

ESTTA Tracking number: **ESTTA127952**

Filing date: **03/05/2007**

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

Proceeding	91172018
Party	Plaintiff Menper Distributors Inc.Menper Distributors Inc. Menper Distributors Inc. Menper Distributors Inc. Menper Distributors Inc. 6500 N.W. 35th Ave. Miami, FL 33147 UNITED STATES
Correspondence Address	Amaury Cruz Amaury Cruz, P.A. 1111 Lincoln Road Miami Beach, FL 33139 UNITED STATES lex@lexarian.com
Submission	Other Motions/Papers
Filer's Name	Amaury Cruz
Filer's e-mail	amaurycruz@yahoo.com
Signature	/ac/
Date	03/05/2007
Attachments	Notice of mistake by Ancalmo.pdf ( 2 pages )(819760 bytes )

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

MENPER DISTRIBUTORS, INC.

Opposer,

v.

OPPOSITION NO. 91172018

ESTABLECIMIENTOS ANCALMO S.A.  
DE C.V.

Applicant.

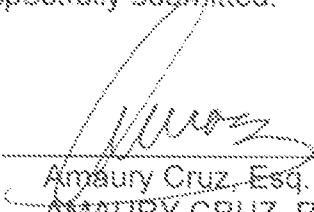
NOTICE OF MISTAKE IN THE APPLICANT'S  
CERTIFICATE OF TRANSMISSION AND SERVICE  
IN ITS MOTION FOR SUMMARY JUDGMENT

Opponent Menper Distributors Inc. gives notice that the Applicant Establecimientos Ancalmo S.A. de C.V. did not mail its Motion for Summary Judgment, filed on February 9, 2007, to Opposer's correct address. As a consequence, Opposer did not receive the Motion and was unaware that it had been filed until February 28, 2007, when counsel for the Applicant made reference to it in a letter stating that it did not intend to serve responses to Applicant's outstanding discovery request.

For this and other reasons, Opposer on March 1, 2007, asked Applicant if it would agree to an extension of time to respond to the Motion. In response, on March 2, 2007, Applicant provided the Opponent with the Motion via Federal Express, but did not agree to the length of time to respond requested by Opponent. Opponent intends to promptly file a motion addressing the issue of the service of the Motion and its outstanding discovery with reference to Federal

Rule of Civil Procedure 56(f) and asks the Board to take note of these facts and withhold judgment.

Respectfully submitted:

By:   
Amaury Cruz, Esq.  
AMAURY CRUZ, P.A.  
1111 Lincoln Road, Suite 400  
Miami Beach, FL 33139  
Phone: 786.497.1857  
Fax: 786.206.3825

Attorneys for Opposer

**CERTIFICATE OF TRANSMISSION AND SERVICE**

I HEREBY CERTIFY that this correspondence is being electronically filed with the Trademark Trial and Appeal Board on March 5, 2007.

I FURTHER CERTIFY that a true and complete copy of the foregoing NOTICE OF MISTAKE IN THE APPLICANT'S CERTIFICATE OF TRANSMISSION AND SERVICE IN ITS MOTION FOR SUMMARY JUDGMENT has been served on ESTABLECIMIENTOS ANCALMO S.A. DE C.V. by mailing said copy on March 5, 2007, via First Class Mail, postage prepaid, to Tammy L. Lightman, Christie, Parker & Hale, LLP, 350 W. Colorado Blvd., Suite 500, Pasadena, CA 91109-7068.

By:   
Amaury Cruz, Esq.