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

Proceeding	91220404
Party	Defendant The Procter & Gamble Company
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Date	04/10/2015
Attachments	Motion for Judgment on Maestro Limpio.pdf(55646 bytes ) Exhibits to MAESTRO LIMPIO Motion for Judgment on Pleadings Part 1.pdf(1193794 bytes ) Exhibits to MAESTRO LIMPIO Motion for Judgment on Pleadings Part 2.pdf(1310273 bytes )

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

**SPE TRADING, INC.,**

**Opposer,**

vs.

**THE PROCTER & GAMBLE COMPANY,**

**Applicant.**

**Application Ser. No. 86/284,737**  
**Opposition No. 91220404**

**MOTION FOR JUDGMENT ON THE PLEADINGS**

Applicant, The Procter & Gamble Company (hereinafter “P&G” or “Applicant”), hereby moves for a Judgment on the Pleadings, pursuant to TBMP §504, denying the Notice of Opposition (the “Opposition”) filed by Spe Trading, Inc. (hereinafter “SPE” or “Opposer”) against P&G’s Application for the mark MAESTRO LIMPIO (the “Mark”). As more thoroughly explained below, SPE’s Opposition is barred by the doctrine of *res judicata*, under the principle of claim preclusion. Further, even if SPE were not precluded from asserting opposition to P&G’s Mark, pursuant to the *Morehouse* defense, P&G’s many longstanding registrations for its famous mark MR. CLEAN (translated as “Maestro Limpio”) obviate SPE’s Opposition, as SPE will not suffer any harm by P&G’s registration of its Mark.

Dated: April 10, 2015

/Karen Kreider Gaunt/

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*Attorney for Applicant*  
*The Procter & Gamble Company*

## MEMORANDUM IN SUPPORT

### I. RELEVANT FACTS AND HISTORY.

#### A. P&G's Previous Registrations.

P&G owns numerous registrations for its well-known brand and trademark MR. CLEAN.<sup>1</sup> “Mr. Clean” is translated in Spanish as “Maestro Limpio.” Among these registered trademarks is U.S. Trademark Registration No. 3,229,266, for the mark MR. CLEAN in International Classes 003 and 005, for “household cleaning preparations, namely hard surface cleaners...” (See Exhibit A). P&G also owns at least two Mexican trademark registrations for the mark MAESTRO LIMPIO for household cleaner goods, registered on February 13, 1980 and April 20, 1982.<sup>2</sup> Each of these trademark registrations is valid and subsisting.

#### B. SPE's Previously Cancelled MAESTRO LIMPIO Registration.<sup>3</sup>

P&G and SPE have previously been before the Board with respect to the MAESTRO LIMPIO mark. SPE's intent to use application for “Maestro Limpio” in class 3 for “all purpose cleaners” was registered on July 1, 2008. See App. Serial No. 77/048,296.

In 2013, P&G filed a petition for cancellation of SPE's “Maestro Limpio” registration, based on P&G's ownership of Mexican trademark registrations for the mark MAESTRO LIMPIO and its numerous U.S. trademark registrations for MR. CLEAN, used on and in conjunction with the advertising, promotion, and sale of household cleaning products since at least 1957. (Petition for Cancellation, ¶¶ 4 – 9, see also Exhibits A and B to Petition for Cancellation.) Further, P&G has manufactured and sold household cleaning products under the MR. CLEAN mark since at least 1957. *Id.* at ¶¶4-6, 8, Exhibit A. As indicated in the translation

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<sup>1</sup> Printouts from the USPTO of a sample of these registrations are included in Exhibit A. These include Registration Nos. 3406377; 3351650; 3350137; 3229266; and 3094001.

<sup>2</sup> Copies of these registrations and renewals were submitted as Exhibit B to P&G's Petition for Cancellation. P&G's Petition for Cancellation, including all exhibits thereto, is provided as Exhibit B to this motion.

<sup>3</sup> For ease of understanding, P&G refers to this earlier action as the “Cancellation proceeding” in this Motion.

statement for P&G's current application for MAESTRO LIMPIO, "Maestro Limpio" is translated into English as "Mr. Clean". *See* App. Serial No. 86/284,737.

P&G sought cancellation of SPE's registration for "Maestro Limpio" on numerous grounds, including that SPE filed for registration of "Maestro Limpio" and purportedly began using that mark well after P&G's filing and first use dates in of its trademarks, both in the United States (MR. CLEAN) and in Mexico (MAESTRO LIMPIO). P&G's Cancellation petition further detailed SPE's fraudulent advertising with respect to SPE's unauthorized and infringing use of P&G's MAESTRO LIMPIO Mark on SPE's products. More specifically, SPE's advertising claimed that the "Maestro Limpio" branded products sold by SPE were legitimate, genuine imports of P&G's Mexican MAESTRO LIMPIO products previously marketed by P&G to consumers in Mexico. This advertising by SPE actually acknowledged, confirmed, and in fact, relied upon the recognition of P&G's MAESTRO LIMPIO products by Spanish speaking, U.S. residents. Accordingly, P&G alleged that SPE's purported "use" of "Maestro Limpio" was actually P&G's use of its MAESTRO LIMPIO Mark on genuine P&G products imported from Mexico, or, was a fraudulent attempt to confuse Spanish speaking U.S. consumers into purchasing counterfeits of genuine P&G MAESTRO LIMPIO products by emblazoning these counterfeits with P&G's MAESTRO LIMPIO Mark. *Id.* at ¶¶14, 15.

SPE's Answer to P&G's Petition for Cancellation (attached hereto as Exhibit C) admitted that MAESTRO LIMPIO may be translated into English as "Master Clean" and admitted that "[o]ther translations exist as well" without citing such other translations. (*See* Answer to Petition for Cancellation, ¶12.) SPE alleged as an affirmative defense that there was no likelihood of confusion of the marks. *Id.* at ¶26.

P&G attempted to proceed with discovery. However, SPE did nothing further in response to P&G's cancellation petition. P&G filed a Motion to Compel after SPE failed to produce its Initial Disclosures or to file or provide any substantive responses to written and document discovery propounded by P&G. (See Petitioner's Motion for an Order To Compel Registrant's Initial Disclosures & Discovery Request Responses, filed on February 13, 2014, attached hereto as Exhibit D.) SPE ignored the Board's Order of April 16, 2014-to respond to said discovery. P&G then filed a Motion for Sanctions, seeking a default judgment and cancellation of SPE's registration for "Maestro Limpio". (Attached hereto as Exhibit E.) SPE filed no response in opposition to P&G's motion. On July 7, 2014, the Board granted the motion and P&G's petition to cancel SPE's registration for "Maestro Limpio", having found in P&G's favor that SPE had "conceded" to the Cancellation. (See Exhibit F, Board's Order.) SPE's Registration No. 3,458,709 for "Maestro Limpio" was cancelled on August 4, 2014. (See Exhibit G, Notice of Cancellation.)

C. SPE'S Opposition to P&G's Application for its Mark MAESTRO LIMPIO.

On May 19, 2014, P&G filed Application Serial No. 86/284,737 for the mark MAESTRO LIMPIO in International Class 003 for "Household cleaning preparations, namely, hard surface cleaners" and in International Class 005 for "Household cleaning preparations, namely, hard surface cleaners having disinfecting capabilities." The Trademark Office accepted P&G's translation statement "[t]he English translation of "MAESTRO LIMPIO" in the mark is 'Mr. Clean'". Incredibly, despite doing nothing previously to defend or prevent the cancellation of its own registration for "Maestro Limpio", SPE filed a Notice of Opposition on January 28, 2015, claiming that it would be damaged by P&G's registration of its Mark.

In its Opposition, SPE claims without basis that its alleged use of “Maestro Limpio” for all-purpose cleaners preceded P&G’s use of the mark for household cleaning products and therefore SPE “enjoys priority of use” in the mark, that P&G’s registration of the mark is likely to cause confusion, deception and mistake, and that P&G committed fraud in its application.<sup>4</sup> (Notice of Opposition at ¶¶1, 4-5, 7.)

P&G’s Answer to SPE’s Notice of Opposition denied all allegations in the Notice of Opposition and set forth several affirmative defenses, including, among other defenses, the *Morehouse* defense, and the equitable defense of *res judicata*. More specifically, because SPE could have previously addressed its current arguments by defending its registration in the Cancellation proceeding, but instead chose to do nothing resulting in judgment in P&G’s favor, the principles of *res judicata* require that the Board bar SPE’s current Opposition. In addition, P&G also asserted that under the *Morehouse* defense, SPE cannot establish any harm to it by registration of P&G’s MAESTRO LIMPIO Mark, due to P&G’s longstanding, prior registrations for its equivalent mark, MR. CLEAN.

## II. LAW AND ANALYSIS.

A motion for judgment on the pleadings may be brought after the pleadings are closed, but prior to the opening of the first testimony period. TBMP §504.01. Judgment on the pleadings is appropriate where, based on the facts appearing in all the pleadings, and those facts of which the Board takes judicial notice, there is no genuine issue of material fact to be resolved, and the moving party is entitled to judgment, on the substantive merits of the controversy, as a matter of law. TBMP ¶504.02.<sup>5</sup> SPE’s Opposition pleadings here, show on their face, that the

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<sup>4</sup> SPE claims that P&G’s assertion of its entitlement to use the mark MAESTRO LIMPIO was fraudulent, despite P&G’s decades of prior use of the marks MR. CLEAN and MAESTRO LIMPIO. Notice of Opposition at ¶7.

<sup>5</sup> As indicated by TBMP §504.03, a judgment on the pleadings is separate and apart from a motion for summary judgment, particularly when filed before the moving party’s service of initial disclosures, as is the case here.

Opposition raise the same issues, is between the same parties, and involves the same set of transactional facts such that the issues were or could have been raised in the Cancellation proceeding before this same Board.<sup>6</sup> Further, based on the pleadings, P&G already owns multiple registrations for its famous mark MR. CLEAN, which, pursuant to the doctrine of foreign equivalents, is equivalent to “Maestro Limpio”. Under the *Morehouse* defense, SPE therefore cannot prove any further harm that would befall it based on registration of P&G’s application for its Mark MAESTRO LIMPIO. Accordingly, judgment on the pleadings in P&G’s favor and dismissing the Opposition, is appropriate.

A. SPE’s Opposition Should be Denied under the Doctrine of *Res Judicata*.

Under the doctrine of *res judicata*, “a judgment on the merits in a prior suit bars a second suit involving the same parties or their privies based on the same cause of action.” *Orouba Agrifoods Processing Company v. United Food Import*, 97 USPQ2d 1310 (TTAB 2010) [precedential], quoting *Jet, Inc. v. Sewage Aeration Systems*, 223 F.3d 1360, 55 USPQ2d 1854, 1856 (Fed. Cir. 2000) (citations omitted). *Res judicata* may be broken into two subparts – issue preclusion and claim preclusion. Claim preclusion requires “(1) an identity of the parties or their privies, (2) a final judgment on the merits of the prior claim; and (3) the second claim must be based on the same transactional facts as the first and should have been litigated in the prior case.” *Id.*, citing *Sharp Kabushiki Kaisha v. Thinksharp, Inc.*, 448 F.3d 1368, 79 USPQ2d 1376, 1378 (Fed. Cir. 2006).

There is no question that prong (1) is met here. P&G and SPE are the same parties involved in the previous Cancellation proceeding regarding SPE’s improper registration of “Maestro Limpio.”

