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

Proceeding	91121980
Party	Defendant ROBERT NOBLE & BONGO, S.A., DE C.V. ,
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Date	08/17/2006
Attachments	Third RE-NT Depo of Estefan Enterprises.pdf ( 4 pages )(85803 bytes )

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

In the matter of Trademark Registration No. 2347247  
For the mark: COCO BONGO  
Date Registered: May 2, 2002

ESTEFAN ENTERPRISES, INC.,  
a Florida corporation,

Petitioner,

vs.

BONGO, S.A. de C.V.,

Registrant.

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**THIRD RE-NOTICE OF TAKING DEPOSITION**

PLEASE TAKE NOTICE that, pursuant to TBMP 404.03(a)(1), 37 C.F.R. § 2.120(b), the undersigned attorneys will take the deposition of Petitioner ESTEFAN ENTERPRISES, INC., by and through the corporate representative with the most knowledge of the BONGOS CUBAN CAFÉ and BONGOS CUBAN CAFÉ (and design) trademarks, including but not limited to the following:

1. the advertising and marketing expenditures and budget for all goods and services in which the marks BONGOS CUBAN CAFÉ (and design) or BONGOS CUBAN CAFÉ are used;
2. plans to open future restaurants, nightclubs, bars or entertainment venues associated with the marks BONGOS CUBAN CAFÉ (and design) or BONGOS CUBAN CAFÉ;
3. purchase by agents of Petitioner of merchandise sold by Registrant and/or his agents and licensees;
4. sale of goods and services by Registrant, and/or his agents and licensees;
5. revenues earned by Petitioner by category of goods and services in connection with the marks BONGOS CUBAN CAFÉ and BONGOS CUBAN CAFÉ (and design) – (i.e. – sale of food, sale of beverages, sale of admission tickets or

passes, sale of the each of various forms of merchandise alleged to be sold by Petitioner);

6. all surveys conducted relative to the strength or Petitioner's alleged BONGOS CUBAN CAFÉ and BONGOS CUBAN CAFÉ (and design) marks and/or likelihood or actual confusion relative to Registrant's use of its marks;
7. all market, marketing, consumer and advertising studies, reports and surveys relative to the goods or services BONGOS CUBAN CAFÉ and BONGOS CUBAN CAFÉ (and design) marks, and relative to Petitioner's customers bases and actual or potential consumers and markets;
8. the geographic scope and regions of Petitioner's advertising and marketing efforts relative to the BONGOS CUBAN CAFÉ and BONGOS CUBAN CAFÉ (and design) marks;
9. all investigations and due diligence conducted relative to Registrants use of its marks;
10. identity of artists and content and categorization of the music featured at Petitioner's restaurants, and all other businesses associated with the BONGOS CUBAN CAFÉ and BONGOS CUBAN CAFÉ (and design) marks;
11. the commercial impressions conveyed by Petitioner's and Registrant's respective marks;
12. the exact nature of all businesses operated or intended to be operated, and the identity of all goods and services sold, or intended to be sold in Mexico in connection with the BONGOS CUBAN CAFÉ and BONGOS CUBAN CAFÉ (and design) marks, or any marks which are related, or confusingly similar thereto;
13. the manner and date of first use of the BONGOS CUBAN CAFÉ mark in commerce in the United States;
14. the manner and date of first use of the BONGOS CUBAN CAFÉ mark in commerce in Mexico;
15. the manner and date of first use of the BONGOS CUBAN CAFÉ (and design) mark in commerce in the United States;
16. the manner and date of first use of the BONGOS CUBAN CAFÉ (and design) mark in commerce in Mexico;
17. all channels of trade used in the United States for goods sold or services provided bearing the BONGOS CUBAN CAFÉ mark;

18. all channels of trade used in Mexico for goods sold or services provided bearing the BONGOS CUBAN CAFÉ mark;
19. all channels of trade used in the United States for goods sold or services provided bearing the BONGOS CUBAN CAFÉ (and design) mark;
20. all channels of trade used in Mexico for goods sold or services provided bearing the BONGOS CUBAN CAFÉ (and design) mark;
21. the advertising and promotion of the BONGOS CUBAN CAFÉ mark in the United States;
22. the advertising and promotion of the BONGOS CUBAN CAFÉ mark in Mexico;
23. the advertising and promotion of the BONGOS CUBAN CAFÉ (and design) mark in the United States;
24. the advertising and promotion of the BONGOS CUBAN CAFÉ (and design) mark in Mexico.
25. the goods and services that have been and are currently sold and provided in connection with the BONGOS CUBAN CAFÉ mark in the United States;
26. the goods and services that have been and are currently sold and provided in connection with the BONGOS CUBAN CAFÉ mark in Mexico;
27. the goods and services that have been and are currently sold and provided in connection with the BONGOS CUBAN CAFÉ (and design) mark in the United States;
28. the goods and services that have been and are currently sold and provided in connection with the BONGOS CUBAN CAFÉ (and design) mark in Mexico;
29. the decision to adopt, use and register the BONGOS CUBAN CAFÉ mark in the United States;
30. the decision to adopt, use and register the BONGOS CUBAN CAFÉ mark in Mexico;
31. the decision to adopt, use and register the BONGOS CUBAN CAFÉ (and design) mark in the United States;
32. the decision to adopt, use and register the BONGOS CUBAN CAFÉ (and design) mark in Mexico;
33. the amount of sales of goods sold or services provided in connection with the BONGOS CUBAN CAFÉ mark in the United States;

34. the amount of sales of goods sold or services provided in connection with the BONGOS CUBAN CAFÉ mark in Mexico;
35. the amount of sales of goods sold or services provided in connection with the BONGOS CUBAN CAFÉ (and design) mark in the United States;
36. the amount of sales of goods sold or services provided in connection with the BONGOS CUBAN CAFÉ (and design) mark in Mexico.

**at Estafan Enterprises, 420 Jefferson Avenue, Miami Beach, Florida 33139, or such other location as may be requested by deponent.**

**Date: Monday, August 21<sup>st</sup>, 2006 at 10:30 a.m.**

upon oral examination before a court reporter, or any other Notary Public or other officer authorized by law to take depositions. The oral examination will continue from day to day until completed. The deposition is being taken for the purpose of discovery, for use at trial, or for such other purposes, as are permitted under the applicable and governing rules.

#### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing has been served on this 17<sup>th</sup> day of August, 2006, by first class mail and facsimile to Karen Stetson, Esq., PO Box 403023, Miami, Florida 33140.

Respectfully submitted,

Law Offices of  
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