritten signature in cursive script, appearing to read 'Keiko Kawana', is written over a horizontal line.

Keiko Kawana