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<sup>6</sup> P&G asks that the Board take judicial notice of the documents attached in Exhibits A-G, included in the pleadings in the Cancellation proceeding, which reflect issuance and renewal of several of P&G’s U.S. registrations for MR. CLEAN and Mexican registrations for MAESTRO LIMPIO.

Prong (2) of the test is also clearly met here, as the Board’s previous cancellation of SPE’s registration for “Maestro Limpio” is a final judgment on the merits. Although SPE’s complete failure to participate in discovery in the Cancellation proceeding rendered it impossible for the Board to reach the “substantive facts” of P&G’s petition for cancellation, the Board and the federal courts have clearly held that a default judgment is a final judgment on the merits for purposes of *res judicata*, even if the “substantive facts” were never reached. *E.g.*, *Orouba Agrifoods*, 97 USPQ2d 1310 (summary judgment against petitioner in new opposition is appropriate where, in prior opposition, the Board entered judgment against petitioner after its failure to timely file its brief on the case, take testimony, or submit any evidence in support of its claims, and failure to respond to the Board’s order to show cause); *International Nutrition Co. v. Horphag Research, Ltd.*, 220 F. 2d 1325, 55 USPQ2d 1492, 1492, 1494 (Fed. Cir. 2000) (default judgments for failure to answer, or dismissals for failure to prosecute, where there has been no decision “on the merits” can act as a bar under the doctrine of claim preclusion); *Kerns v. GMC*, 94 F.3d 1553, 39 USPQ2d 1949 (Fed. Cir. 1996) (a finding of *res judicata* was appropriate where a patent holder’s initial suit was dismissed on procedural grounds, based on patent holder’s inadequate compliance with the court’s orders and deadlines, before any adjudication on the merits could take place); *see also Morris v. Jones*, 329 U.S. 545, 550-51 (1947) (“A judgment of a court having jurisdiction of the parties and subject matter operates as *res judicata*, in the absence of fraud or collusion, even if obtained upon a default.”).

SPE’s registration for “Maestro Limpio” was cancelled by the Board upon Motion by P&G less than one year ago, when SPE did not even try to defend its registration from cancellation, despite its current unsupported contentions that P&G’s use of its MAESTRO LIMPIO Mark is likely to cause confusion and harm SPE, and that SPE’s alleged use of the



“Maestro Limpio” is “a valuable business and marketing asset”<sup>7</sup>. SPE should not be allowed to re-litigate the issues of likelihood of confusion and purported prior use now. *See Kremer v. Chemical Constr. Corp.*, 456 U.S. 461, 485 n.26 (1982) (“so long as opposing parties had an adequate opportunity to litigate disputed issues of fact, *res judicata* is properly applied to decisions of an administrative agency acting in a ‘judicial capacity’.”).

Finally, prong (3) of the test for claim preclusion is met. In both the previous Cancellation proceeding and SPE’s current Opposition to P&G’s application, the “transactional facts” are the same – whether SPE’s alleged use of “Maestro Limpio” for “all purpose cleaners” is confusingly similar to P&G’s use and registration of the same mark and its foreign equivalent, MR. CLEAN, for its “household cleaning preparations,” and which company has priority of use of MAESTRO LIMPIO. *See Jet, Inc.*, 223 F.3d 1360 (A common set of transactional facts is to be identified “pragmatically.” Courts have defined “transaction” in terms of a core of operative facts and/or based on the same or nearly the same factual allegations.)

SPE may attempt to avoid *res judicata* by arguing that new transactional facts are created by P&G submitting its application on the allegedly fraudulent belief that it was entitled to use the mark in commerce. This is incorrect. These new allegations are simply the same transactional facts, specifically that SPE’s belief and unsupported allegation that its first use in 2008 of “Maestro Limpio” trumps P&G’s longstanding prior use and registration of its famous MR. CLEAN trademark in the United States beginning in 1957 and its registration and use of the mark MAESTRO LIMPIO in Mexico in the early 1990s. This is insufficient to support SPE’s opposition. *See Orouba Agrifoods* (“Petitioner cannot avoid the application of claim preclusion by merely bringing additional claims in this proceeding based on the same transactional facts as

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<sup>7</sup> SPE Notice of Opposition, ¶2.

the prior opposition.”); *see also*, *Vitaline Corp. v. General Mills Inc.*, 891 F.2d 273, 13 USPQ2d 1172, 1173 (Fed. Cir. 1989).

SPE has relinquished its rights to address the likelihood of confusion and priority rights it claims in its Opposition by failing to defend its registration the first time these issues were brought before the Board in the Cancellation proceeding. Accordingly, P&G asks the Board for judgment on the pleadings denying SPE’s opposition to P&G’s registration of its MAESTRO LIMPIO Mark.

B. SPE’s Opposition Should be Denied Pursuant to the *Morehouse* Defense.

Under the *Morehouse* defense, an opposer cannot maintain an opposition, as a matter of law, “where applicant already has an existing registration of the same mark for the same goods. Implicit in this are corollaries that if the opposer cannot procure the cancellation of the existing registration it cannot prevent the granting of the second registration.” *Morehouse Mfg. Corp. v. J. Strickland & Co.*, 407 F.2d 881, 884, 160 U.S.P.Q. 715, (C.C.P.A. 1969). The *Morehouse* defense (also known as the “prior registration defense”) stands for the proposition that “if the opposer cannot be further injured because there already exists an injurious registration, the opposer cannot now object to an additional registration that does not add to the injury.” *O-M Bread v. United States Olympic Comm.*, 65 F.3d 933, 938, 36 U.S.P.Q.2d 1041 (Fed. Cir. 1995).

This is precisely the case here. As stated above, P&G has several registrations for its well-known MR. CLEAN mark, including Registration No. 3,229,266, registered in International Classes 003 and 005 for “household cleaning preparations, namely hard surface cleaners.” *See* Exhibit A. P&G now seeks to register the mark MAESTRO LIMPIO, translated as “Mr. Clean”, in the same classes for the same purpose. *See* App. No. 86/284,737. Thus, P&G’s prior

registered MR. CLEAN mark and the mark that SPE now opposes are functionally equivalent marks for the “same goods.”

Registration No. 3,229,266 for P&G’s MR. CLEAN mark cites the mark’s first use in commerce as May 10, 1957. *Id.* SPE’s registration for “Maestro Limpio” claimed a first use in commerce of January 7, 2008, over two years after P&G’s filing of its MR. CLEAN application, and over fifty years after P&G’s first use in commerce of the MR. CLEAN mark. Thus, P&G’s registration of the mark MR. CLEAN clearly predates SPE’s alleged use of “Maestro Limpio.”

Under the doctrine of foreign equivalents, “Maestro Limpio” can be translated as, and has the same meaning as “Mr. Clean.” The doctrine of foreign equivalents states that, when considering marks that employ foreign words from common languages, the words should be translated into English to determine, *inter alia*, similarity of connotation in order to ascertain confusing similarity with English word marks. *Palm Bay Imps. v. Veuve Clicquot Ponsardin Maison Fondée En 1772*, 396 F.3d 1369, 1377, 73 U.S.P.Q.2D (BNA) 1689 (Fed. Cir. 2005) (citations omitted). Translation should be employed when it is likely that an ordinary American purchaser would “stop and translate [the word] into its English equivalent.” *Id.*, quoting *In re Pan Tex Hotel Corp.*, 190 U.S.P.Q. 109, 110 (TTAB 1976).

Given the prevalence of Spanish-speaking individuals in the United States, along with other ordinary American consumers who understand basic Spanish words, ordinary American consumers would translate “Maestro Limpio” into English as an equivalent to “Mr. Clean.” In fact, P&G’s successful Petition for Cancellation of SPE’s registration of “Maestro Limpio” was based on P&G’s ownership of multiple registrations for its famous MR. CLEAN trademark under the doctrine of foreign equivalents.

Thus, P&G's Mark, MAESTRO LIMPIO, for use in connection with household cleaning preparations, is the same mark, for the same goods, as P&G's prior registrations, including but not limited to, Registration No. 3,229,266, for the mark MR. CLEAN. Under the *Morehouse* defense, P&G's registration of MAESTRO LIMPIO will cause no additional injury to SPE. Therefore, judgment on the pleadings denying SPE's Notice of Opposition is appropriate.

### III. CONCLUSION.

Judgment in P&G's favor dismissing the Opposition is appropriate based on the principle of *res judicata* and the outcome in P&G's favor in the previous Cancellation proceeding involving the same parties, the same issues and the same set of transactional facts. SPE's registration of "Maestro Limpio" was cancelled based on P&G's assertions of priority and likelihood of confusion with its longstanding prior rights in its MR. CLEAN trademark. Additionally, judgment in P&G's favor dismissing the opposition is appropriate under the *Morehouse* defense due to P&G's longstanding prior registrations for its MR. CLEAN trademark which is the foreign equivalent of P&G's MAESTRO LIMPIO Mark. For these reasons, SPE's Notice of Opposition should be denied on the pleadings. Accordingly, P&G asks that the Board deny SPE's Notice of Opposition and allow P&G's registration of its MAESTRO LIMPIO Mark to proceed.

Dated: April 10, 2015

/Karen Kreider Gaunt/

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*Attorney for Applicant  
The Procter & Gamble Company*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing was sent by first-class mail, postage prepaid, on this 10<sup>th</sup> day of April, 2015 to:

Darren S. Rimer  
Rimer & Mathewson LLP  
30021 Tomas, Suite 300  
Rancho Santa Margarita, CA 92688

*/Karen Kreider Gaunt/*  
\_\_\_\_\_  
Karen Kreider Gaunt

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# **EXHIBIT A**



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# MR. CLEAN WITH FEBREZE

**Word Mark** MR. CLEAN WITH FEBREZE

**Goods and Services** IC 003. US 001 004 006 050 051 052. G & S: All-purpose cleaners. FIRST USE: 20071217. FIRST USE IN COMMERCE: 20071217

**Standard Characters Claimed**

**Mark Drawing Code** (4) STANDARD CHARACTER MARK

**Trademark Search Facility Classification Code** LETS-2 MR Two letters or combinations of multiples of two letters NOTATION-SYMBOLS Notation Symbols such as Non-Latin characters,punctuation and mathematical signs,zodiac signs,prescription marks

**Serial Number** 77172099

**Filing Date** May 3, 2007

**Current Basis** 1A

**Original Filing Basis** 1B

**Published for Opposition** October 30, 2007

**Registration Number** 3406377

**Registration Date** April 1, 2008

**Owner**

(REGISTRANT) The Procter & Gamble Company CORPORATION OHIO 1 P&G Plaza Cincinnati OHIO 45202

**Attorney of Record** Jacqueline M. Allshouse-Hutchens  
**Prior Registrations** 3152106;3229266;AND OTHERS  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Affidavit Text** SECT 15. SECT 8 (6-YR).  
**Live/Dead Indicator** LIVE

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# MR. CLEAN

**Word Mark** MR. CLEAN  
**Goods and Services** IC 021. US 002 013 023 029 030 033 040 050. G & S: Reusable wiping cloths. FIRST USE: 20020930. FIRST USE IN COMMERCE: 20020930  
**Standard Characters Claimed**  
**Mark Drawing Code** (4) STANDARD CHARACTER MARK  
**Trademark Search Facility Classification Code** LETS-2 MR Two letters or combinations of multiples of two letters NOTATION-SYMBOLS Notation Symbols such as Non-Latin characters,punctuation and mathematical signs,zodiac signs,prescription marks  
**Serial Number** 77142156  
**Filing Date** March 28, 2007  
**Current Basis** 1A  
**Original Filing Basis** 1A  
**Published for Opposition** September 25, 2007  
**Registration Number** 3351650  
**Registration Date** December 11, 2007  
**Owner**

(REGISTRANT) The Procter & Gamble Company CORPORATION OHIO 1 P&G Plaza Cincinnati  
OHIO 45202

**Attorney of Record** Jacqueline M. Allshouse-Hutchens  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Affidavit Text** SECT 8 (6-YR).  
**Live/Dead Indicator** LIVE

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# MR. CLEAN

**Word Mark** MR. CLEAN

**Goods and Services** IC 021. US 002 013 023 029 030 033 040 050. G & S: Cleaning pads impregnated with cleaning solutions which activate upon contact with water; household cleaning tools, featuring telescoping poles and detachable heads for use with disposable cleaning pads for cleaning bathroom surfaces. FIRST USE: 20050101. FIRST USE IN COMMERCE: 20050101

**Standard Characters Claimed**

**Mark Drawing Code** (4) STANDARD CHARACTER MARK

**Trademark Search Facility Classification Code** LETS-2 MR Two letters or combinations of multiples of two letters  
NOTATION-SYMBOLS Notation Symbols such as Non-Latin characters,punctuation and mathematical signs,zodiac signs,prescription marks

**Serial Number** 78868159

**Filing Date** April 24, 2006

**Current Basis** 1A

**Original Filing Basis** 1B

**Published for Opposition** August 1, 2006

**Registration Number** 3350137  
December 4, 2007

**Registration**

**Date**

**Owner** (REGISTRANT) The Procter & Gamble Company CORPORATION OHIO One Procter & Gamble Plaza Cincinnati OHIO 45202

**Attorney of Record**

Jacqueline M. Allshouse-Hutchens

**Prior Registrations**

0658915;2493607;2926903;AND OTHERS

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Affidavit Text**

SECT 15. SECT 8 (6-YR).

**Live/Dead Indicator**

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# MR. CLEAN

<b>Word Mark</b>	MR. CLEAN
<b>Goods and Services</b>	IC 003. US 001 004 006 050 051 052. G & S: household cleaning preparations, namely hard surface cleaners. FIRST USE: 19570510. FIRST USE IN COMMERCE: 19570510
	IC 005. US 006 018 044 046 051 052. G & S: household cleaning preparations, namely hard surface cleaners, having disinfecting capabilities. FIRST USE: 19570510. FIRST USE IN COMMERCE: 19570510
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	78766860
<b>Filing Date</b>	December 5, 2005
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	January 30, 2007
<b>Registration Number</b>	<b>3229266</b>
<b>Registration Date</b>	April 17, 2007
<b>Owner</b>	(REGISTRANT) The Procter & Gamble Company CORPORATION OHIO One Procter & Gamble Plaza Cincinnati OHIO 45202

**Attorney of Record** Alison Tan  
**Prior Registrations** 0658915;2493607;2710107;AND OTHERS  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Affidavit Text** SECT 15. SECT 8 (6-YR).  
**Live/Dead Indicator** LIVE

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**MR. CLEAN**

**Word Mark** MR. CLEAN  
**Goods and Services** IC 003. US 001 004 006 050 051 052. G & S: Floor stripping and cleaning preparation; floor finishing preparation; carpet cleaning preparation. FIRST USE: 20050430. FIRST USE IN COMMERCE: 20050430  
**Standard Characters Claimed**  
**Mark Drawing Code** (4) STANDARD CHARACTER MARK  
**Serial Number** 78393295  
**Filing Date** March 30, 2004  
**Current Basis** 1A  
**Original Filing Basis** 1B  
**Published for Opposition** January 4, 2005  
**Registration Number** **3094001**  
**Registration Date** May 16, 2006  
**Owner** (REGISTRANT) The Procter & Gamble Company CORPORATION OHIO One Procter & Gamble Plaza Cincinnati OHIO 45202  
**Attorney of Record** Jacqueline M. Allshouse-Hutchens  
**Prior Registrations** 0658915;0665866;2493607;AND OTHERS

Type of Mark        TRADEMARK  
Register            PRINCIPAL  
Affidavit Text      SECT 15. SECT 8 (6-YR).  
Live/Dead  
Indicator            LIVE

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# **EXHIBIT B**

ESTTA Tracking number: **ESTTA545229**

Filing date: **06/26/2013**

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	The Procter & Gamble Company		
Entity	Corporation	Citizenship	Ohio
Address	One Procter & Gamble Plaza CINCINNATI, OH 45202 UNITED STATES		

Attorney information	Cheryl S. Scotney Keating Muething & Klekamp PLL 1 East Fourth Street Suite 1400 CINCINNATI, OH 45202 UNITED STATES trademarks@kmlaw.com, cscotney@kmlaw.com Phone:513-579-6942		
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#### Registration Subject to Cancellation

Registration No	3458709	Registration date	07/01/2008
Registrant	SPE TRADING, INC. 5812 E. WASHINGTON BLVD. CITY OF COMMERCE, CA 90040 UNITED STATES		

#### Goods/Services Subject to Cancellation

Class 003. First Use: 2008/01/07 First Use In Commerce: 2008/01/07 All goods and services in the class are cancelled, namely: All-purpose cleaners
---

#### Grounds for Cancellation

<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)
Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

#### Marks Cited by Petitioner as Basis for Cancellation

U.S. Registration No.	3406377	Application Date	05/03/2007
Registration Date	04/01/2008	Foreign Priority Date	NONE
Word Mark	MR. CLEAN WITH FEBREZE		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 003. First use: First Use: 2007/12/17 First Use In Commerce: 2007/12/17 All-purpose cleaners		
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U.S. Registration No.	3351650	Application Date	03/28/2007
Registration Date	12/11/2007	Foreign Priority Date	NONE
Word Mark	MR. CLEAN		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 021. First use: First Use: 2002/09/30 First Use In Commerce: 2002/09/30 Reusable wiping cloths		

U.S. Registration No.	3350137	Application Date	04/24/2006
Registration Date	12/04/2007	Foreign Priority Date	NONE
Word Mark	MR. CLEAN		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 021. First use: First Use: 2005/01/01 First Use In Commerce: 2005/01/01 Cleaning pads impregnated with cleaning solutions which activate upon contact with water; household cleaning tools, featuring telescoping poles and detachable heads for use with disposable cleaning pads for cleaning bathroom surfaces		

U.S. Registration No.	3229266	Application Date	12/05/2005
Registration Date	04/17/2007	Foreign Priority Date	NONE
Word Mark	MR. CLEAN		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 1957/05/10 First Use In Commerce: 1957/05/10 household cleaning preparations, namely hard surface cleaners Class 005. First use: First Use: 1957/05/10 First Use In Commerce: 1957/05/10 household cleaning preparations, namely hard surface cleaners, having disinfecting capabilities		

U.S. Registration No.	3094001	Application Date	03/30/2004
Registration Date	05/16/2006	Foreign Priority Date	NONE
Word Mark	MR. CLEAN		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2005/04/30 First Use In Commerce: 2005/04/30		

	Floor stripping and cleaning preparation; floor finishing preparation; carpet cleaning preparation
--	--

U.S. Registration No.	2824108	Application Date	08/15/2002
Registration Date	03/16/2004	Foreign Priority Date	NONE
Word Mark	MR. CLEAN		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2003/08/15 First Use In Commerce: 2003/08/15 [Toilet bowl/urinal cleaner] Class 005. First use: First Use: 2003/08/15 First Use In Commerce: 2003/08/15 Restroom disinfectant cleaner		

Attachments	Petition to Cancel & Exhibits A & B-Maestro Limpio.pdf(1194783 bytes ) Petition to Cancel- Exhibits C & D-Maestro Limpio.pdf(2398132 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.

Signature	/Cheryl S. Scotney/
Name	Cheryl S. Scotney
Date	06/26/2013

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

The Procter & Gamble Company	)	
	)	
Petitioner,	)	
	)	
	)	<b>PETITION TO CANCEL</b>
	)	
v.	)	Cancellation No. _____
	)	
	)	Registration No. 3458709
	)	Mark: MAESTRO LIMPIO
Spe Trading, Inc.	)	Filing Date: November 20, 2006
	)	Registration Date: July 1, 2008
Registrant.	)	
	)	

**PETITION TO CANCEL**

The Procter & Gamble Company (“Petitioner”), a corporation of the State of Ohio, with its principal offices located at One Procter & Gamble Plaza, Cincinnati, Ohio 45202, believes it will be damaged by the continued registration of Registration No. 3458709, MAESTRO LIMPIO, owned by Spe Trading, Inc. (“Registrant”), a California corporation with an address of 5812 E. Washington Blvd., City of Commerce, California 90040. Petitioner hereby petitions The Commissioner of Trademarks to cancel Registration No. 2377836 with respect to the goods “all-purpose cleaners” as listed in the recitation of goods, in accordance with 15 U.S.C. § 1064.

As grounds for the Petition to Cancel, Petitioner alleges that:

1. Petitioner is an Ohio corporation with its principal place of business at One Procter & Gamble Plaza, Cincinnati, Ohio 45202.
2. Petitioner is a long-established, multi-national company engaged in, among other things, the development, manufacture, advertising, distribution and sale of a wide variety of household cleaning products, including without limitation all-purpose cleaners.

3. Petitioner is engaged in the sale of household cleaning products using the trademark MR. CLEAN.

4. Since at least as early as May 10, 1957, Petitioner has manufactured and sold household cleaning products under the MR. CLEAN brand.

5. Petitioner owns numerous valid and subsisting US federal trademark registrations for MR. CLEAN trademarks. Copies of representative US registration certificates and associated renewals are attached as Exhibit A.

6. The existence of valid and subsisting federal trademark registrations for the marks included in Exhibit A constitutes prima facie evidence of the ownership and validity of those marks. Moreover, many of the marks in Exhibit A are incontestable pursuant to 15 U.S.C. § 1065, which constitutes conclusive evidence of Petitioner's exclusive right to use its MR. CLEAN marks for the products specified in those registrations pursuant to 15 U.S.C. §§ 1065 and 1115(b).

7. Petitioner owns at least two valid and subsisting Mexican trademark registrations for the trademark MAESTRO LIMPIO. Mexican Registration Nos. 240299 and 272955 were registered on February 13, 1980 and April 20, 1982, respectively. Copies of the Mexican registration certificates and associated renewals are attached as Exhibit B. Copies of Mexican packaging used by Petitioner are attached as Exhibit C.

8. Petitioner has continuously and extensively used the MR. CLEAN marks in commerce in connection with the advertising, promotion and sale of the products specified in the registrations since the first use dates alleged in the registrations.

9. Petitioner has enjoyed substantial sales and has spent vast sums in advertising and promoting the products specified in the registrations in connection with its MR. CLEAN marks throughout the United States.

10. Petitioner's MR. CLEAN marks have achieved such widespread public recognition as to become famous.

11. The US registration that Petitioner hereby seeks to cancel was filed on November 20, 2006, as an "intent to use" application and was registered on July 1, 2008 after a Statement of Use was filed and accepted. The specimen submitted in Statement of Use filing is attached as Exhibit D.

12. Upon information and belief, based on a reasonable investigation, Registrant's mark MAESTRO LIMPIO is translated into English as "MASTER CLEAN".

13. Upon information and belief, based on a reasonable investigation, Registrant filed for registration of MAESTRO LIMPIO and began use of the mark MAESTRO LIMPIO after Petitioner's filing and first use dates in both the US and Mexico.

14. Registrant's website states that Registrant is in the business of "providing imports from Mexico and Latin America specializing in the wholesale export and distribution of non-perishable authentic Mexican products."

15. Registrant is either importing Petitioner's MR. CLEAN products and using those imports as a stated basis of use for its MAESTRO LIMPIO Registration or Registrant is importing counterfeit products and passing them off as "authentic Mexican products."

16. Upon information and belief, based upon a reasonable investigation, Registrant's specimen as filed in its Statement of Use and as shown in Exhibit D is not Petitioner's product and is not Petitioner's product labeling.

17. Upon information and belief, based upon a reasonable investigation, Registrant filed for registration of MAESTRO LIMPIO based upon bad faith.

18. Registrant's continued use and registration of the MAESTRO LIMPIO mark is likely to be confuse consumers into believing that Registrant's MAESTRO LIMPIO product is that of Petitioner's.

19. Petitioner is being and will be further damaged by the continued registration of the MAESTRO LIMPIO mark. Further, Petitioner's registrations for its MR. CLEAN marks will be impaired by the continued registration of Registrant's MAESTRO LIMPIO trademark.

WHEREFORE, Petitioner requests that this Petition be granted and that Registration No. 3458709 for the mark "MAESTRO LIMPIO" be cancelled with respect to "all-purpose cleaners" pursuant to 15 U.S.C. § 1064.

If the filing fee is found to be insufficient for any reason, please charge the deficiency to Deposit Account No. 500735.

Dated: June 26, 2013

Respectfully submitted,

  
Cheryl S. Scotney



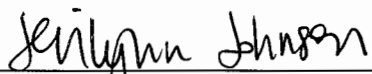
KEATING MUETHING & KLEKAMP PLL  
One East Fourth Street, Suite 1400  
Cincinnati, Ohio 45202  
phone: (513) 579-6942  
fax: (513) 579-6457  
email: [cscotney@kmklaw.com](mailto:cscotney@kmklaw.com)

Attorney for Petitioner  
The Procter & Gamble Company

**CERTIFICATE OF SERVICE**

I certify that a true and accurate copy of the foregoing PETITION TO CANCEL was served by first class mail, postage prepaid, on June 26, 2013 upon Registrant:

Spe Trading, Inc.  
5812 E. Washington Blvd.  
City of Commerce, CA 90040

  
\_\_\_\_\_  
Jeri Lynn Johnson

# EXHIBIT A

**Int. Cl.: 3**

**Prior U.S. Cls.: 1, 4, 6, 50, 51, and 52**

**United States Patent and Trademark Office**

**Reg. No. 3,406,377**

**Registered Apr. 1, 2008**

**TRADEMARK  
PRINCIPAL REGISTER**

**MR. CLEAN WITH FEBREZE**

THE PROCTER & GAMBLE COMPANY (OHIO  
CORPORATION)  
1 P&G PLAZA  
CINCINNATI, OH 45202

FOR: ALL-PURPOSE CLEANERS, IN CLASS 3  
(U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 12-17-2007; IN COMMERCE 12-17-2007.

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

OWNER OF U.S. REG. NOS. 3,152,106, 3,229,266,  
AND OTHERS.

SN 77-172,099, FILED 5-3-2007.

Laurie Mayes, Examining Attorney

Int. Cl.: 21

Prior U.S. Cls.: 2, 13, 23, 29, 30, 33, 40 and 50

Reg. No. 3,351,650

**United States Patent and Trademark Office**

Registered Dec. 11, 2007

**TRADEMARK  
PRINCIPAL REGISTER**

**MR. CLEAN**

THE PROCTER & GAMBLE COMPANY (OHIO  
CORPORATION)  
1 P&G PLAZA  
CINCINNATI, OH 45202

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

FOR: REUSABLE WIPING CLOTHS, IN CLASS 21  
(U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

SER. NO. 77-142,156, FILED 3-28-2007.

FIRST USE 9-30-2002; IN COMMERCE 9-30-2002.

GEOFFREY FOSDICK, EXAMINING ATTORNEY

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**From:** TMOfficialNotices@USPTO.GOV  
**Sent:** Tuesday, June 18, 2013 11:00 PM  
**To:** pgtrademarks.im@pg.com  
**Subject:** Trademark RN 3351650: Official Notice of Acceptance under Section 8 of the Trademark Act

---

**Serial Number:** 77142156  
**Registration Number:** 3351650  
**Registration Date:** Dec 11, 2007  
**Mark:** MR. CLEAN(STANDARD CHARACTER MARK)  
**Owner:** The Procter & Gamble Company

Jun 18, 2013

## NOTICE OF ACCEPTANCE UNDER SECTION 8

The declaration of use or excusable nonuse filed for the above-identified registration meets the requirements of Section 8 of the Trademark Act, 15 U.S.C. §1058. **The Section 8 declaration is accepted.**

**The registration will remain in force for the class(es) listed below for the remainder of the ten-year period, calculated from the registration date, unless canceled by an order of the Commissioner for Trademarks or a Federal Court.**

**Class(es):**  
021

TRADEMARK SPECIALIST  
POST-REGISTRATION DIVISION  
571-272-9500

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## REQUIREMENTS FOR MAINTAINING REGISTRATION

**WARNING: Your registration will be canceled if you do not file the documents below during the specified time periods.**

### Requirements in the First Ten Years

**What and When to File:** 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. §§1058, 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. See 15 U.S.C. §§1058, 1059.

### Grace Period Filings

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

**\*\*\*The USPTO WILL NOT SEND ANY FURTHER NOTICE OR REMINDER OF THESE REQUIREMENTS. THE**

**REGISTRANT SHOULD CONTACT THE USPTO ONE YEAR BEFORE THE EXPIRATION OF THE TIME PERIODS SHOWN ABOVE TO DETERMINE APPROPRIATE REQUIREMENTS AND FEES.\*\***

To view this notice and other documents for this application on-line, go to <http://tdr.uspto.gov/search.action?sn=77142156>.  
NOTE: This notice will only be available on-line the next business day after receipt of this e-mail.

Int. Cl.: 21

Prior U.S. Cls.: 2, 13, 23, 29, 30, 33, 40, and 50

United States Patent and Trademark Office

Reg. No. 3,350,137

Registered Dec. 4, 2007

TRADEMARK  
PRINCIPAL REGISTER

MR. CLEAN

THE PROCTER & GAMBLE COMPANY (OHIO  
CORPORATION)  
ONE PROCTER & GAMBLE PLAZA  
CINCINNATI, OH 45202

FOR: CLEANING PADS IMPREGNATED WITH  
CLEANING SOLUTIONS WHICH ACTIVATE UPON  
CONTACT WITH WATER; HOUSEHOLD CLEAN-  
ING TOOLS, FEATURING TELESCOPING POLES  
AND DETACHABLE HEADS FOR USE WITH DIS-  
POSABLE CLEANING PADS FOR CLEANING  
BATHROOM SURFACES, IN CLASS 21 (U.S. CLS. 2,  
13, 23, 29, 30, 33, 40 AND 50).

FIRST USE 1-1-2005; IN COMMERCE 1-1-2005.

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

OWNER OF U.S. REG. NOS. 658,915, 2,926,903,  
AND OTHERS.

SN 78-868,159, FILED 4-24-2006.

NAKIA HENRY, EXAMINING ATTORNEY



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**From:** TMOOfficialNotices@USPTO.GOV  
**Sent:** Friday, June 21, 2013 11:00 PM  
**To:** pgtrademarks.im@pg.com  
**Subject:** Trademark RN 3350137: Official Notice of Acceptance and Acknowledgement under Sections 8 and 15 of the Trademark Act

---

**Serial Number:** 78868159  
**Registration Number:** 3350137  
**Registration Date:** Dec 4, 2007  
**Mark:** MR. CLEAN(STANDARD CHARACTER MARK)  
**Owner:** The Procter & Gamble Company

Jun 21, 2013

### **NOTICE OF ACCEPTANCE UNDER SECTION 8**

The declaration of use or excusable nonuse filed for the above-identified registration meets the requirements of Section 8 of the Trademark Act, 15 U.S.C. §1058. **The Section 8 declaration is accepted.**

### **NOTICE OF ACKNOWLEDGEMENT UNDER SECTION 15**

The declaration of incontestability filed for the above-identified registration meets the requirements of Section 15 of the Trademark Act, 15 U.S.C. §1065. **The Section 15 declaration is acknowledged.**

**The registration will remain in force for the class(es) listed below for the remainder of the ten-year period, calculated from the registration date, unless canceled by an order of the Commissioner for Trademarks or a Federal Court.**

**Class(es):**  
021

TRADEMARK SPECIALIST  
POST-REGISTRATION DIVISION  
571-272-9500

---

### **REQUIREMENTS FOR MAINTAINING REGISTRATION**

**WARNING: Your registration will be canceled if you do not file the documents below during the specified time periods.**

#### **Requirements in the First Ten Years**

**What and When to File:** 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. §§1058, 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. See 15 U.S.C. §§1058, 1059.

**Grace Period Filings**

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

**\*\*\*The USPTO WILL NOT SEND ANY FURTHER NOTICE OR REMINDER OF THESE REQUIREMENTS. THE REGISTRANT SHOULD CONTACT THE USPTO ONE YEAR BEFORE THE EXPIRATION OF THE TIME PERIODS SHOWN ABOVE TO DETERMINE APPROPRIATE REQUIREMENTS AND FEES.\*\*\***

To view this notice and other documents for this application on-line, go to <http://tdr.uspto.gov/search.action?sn=78868159>.

NOTE: This notice will only be available on-line the next business day after receipt of this e-mail.

**Int. Cls.: 3 and 5**

**Prior U.S. Cls.: 1, 4, 6, 18, 44, 46, 50, 51 and 52**

**United States Patent and Trademark Office**

**Reg. No. 3,229,266**

**Registered Apr. 17, 2007**

**TRADEMARK  
PRINCIPAL REGISTER**

**MR. CLEAN**

THE PROCTER & GAMBLE COMPANY (OHIO  
CORPORATION)  
ONE PROCTER & GAMBLE PLAZA  
CINCINNATI, OH 45202

FOR: HOUSEHOLD CLEANING PREPARA-  
TIONS, NAMELY HARD SURFACE CLEANERS,  
IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 5-10-1957; IN COMMERCE 5-10-1957.

FOR: HOUSEHOLD CLEANING PREPARA-  
TIONS, NAMELY HARD SURFACE CLEANERS,  
HAVING DISINFECTING CAPABILITIES, IN CLASS  
5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE 5-10-1957; IN COMMERCE 5-10-1957.

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

OWNER OF U.S. REG. NOS. 658,915, 2,710,107 AND  
OTHERS.

SER. NO. 78-766,860, FILED 12-5-2005.

LINDA ORNDORFF, EXAMINING ATTORNEY

**From:** TMOfficialNotices@USPTO.GOV  
**Sent:** Wednesday, April 24, 2013 11:00 PM  
**To:** pgtrademarks.im@pg.com  
**Subject:** Trademark RN 3229266: Official Notice of Acceptance and Acknowledgement under Sections 8 and 15 of the Trademark Act

**Serial Number:** 78766860  
**Registration Number:** 3229266  
**Registration Date:** Apr 17, 2007  
**Mark:** MR. CLEAN(STANDARD CHARACTER MARK)  
**Owner:** The Procter & Gamble Company

Apr 24, 2013

### **NOTICE OF ACCEPTANCE UNDER SECTION 8**

The declaration of use or excusable nonuse filed for the above-identified registration meets the requirements of Section 8 of the Trademark Act, 15 U.S.C. §1058. **The Section 8 declaration is accepted.**

### **NOTICE OF ACKNOWLEDGEMENT UNDER SECTION 15**

The declaration of incontestability filed for the above-identified registration meets the requirements of Section 15 of the Trademark Act, 15 U.S.C. §1065. **The Section 15 declaration is acknowledged.**

**The registration will remain in force for the class(es) listed below for the remainder of the ten-year period, calculated from the registration date, unless canceled by an order of the Commissioner for Trademarks or a Federal Court.**

**Class(es):**  
003, 005

TRADEMARK SPECIALIST  
POST-REGISTRATION DIVISION  
571-272-9500

### **REQUIREMENTS FOR MAINTAINING REGISTRATION**

**WARNING: Your registration will be canceled if you do not file the documents below during the specified time periods.**

#### **Requirements in the First Ten Years**

**What and When to File:** 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. §§1058, 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. See 15 U.S.C. §§1058, 1059.

### **Grace Period Filings**

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

**\*\*\*The USPTO WILL NOT SEND ANY FURTHER NOTICE OR REMINDER OF THESE REQUIREMENTS. THE REGISTRANT SHOULD CONTACT THE USPTO ONE YEAR BEFORE THE EXPIRATION OF THE TIME PERIODS SHOWN ABOVE TO DETERMINE APPROPRIATE REQUIREMENTS AND FEES.\*\*\***

To view this notice and other documents for this application on-line, go to <http://tdr.uspto.gov/search.action?sn=78766860>.  
NOTE: This notice will only be available on-line the next business day after receipt of this e-mail.

**Int. Cl.: 3**

**Prior U.S. Cls.: 1, 4, 6, 50, 51, and 52**

**United States Patent and Trademark Office**

**Reg. No. 3,094,001**

**Registered May 16, 2006**

**TRADEMARK  
PRINCIPAL REGISTER**

**MR. CLEAN**

THE PROCTER & GAMBLE COMPANY (OHIO  
CORPORATION)  
ONE PROCTER & GAMBLE PLAZA  
CINCINNATI, OH 45202

FOR: FLOOR STRIPPING AND CLEANING PRE-  
PARATION; FLOOR FINISHING PREPARATION;  
CARPET CLEANING PREPARATION, IN CLASS 3  
(U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 4-30-2005; IN COMMERCE 4-30-2005.

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

OWNER OF U.S. REG. NOS. 658,915, 2,493,607,  
AND OTHERS.

SN 78-393,295, FILED 3-30-2004.

JOHN KELLY, EXAMINING ATTORNEY

**From:** TMOOfficialNotices@USPTO.GOV  
**Sent:** Tuesday, May 15, 2012 11:00 PM  
**To:** pgtrademarks.im@pg.com  
**Subject:** Trademark RN 3094001: Official Notice of Acceptance and Acknowledgement under Sections 8 and 15 of the Trademark Act

**Serial Number:** 78393295  
**Registration Number:** 3094001  
**Registration Date:** May 16, 2006  
**Mark:** MR. CLEAN(STANDARD CHARACTER MARK)  
**Owner:** The Procter & Gamble Company

May 15, 2012

### **NOTICE OF ACCEPTANCE UNDER SECTION 8**

The declaration of use or excusable nonuse filed for the above-identified registration meets the requirements of Section 8 of the Trademark Act, 15 U.S.C. §1058. **The Section 8 declaration is accepted.**

### **NOTICE OF ACKNOWLEDGEMENT UNDER SECTION 15**

The declaration of incontestability filed for the above-identified registration meets the requirements of Section 15 of the Trademark Act, 15 U.S.C. §1065. **The Section 15 declaration is acknowledged.**

**The registration will remain in force for the class(es) listed below for the remainder of the ten-year period, calculated from the registration date, unless canceled by an order of the Commissioner for Trademarks or a Federal Court.**

**Class(es):**  
003

TRADEMARK SPECIALIST  
POST-REGISTRATION DIVISION  
571-272-9500

### **REQUIREMENTS FOR MAINTAINING REGISTRATION**

**WARNING: Your registration will be canceled if you do not file the documents below during the specified time periods.**

#### **Requirements in the First Ten Years**

**What and When to File:** 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. §§1058, 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. See 15 U.S.C. §§1058, 1059.

**Grace Period Filings**

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

**\*\*\*The USPTO WILL NOT SEND ANY FURTHER NOTICE OR REMINDER OF THESE REQUIREMENTS. THE REGISTRANT SHOULD CONTACT THE USPTO ONE YEAR BEFORE THE EXPIRATION OF THE TIME PERIODS SHOWN ABOVE TO DETERMINE APPROPRIATE REQUIREMENTS AND FEES.\*\*\***

To view this notice and other documents for this application on-line, go to <http://tdr.uspto.gov/search.action?sn=78393295>.

NOTE: This notice will only be available on-line the next business day after receipt of this e-mail.



**Int. Cls.: 3 and 5**

**Prior U.S. Cls.: 1, 4, 6, 18, 44, 46, 50, 51, and 52**

**Reg. No. 2,824,108**

**United States Patent and Trademark Office**

**Registered Mar. 16, 2004**

**TRADEMARK  
PRINCIPAL REGISTER**

**MR. CLEAN**

PROCTER & GAMBLE COMPANY, THE (OHIO  
CORPORATION)  
ONE PROCTER & GAMBLE PLAZA  
CINCINNATI, OH 45202

FOR: TOILET BOWL/URINAL CLEANER, IN  
CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 8-15-2003; IN COMMERCE 8-15-2003.

FOR: RESTROOM DISINFECTANT CLEANER,  
IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE 8-15-2003; IN COMMERCE 8-15-2003.

OWNER OF U.S. REG. NOS. 658,915, 2,583,814,  
AND OTHERS.

SN 78-154,649, FILED 8-15-2002.

KELLEY WELLS, EXAMINING ATTORNEY

Side - 1



**NOTICE OF ACCEPTANCE OF §8  
DECLARATION  
MAILING DATE: Jan 11, 2010**

The declaration filed in connection with the registration identified below meets the requirements of Section 8 of the Trademark Act, 15 U.S.C. §1058. The declaration is accepted and the registration remains in force.

For further information about this notice, visit our website at: <http://www.uspto.gov>. To review information regarding the referenced registration, go to <http://tarr.uspto.gov>.

**REG NUMBER: 2824108**  
**MARK: MR. CLEAN**  
**OWNER: Procter & Gamble Company, The**

Side - 2

UNITED STATES PATENT AND TRADEMARK OFFICE  
COMMISSIONER FOR TRADEMARKS  
P.O. BOX 1451  
ALEXANDRIA, VA 22313-1451

FIRST-CLASS  
MAIL  
U.S POSTAGE  
PAID

ALISON TAN  
THE PROCTER & GAMBLE COMPANY  
299 EAST SIXTH STREET  
CINCINNATI, OH 45202

## EXHIBIT B

*SECRETARIA DE PATRIMONIO Y FOMENTO INDUSTRIAL*

*DIRECCION GENERAL DE INVENCIONES Y MARCAS*

**TITULO DEL REGISTRO DE MARCA**

Número 240299

Por el presente se hace constar que PROCTER & GAMBLE DE MEXICO, S.A. DE C.V. DE MEXICO, D.F., CUYA FABRICA ESTA UBICADA EN 146 PONIENTE No. 850 - - - - COL. INDUSTRIAL VALLEJO, MEXICO, D.F. - - - - - ha adquirido el derecho al uso exclusivo de la marca cuyo facsímile, descripción y reservas aparecen adjuntos.

Los efectos de este registro tienen una duración de cinco años, contados a partir de las 15 horas 25 minutos del 22 DE NOVIEMBRE de 1979, renovable con sujeción a las disposiciones legales relativas.

México, D. F., a 13 de FEBRERO de 19 80.

P.A. DEL SECRETARIO DE PATRIMONIO  
Y FOMENTO INDUSTRIAL  
EL DIRECTOR GENERAL

LIC. GILBERTO ZARATE TRISTAIN

EL JEFE DEL DEPARTAMENTO  
DE TITULACIÓN

LIC. ALEJANDRO BRITO

DGA-CFI-241.4-01

P.: 156696

/cdd.



PROCTER & GAMBLE DE MEXICO, S.A. DE C.V., sociedad organizada y existente de acuerdo con las leyes de la República Mexicana, con domicilio en Av. Constituyentes No. 908, Ciudad de México 10, Distrito Federal, República Mexicana, teniendo su fábrica en 146 Poniente No. 850, Colonia Industrial Vallejo, Ciudad de México, Distrito Federal, República Mexicana,

ha adoptado para su uso propio y exclusivo una marca denominada "MAESTRO LIMPIO" , que sirve para distinguir toda clase de productos químicos, medicinas y preparaciones farmacéuticas. Clase 6.

La marca consiste esencialmente en la denominación "MAESTRO LIMPIO" , en letras tipo block y se usará de preferencia por medio de etiquetas apropiadas, que irán adheridas sobre los artículos mismos o envases que contengan los productos que ampara o impresa o representada directamente sobre las cajas, cartones o envases en general o por cualquier otro medio apropiado, pero sin que quiera significar una restricción en la manera de usarla, pues podrá usarse de cualquier otra manera que resulte más conveniente.

#### R E S E R V A S

La propietaria hace consistir esencialmente su marca y se reserva la propiedad exclusiva:

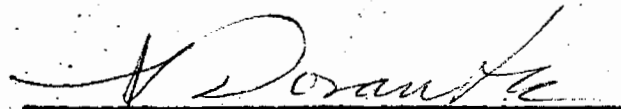
1. Del uso de la denominación "MAESTRO LIMPIO" en letras tipo block o representada en cualquier tipo y tamaño de letras y por lo tanto, considerará como imitación, aún cuando se use en unión de otras palabras, leyendas, dibujos o detalles, el empleo por un tercero de esta denominación para amparar toda clase de productos químicos, medicinas y preparaciones farmacéuticas. Clase 6.

2. Del derecho de aplicarla de cualquier manera que produzca la impresión visual representada en el facsímil adjunto.

EN TESTIMONIO DE LO CUAL, he firmado la anterior descripción y las reservas como apoderado de - - - - -  
PROCTER & GAMBLE DE MEXICO, S.A. DE C.V. , en la Ciudad de México, Distrito Federal, a los veintidos días del mes de noviembre de mil novecientos setenta y nueve.

P.P.

PROCTER & GAMBLE DE MEXICO, S.A. DE C.V



GUILLERMO SESMA C.

y/o SAMUEL DORANTES

°crl

MAESTRO LIMPIO

SECRETARIA DE JUSTICIA  
FISCALIA GENERAL DE LA REPUBLICA  
DIRECCION GENERAL DE INVESTIGACIONES

GOODRICH DALTON LITTLE & RIQUELME  
ACTUALMENTE: GOODRICH, RIQUELME Y ASOCIADOS.

HOJA DE PARTICULARIDADES

Título de Marca Concedida a:

PROCTER & GAMBLE DE MEXICO,  
S.A. DE C.V.

Marca Número 240299

Denominación "MAESTRO LIMPIO"

Fecha Legal Noviembre 22, 1979

Fecha de Concesión Febrero 13, 1980

Duración de la Marca: 5 años a partir de la fecha legal.

Fecha en que debe renovarse la marca Noviembre 22, 1984

La marca debe usarse en México y comprobarse su uso  
antes de Febrero 13, 1983

Clase 6

Artículos que ampara: Toda clase de productos químicos,  
medicinas y preparaciones farmacéuticas.

LA MARCA DEBE USARSE TAL Y COMO ESTA.



CERTIFICADO CON  
ACUSE DE RECIBO  
FOLIO.- 160430

*Maestro Limpio*

Instituto  
Mexicano  
de la Propiedad  
Industrial



**SUBDIRECCION DIVISIONAL DE PROCESAMIENTO  
ADMINISTRATIVO DE MARCAS.  
COORDINACION DEPARTAMENTAL DE CONSERVACION DE  
DERECHOS.**

**MARCA: 240299**

**Asunto: Se comunica la renovación del registro de marca que se indica.**

**México D. F., a 18 DE OCTUBRE DE 2004**

**JAVIER EDUARDO LIZARDI CALDERON**  
GUILLERMO GONZALEZ CAMARENA # 1100, PISO 7, COL. SANTA FE CENTRO DE CIUDAD

01210 MEXICO, D.F.

En relación con su escrito presentado el 24 DE SEPTIEMBRE DE 2004, se le comunica que el presente registro de marca ha quedado renovado con No. 54310/2004 por el término de diez años a partir del 22 DE NOVIEMBRE DE 2004, de conformidad con lo dispuesto en los Artículos 95, 130, 133 y 134 de la Ley de la Propiedad Industrial.

No obstante lo anterior, esta Autoridad se reserva las facultades que le confiere la Ley de la Materia para comprobar el cumplimiento de lo dispuesto en los Artículos 130 y 134 de dicha Ley.

El suscrito firma el presente oficio con fundamento en lo dispuesto por los Artículos 6º, fracciones III, IV y 7 BIS 2, de la Ley de la Propiedad Industrial; Artículos 1º, 3º fracción V, inciso b), subíndice i) tercer guión, 4º, 5º, 11 fracciones II, IX y último párrafo, 13 fracciones I, II, III, IV, V, VI y VII del Reglamento de este Organismo; Artículos 1º, 3º, 6º incisos a), b), c), d), e), f), párrafos penúltimo y último del Acuerdo que delega facultades en los Directores Generales Adjuntos, Coordinador, Directores Divisionales, Titulares de las Oficinas Regionales, Subdirectores Divisionales, Coordinadores Departamentales y otros subalternos del Instituto Mexicano de la Propiedad Industrial; Artículos 3º, 4º, 5º párrafo vigésimo primero, 17 fracciones I, II, III, IV, V, VI y VII, 28 y 31 del Estatuto Orgánico del Instituto Mexicano de la Propiedad Industrial.

**ATENTAMENTE**  
**LA COORDINADORA DEPARTAMENTAL**

**LIC. MARIANA COBO GONZALEZ**





SECRETARIA DE  
COMERCIO Y  
FOMENTO INDUSTRIAL

Certificado con  
Acuse de recibo

REG.- 77257

DEPENDENCIA

DIRECCION GENERAL DE  
DESARROLLO TECNOLOGICO.

Depto. de Titulación, Transmisión  
y Conservación de Marcas.

No. DE OFICIO

125-89

EXPEDIENTE

MARCA: 240299

ASUNTO Se comunica la renovación del registro de marca que se  
indica

México D.F., a 11 de Septiembre DE 1989

72569

**JAIINE DELGADO R.**

PASEO DE LA REFORMA 355-2, COL. CUAUHEMOC  
06500 MEXICO, D.F.

En relación con su escrito presentado en esta Dirección General, se le comunica que el presente registro marcario, ha quedado renovado con resolución No. 7047/89 por el término de cinco años a partir del 22 de Noviembre de 1989, de conformidad con lo dispuesto en los Artículos 139 y 140 de la Ley de Invenciones y Marcas.

No obstante lo anterior, esta Dirección General se reserva las facultades que le confiere la Ley de la Materia, para proceder en la forma que estime conveniente, a fin de comprobar la veracidad de la información proporcionada en la declaración de comprobación de uso que se presentó, de acuerdo con lo establecido en los Artículos 115, 118 y 140 de la Ley invocada.

Lo anterior se le comunica con fundamento en las disposiciones legales antes citadas, así como en lo dispuesto por los Artículos 17 Fracciones III y VI y Tercero Transitorio del Reglamento Interior de esta Secretaría, publicado en el Diario Oficial de la Federación el 16 de marzo de 1989 y 4o. fracción XVI inciso f) del acuerdo que adscribe unidades administrativas y delega facultades en los CC. Subsecretarios, Oficial Mayor, Directores Generales y otros subalternos, publicado en el citado Organó Informativo el 12 de septiembre de 1985, reformado y adicionado el 10 de agosto de 1987.

A T E N T A M E N T E .  
SUFRAGIO EFECTIVO. NO REELECCION.  
LA SUBDIRECTORA DE MARCAS.

VIC. MARGARITA PRADAL ROA.

AL CONTESTAR ESTE OFICIO, CITENSE LA FECHA Y LOS  
DATOS CONTENIDOS EN EL ANGULO SUPERIOR DERECHO

MVC/



DIRECCION GENERAL DE TECNOLOGIA,  
INVENCIONES Y MARCAS  
DEPARTAMENTO DE TITULACION, TRANSMISION,  
Y CONSERVACION DE DERECHOS

SOLICITUD DE: COMPROBACION DE USO DE MARCA (ART. 117)  
RENOVACION DE MARCA (ART. 139, 140) --XXXX

64021

DATOS DE LA MARCA

NUMERO 240299  
DENOMINACION MAESTRO LIMPIO  
FECHA LEGAL 22 de noviembre de 1979 FECHA DE EXPEDICION 13 de febrero de 1980  
ARTICULOS O SERVICIOS QUE AMPARA Toda clase de productos quimicos  
CLASE A LA QUE SE ADECUA 6 CLASE \_\_\_\_\_  
NUMERO DE LA MARCA Y CLASE EN QUE COMPROBO EL USO EFECTIVO 272955- Clase 50  
FECHA Y NUMERO DE LA RESOLUCION DE LA ULTIMA RENOVACION, EN CASO DE QUE ESTE DISPONIBLE \_\_\_\_\_

DATOS DEL TITULAR

NOMBRE PROCTER & GAMBLE DE MEXICO, S.A. DE C.V.  
DOMICILIO Loma Florida No. 32 - Lomas de Vista Hermosa 05100 México, D.F.  
UBICACION DE LA FABRICA O ESTABLECIMIENTO \_\_\_\_\_  
APODERADO JAIME DELGADO R. y/o SAMUEL DORANTES F.  
DOMICILIO PARA OIR NOTIFICACIONES Paseo de la Reforma 355-2o. Piso Col.y Deleg. Cuauhtémoc  
06500 México, D.F.

DATOS DEL USUARIO

NOMBRE \_\_\_\_\_  
UBICACION DE LA FABRICA O ESTABLECIMIENTO \_\_\_\_\_  
NUMERO DE RESOLUCION POR LA CUAL SE REGISTRO AL USUARIO AUTORIZADO, EN CASO DE QUE ESTE DISPONIBLE \_\_\_\_\_

INFORMACION PARA LA COMPROBACION DE USO  
DATOS ECONOMICOS

CANALES DE COMERCIALIZACION:

TIENDAS DE AUTOSERVICIO  TIENDAS DE DEPARTAMENTOS  TIENDAS DE LA CONASUPO   
TIENDAS PARA EMPLEADOS PUBLICOS  VENTA DIRECTA  VENTA A TRAVES DE CONCESIONARIOS   
VENTA POR DISTRIBUIDOR  OTROS CANALES

NOMBRE Y UBICACION DE DOS ESTABLECIMIENTOS DE PREFERENCIA DE SIGNIFICATIVA IMPORTANCIA PARA LA COMERCIALIZACION DE LOS PRODUCTOS O SERVICIOS, YA SEA QUE SE LOCALICEN EN EL DISTRITO FEDERAL O EN LOS ESTADOS DE LA REPUBLICA.

NOMBRE DE LAS PRINCIPALES POBLACIONES EN EL PAIS EN DONDE SE COMERCIALIZAN LOS PRODUCTOS O SERVICIOS ANTES MENCIONADOS.

FECHA EN QUE, EN SU CASO, SE SUSPENDIO EL USO DE LA MARCA POR RAZONES DE QUE SU COMERCIALIZACION FUE PERIODICA.



**SECRETARIA DE PATRIMONIO Y FOMENTO INDUSTRIAL**

**DIRECCION GENERAL DE INVENCIONES Y MARCAS.  
TITULO DEL REGISTRO DE MARCA.**

**DATOS DEL TITULAR**

NOMBRE: **PROCTER & GAMBLE DE MEXICO, S.A. DE C.V.**

NACIONALIDAD: **MEXICANA.**

DOMICILIO: **LOMA FLORIDA No. 32, LOMAS DE VISTA HERMOSA, MEXICO 10, D.F.**

UBICACION DEL ESTABLECIMIENTO: **146 PONIENTE No. 850, COL. INDUSTRIAL VALLEJO, MEXICO, D.F.**

**DATOS DE LA SOLICITUD**

FECHA LEGAL: **24/MARZO/1981.** HORA: **12.01** EXPEDIENTE: **181981.**

**DATOS DEL REGISTRO DE MARCA**

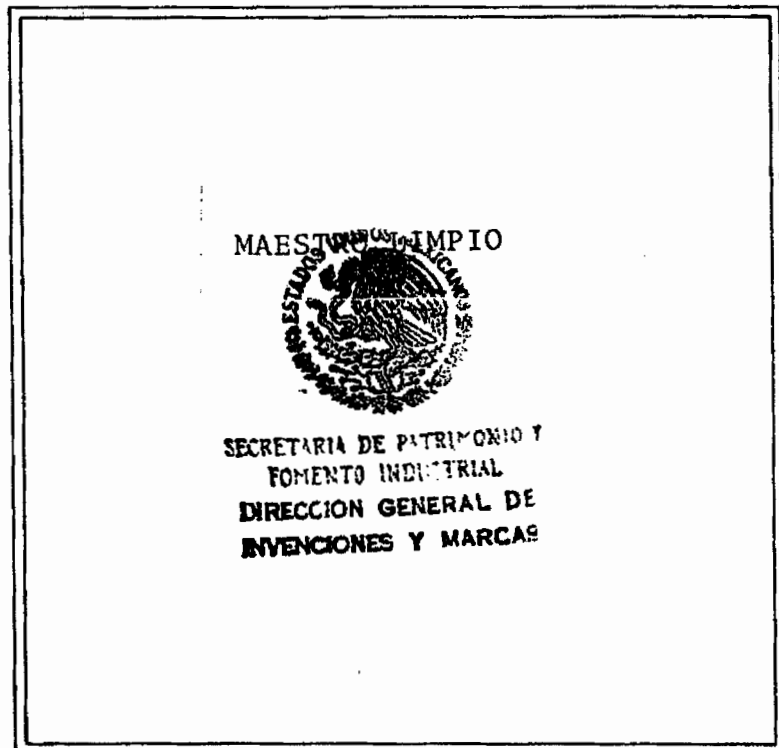
No. DE REGISTRO: **272955.**

DENOMINACION:

**"MAESTRO LIMPIO".**

ARTICULOS O SERVICIOS QUE  
AMPARA TODA CLASE DE  
**JABONES Y DETERGENTES.**

CLASE: **50**

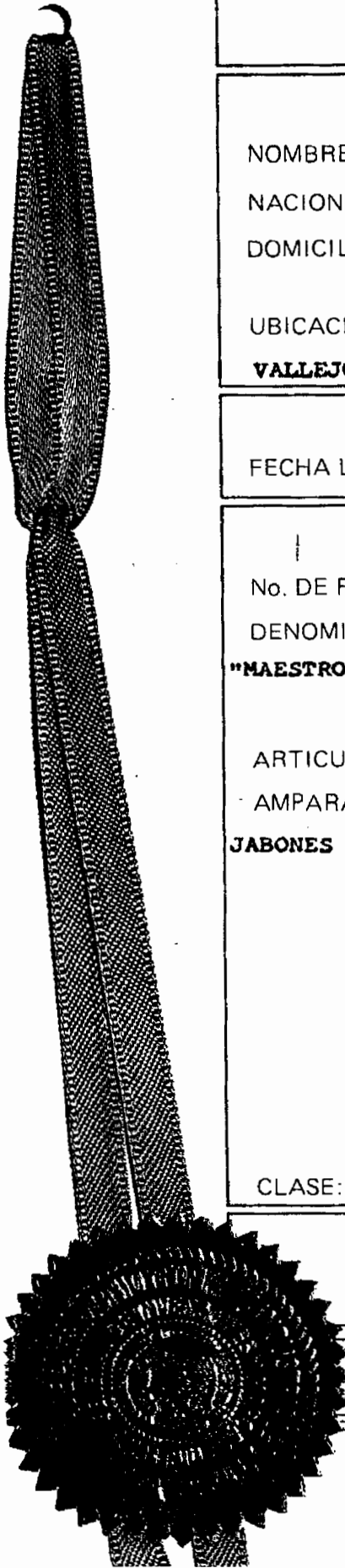


PAIS	PRIORIDAD	FECHA
	No. DE SERIE	

LOS EFECTOS DE ESTE REGISTRO TIENEN UNA DURACION DE CINCO AÑOS, CON  
A PARTIR DE LA FECHA LEGAL, RENOVABLE DE ACUERDO A LAS DISPOSICIONES  
LEGALES APLICABLES.

MEXICO, D. F., A 20 DE **ABRIL** DE 1982.

POR ACUERDO DEL SECRETARIO  
DE PATRIMONIO Y FOMENTO INDUSTRIAL



*[Handwritten signature]*

*[Handwritten mark]*



SECRETARIA DE PATRIMONIO Y  
FOMENTO INDUSTRIAL  
DIRECCION GENERAL DE  
INVENCIONES Y MARCAS

PROCTER & GAMBLE DE MEXICO, S.A. DE C.V., sociedad de nacionalidad mexicana, con domicilio en Loma Florida No. 32, Lomas de Vista Hermosa, Ciudad de México 10, Distrito Federal, República Mexicana, teniendo su establecimiento industrial en 146 Poniente No. 850, Colonia Industrial Vallejo, Ciudad de México, Distrito Federal, República Mexicana, ha adoptado para su uso propio y exclusivo una marca denominada "MAESTRO LIMPIO", que sirve para distinguir toda clase de jabones y detergentes. Clase 50.

La marca consiste esencialmente en la denominación "MAESTRO LIMPIO", en letras tipo block y se usará de preferencia por medio de etiquetas apropiadas, que irán adheridas sobre los artículos mismos o envases que contengan los productos que ampara, o impresa o representada directamente sobre las cajas, cartones o envases en general o por cualquier otro medio apropiado, pero sin que quiera significar una restricción en la manera de usarla, pues podrá usarse de cualquier otra manera que resulte más conveniente.

#### R E S E R V A S

La propietaria hace consistir esencialmente su marca y se reserva la propiedad exclusiva:

1.- Del uso de la denominación "MAESTRO LIMPIO", en letras tipo block o representada en cualquier tipo y tamaño de letras y por lo tanto, considerará como imitación, aún cuan-



SECRETARIA DE PATRIMONIO Y  
FOMENTO INDUSTRIAL  
DIRECCION GENERAL DE  
INVENCIONES Y MARCAS

do se use en unión de otras palabras, leyendas, dibujos o detalles, el empleo por un tercero de esta denominación para amparar toda clase de jabones y detergentes. Clase 50.

2.- Del derecho de aplicarla de cualquier manera que produzca la impresión visual representada en el facsímil adjunto.

EN TESTIMONIO DE LO CUAL, he firmado la anterior descripción y las reservas como apoderado de PROCTER & GAMBLE DE MEXICO, S.A. DE C.V., en la Ciudad de México, Distrito Federal, a los veinticuatro días del mes de Marzo de mil novecientos ochenta y uno.

p.p. PROCTER & GAMBLE DE MEXICO, S.A. DE C.V.

  
\_\_\_\_\_  
JAIME DELGADO R.

'avd

Certificado con acuse de Recibo  
FOLIO.-1015



**DIRECCION DIVISIONAL DE MARCAS  
COORDINACION DEPARTAMENTAL DE CONSERVACION DE  
DERECHOS.**

**MARCA: 272955**

**Asunto: Se comunica la renovación del registro de marca que se indica.**

**México, D.F. a 24 DE ENERO DE 2011.**

**JAVIER EDUARDO LIZARDI CALDERON**

**GUILLERMO GONZALEZ CAMARENA # 1100, PISO 7, SANTA FE CENTRO DE CIUDAD  
01210 MEXICO, D.F.**

En atención a su escrito presentado el 05 DE ENERO DE 2011, se le comunica que el presente registro de marca ha quedado renovado con No.156194/2011 por el término de diez años a partir del 24 DE MARZO DE 2011, de conformidad con lo dispuesto en los Artículos 95, 130, 133 y 134 de la Ley de la Propiedad Industrial.

No obstante lo anterior, esta Autoridad se reserva las facultades que confiere la Ley de la Materia para comprobar el cumplimiento de lo dispuesto en los Artículos 130 y 134 de dicha Ley.

El suscrito firma el presente oficio con fundamento en lo dispuesto por los artículos 6º fracción III y 7º BIS 2 de la Ley de la Propiedad Industrial; artículos 1º, 3º fracción V, inciso b), subíndices i) y iv) primero y segundo guión respectivamente, 4º, 5º, 11 último párrafo y 13 fracciones I, II, III, IV, V, VI Y VII del Reglamento del Instituto Mexicano de la Propiedad Industrial; artículos 1º, 3º, 6º del a), b) c), d), e) y f), párrafos antepenúltimo, penúltimo y último del Acuerdo que delega facultades en los Directores Generales Adjuntos, Coordinador, Directores Divisionales, Titulares de Oficinas Regionales, Subdirectores Divisionales, Coordinadores Departamentales y otros Subalternos del Instituto Mexicano de la Propiedad Industrial; y artículos 1º, 3º, 4º, 5º fracción V, inciso b), subíndices i) y iv) primero y segundo guión respectivamente, 17 Fracciones I, II, III, IV, V, VI y VII, 28 y 31 del Estatuto Orgánico del Instituto Mexicano de la Propiedad Industrial. Ordenamientos Legales cuyas reformas, adiciones y modificaciones se encuentran vigentes a la fecha de emisión del presente oficio.

**ATENTAMENTE**

**EL SUPERVISOR ANALISTA**

**LIC. DANIEL OCHOA GONZALEZ**

  
ARC  
1 de 1



20110031687



## RENEWAL PARTICULARS IN ENGLISH

<b>COUNTRY:</b>	MEXICO
<b>TRADEMARK:</b>	"MAESTRO LIMPIO"
<b>REGISTERED OWNER:</b>	PROCTER & GAMBLE MANUFACTURA, S. DE R.L. DE C.V.
<b>REGISTRATION DATE:</b>	April 20, 1982
<b>REGISTRATION NUMBER:</b>	272955
<b>(IN CASE OF A NUMBER CHANGE, PREVIOUS REGISTRATION NUMBER):</b>	N/A
<b>(IN CASE OF RECLASSIFICATION, CLASSES AND GOODS):</b>	N/A
<b>NEXT RENEWAL DUE DATE:</b>	March 24, 2021
<b>NEXT AFFIDAVIT DUE DATE (IF APPLICABLE):</b>	March 24, 2014



**SUBDIRECCION DIVISIONAL DE PROCESAMIENTO  
ADMINISTRATIVO DE MARCAS.  
COORDINACION DEPARTAMENTAL DE CONSERVACION  
DE DERECHOS.**

**MARCA: 272955**

**Asunto: Se comunica la renovación del registro de la marca que se indica.**

**México D. F., a 20 DE MAYO DE 2002**

**LIC. FRANCISCO CAMPOS RODRIGUEZ**  
LOMA FLORIDA NO. 32, COL. LOMAS DE VISTA HERMOSA

05100 MEXICO, D.F.

En relación con su escrito presentado el 17 DE ENERO DE 2002, se le comunica que el presente registro marcario, ha quedado renovado con No. 5773/2002 por el término de diez años a partir del 24 DE MARZO DE 2001, de conformidad con lo dispuesto en los Artículos 95, 130, 133 y 134 de la Ley de Propiedad Industrial.

No obstante lo anterior, esta Autoridad se reserva las facultades que le confiere la Ley de la Materia para comprobar el cumplimiento de lo dispuesto en los Artículos 130 y 134 de dicha Ley.

El suscrito firma el presente oficio con fundamento en lo dispuesto por los artículos 6, fracciones III, IV y 7 BIS 2 de la Ley de la Propiedad Industrial, 10, 3ª fracción V, inciso b), 4ª, 11, fracciones II y IX, 13 fracciones II, VI y VII del Reglamento de este Organismo; 1º, 3º, 6º incisos b), d) y g) párrafos tercero y cuarto del Acuerdo que delega facultades en los Directores Generales Adjuntos, Coordinador, Directores Divisionales, Titulares de las Oficinas Regionales, Subdirectores Divisionales, Coordinadores Departamentales y otros subalternos del Instituto Mexicano de la Propiedad Industrial, 1º, 4º, 5º, 17 fracción I, II, VI, VII, 28 y 31 del Estatuto Orgánico del Instituto Mexicano de la Propiedad Industrial, Ordenamientos legales publicados en el Diario Oficial de la Federación el 2 de Agosto de 1994, 14, 15 y 27 de Diciembre de 1999 respectivamente.

**ATENTAMENTE**  
**EL COORDINADOR DEPARTAMENTAL**

  
**J. ALBERTO MONJARAS OSORIO**

RHO





SECRETARIA DE  
COMERCIO Y  
FOMENTO INDUSTRIAL

Certificado con  
Acuse de recibo

REG. - 29193

DIRECCION GENERAL DE  
DESARROLLO TECNOLOGICO,  
Depto. de Titulación, Transmisión  
y Conservación de Marcas.

125-92

MARCA: 272955

Se comunica la renovación del registro de marca que se  
indica

México D.F., a 8 de Junio de 1992.

FRANCISCO CAMPOS RODRIGUEZ

42345

LOMA FLORIDA 32 COL. LOMAS DE VISTA HERMOSA  
05100 MEXICO, D.F.

En relación con su escrito presentado en esta Dirección  
General, se le comunica que el presente registro marcario, ha  
quedado renovado con resolución No. 2603/92, por el término de  
diez años a partir del 24 de Marzo de 1991, de  
conformidad con lo dispuesto en los Artículos 95, 130, 133 y  
134 de la Ley de Fomento y Protección de la Propiedad  
Industrial, de acuerdo con la Reclasificación prevista en los  
Artículos 79 y Cuarto Transitorio del Reglamento de la Ley de  
Invenciones y Marcas, sus productos o servicios originalmente  
amparados en la clase 50, a partir de esta fecha de renovación  
los mismos se encuentran protegidos por las siguientes clases:

3 SOLO JABONES, DETERGENTES Y CHAMPUES (NO MEDICINALES).

No obstante lo anterior, esta Dirección General se  
reserva las facultades que le confiere la Ley de la Materia,  
para comprobar el cumplimiento de lo dispuesto en los artículos  
antes citados.

Lo anterior se le comunica con fundamento en las  
disposiciones legales antes citadas, así como en lo dispuesto  
por los Artículos 17 Fracciones III y VI y Tercero Transitorio  
del Reglamento Interior de esta Secretaría, publicado en el  
Diario Oficial de la Federación el 16 de marzo de 1989 y 4o.  
fracción XVI inciso f) del acuerdo que adscribe unidades  
administrativas y delega facultades en los CC. Subsecretarios,  
Oficial Mayor, Directores Generales y otros subalternos,  
publicado en el citado Órgano Informativo el 12 de septiembre  
de 1985, reformado y adicionado el 10 de agosto de 1987.

A T E N T A M E N T E .  
SUFRAGIO EFECTIVO. NO REELECCION.  
LA SUBDIRECTORA DE MARCAS.

LIC. SILVIA ELENA PINEDA RUELAS.

NOTA: NUMERO DE REGISTRO EN EL QUE SE USA EL USO DE LA MARCA 240295



# EXHIBIT C



4941283.1

# EXHIBIT D

4939714.5





# **EXHIBIT C**

ESTTA Tracking number: **ESTTA553789**

Filing date: **08/13/2013**

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

Proceeding	92057483
Party	Defendant SPE Trading, Inc.
Correspondence Address	SPE TRADING INC 5812 E WASHINGTON BLVD CITY OF COMMERCE, CA 90040 UNITED STATES
Submission	Answer
Filer's Name	Darren S. Rimer
Filer's e-mail	trademarks@rimermath.com
Signature	/Darren S. Rimer/
Date	08/13/2013
Attachments	ANSWER.pdf(390533 bytes )

Case **SPETR-010M**  
Trademark Application

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

The Procter & Gamble Company,	)	Cancellation No. 92057483
	)	
Petitioner,	)	Reg. No.: 3,458,709
	)	
vs.	)	Mark: MAESTRO LIMPIO
	)	
Spe Trading, Inc.,	)	
	)	
Registrant.	)	
	)	
_____	)	

**ANSWER TO PETITION FOR CANCELLATION**

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

Dear Sir/Madam:

Spe Trading, Inc. ("Registrant") hereby responds to and answers the Petition for Cancellation filed by Petitioner herein as follows:

1. Registrant lacks knowledge or information sufficient to form a belief as to the truth of the allegations made in paragraph 1 of the Petition for Cancellation, and therefore denies the same.
2. Registrant lacks knowledge or information sufficient to form a belief as to the truth of the allegations made in paragraph 2 of the Petition for Cancellation, and therefore denies the same.
3. Registrant lacks knowledge or information sufficient to form a belief as to the truth of the allegations made in paragraph 3 of the Petition for Cancellation, and therefore denies the same.

4. Registrant lacks knowledge or information sufficient to form a belief as to the truth of the allegations made in paragraph 4 of the Petition for Cancellation, and therefore denies the same.

5. Registrant lacks knowledge or information sufficient to form a belief as to the truth of the allegations made in paragraph 5 of the Petition for Cancellation, and therefore denies the same. However, Registrant asserts that the cited registrations speak for themselves.

6. Registrant lacks knowledge or information sufficient to form a belief as to the truth of the allegations made in paragraph 6 of the Petition for Cancellation, and therefore denies the same. However, Registrant asserts that the cited registrations speak for themselves.

7. Registrant lacks knowledge or information sufficient to form a belief as to the truth of the allegations made in paragraph 7 of the Petition for Cancellation, and therefore denies the same. However, Registrant asserts that the cited registrations speak for themselves.

8. Registrant lacks knowledge or information sufficient to form a belief as to the truth of the allegations made in paragraph 8 of the Petition for Cancellation, and therefore denies the same.

9. Registrant lacks knowledge or information sufficient to form a belief as to the truth of the allegations made in paragraph 9 of the Petition for Cancellation, and therefore denies the same.

10. Registrant denies the allegations made in paragraph 10 of the Petition for Cancellation.

11. Registrant admits the allegations made in paragraph 11 of the Petition for Cancellation.

12. Responding to Paragraph 12 of the Petition for Cancellation, Registrant states that the Registrant's mark MAESTRO LIMPIO may be translated into English as CLEAN MASTER or MASTER CLEAN. Other translations exist as well.

13. Registrant lacks knowledge or information sufficient to form a belief as to the truth of the allegations made in paragraph 13 of the Petition for Cancellation, and therefore denies the same.

14. Registrant lacks knowledge or information sufficient to form a belief as to the truth of the allegations made in paragraph 14 of the Petition for Cancellation, and therefore denies the same. However, Registrant states that it imports a variety of different types of products.

15. Registrant denies the allegations made in paragraph 15 of the Petition for Cancellation.

16. Registrant admits the allegations made in paragraph 16 of the Petition for Cancellation. These are different products.

17. Registrant denies the allegations made in paragraph 17 of the Petition for Cancellation.

18. Registrant denies the allegations made in paragraph 18 of the Petition for Cancellation.

19. Registrant denies the allegations made in paragraph 19 of the Petition for Cancellation.

### **AFFIRMATIVE DEFENSES**

#### **First Affirmative Defense**

20. Petitioner's Petition for Cancellation fails to state grounds on which relief can be granted.

#### **Second Affirmative Defense**

21. Petitioner is barred from relief by the Doctrine of Acquiescence.

Third Affirmative Defense

22. Petitioner is barred from relief by the Doctrine of Laches.

Fourth Affirmative Defense

23. Petitioner is barred from relief by the Doctrine of Estoppel.

Fifth Affirmative Defense

24. Petitioner has failed to adequately maintain, police or enforce any trademark or proprietary rights it may once have had in its alleged trademarks.

Sixth Affirmative Defense

25. Petitioner's pleaded marks are not inherently distinctive such that purchasers do not associate such marks with Petitioner.

Seventh Affirmative Defense

26. Petitioner's claims are barred because, even if Petitioner does have priority of use over its pleaded trademarks, there is no likelihood of confusion between Petitioner's marks and Registrant's mark.

Eighth Affirmative Defense

27. Upon information and belief, there have been no instances of actual consumer confusion between Registrant's mark and the Petitioner's pleaded marks.

Ninth Affirmative Defense

28. Petitioner's claims are barred to the extent that Petitioner has abandoned any rights it may once have had in its pleaded trademarks.

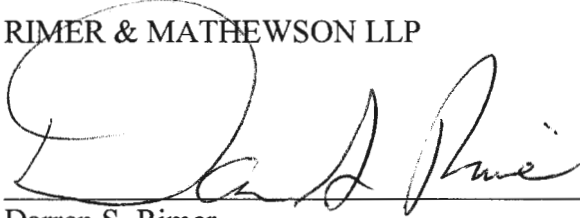
Tenth Affirmative Defense

29. Petitioner's claims are barred insofar as the products are very different and are marketed to different classes of consumers.

WHEREFORE, Registrant prays that the subject cancellation proceeding be dismissed.

Respectfully submitted,

RIMER & MATHEWSON LLP



Dated: 8/13/13

By:

Darren S. Rimer  
30021 Tomas, Suite 300  
Rancho Santa Margarita, CA 92688  
(949) 367-1541  
Counsel for Registrant





# **EXHIBIT D**

ESTTA Tracking number: **ESTTA587238**

Filing date: **02/13/2014**

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

Proceeding	92057483
Party	Plaintiff The Procter & Gamble Company
Correspondence Address	CHERYL S SCOTNEY KEATING MUETHING & KLEKAMP PLL 1 EAST FOURTH STREET, SUITE 1400 CINCINNATI, OH 45202 UNITED STATES trademarks@kmklaw.com, cscotney@kmklaw.com
Submission	Motion to Compel Discovery
Filer's Name	Cheryl S. Scotney
Filer's e-mail	cscotney@kmklaw.com, trademarks@kmklaw.com
Signature	/Cheryl S. Scotney/
Date	02/13/2014
Attachments	Motion to Compel w Attachments.pdf(942180 bytes )

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

THE PROCTER & GAMBLE COMPANY	)	
	)	
Petitioner,	)	Cancellation No. 92057483
v.	)	
	)	Mark: MAESTRO LIMPIO
	)	
SPE TRADING, INC.	)	
	)	
Registrant.	)	
	)	

**PETITIONER'S MOTION FOR AN ORDER TO COMPEL REGISTRANT'S INITIAL  
DISCLOSURES & DISCOVERY REQUEST RESPONSES**

Pursuant to 37 CFR § 2.120(e) and TMEP §§ 523.01-523.03, Petitioner The Procter & Gamble Company files this Motion to Compel Registrant's Initial Disclosures and Registrant's Discovery Responses.

**PRELIMINARY STATEMENT**

Petitioner has not received Registrant's Initial Disclosures that were due by agreement of both parties on December 16, 2013 (**TAB 1**). Additionally, Registrant has not filed sustentative responses to Petitioner's First Requests for Production of Documents and Things or Petitioner's First Set of Interrogatories that were served on November 18, 2013. The next dates on the schedule of TTAB dates are Expert Reports due April 15, 2014 and then Discovery closing on May 15, 2014.

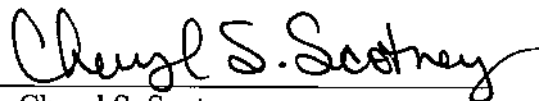
Petitioner's attorney has made good faith efforts to avoid filing this Motion and has contacted Registrant's counsel on no less than ten different dates between December 31, 2013 and February 3, 2014 in an attempt to resolve this matter without involvement from the TTAB.

The correspondence is attached for your review (**TAB 2**). Despite Registrant's promises of documents and answers, none have been forthcoming.

Petitioner has reiterated to Registrant's counsel that the Standard Protective Order is in place and the parties have agreed to exchange responsive documents via email or mail yet the only responses to the November 18, 2013 dated Discovery Requests were standard objections by Registrant. The Registrant's Discovery Responses (such as they are) are attached along with a copy of the Discovery Requests sent by Petitioner (see Exhibit A to both documents) (**TABS 3 AND 4**).

Petitioner requests that the Board issue an order to compel Registrant's Initial Disclosures and Registrant's sustentative responses to Petitioner's Discovery Requests.

RESPECTFULLY SUBMITTED,

BY: 

Cheryl S. Scotney  
Keating, Muething & Klekamp PLL  
One East Fourth Street  
Suite 1400  
Cincinnati, Ohio 45202  
(513) 579-6947  
[cscotney@kmklaw.com](mailto:cscotney@kmklaw.com)  
Attorney for Petitioner,  
The Procter & Gamble Company

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing Petitioner's Motion For An Order To Compel Registrant's Initial Disclosures & Discovery Request Responses was served by e-mail and first class mail, postage prepaid, this 13<sup>th</sup> day of February 2014, on counsel for Registrant:

Darren S. Rimer  
Rimer & Mathewson LLP  
30021 Tomas, Suite 300  
Rancho Santa Margarita, CA 92688  
[darren@rimermath.com](mailto:darren@rimermath.com)

  
Cheryl S. Scotney

5318887.1

TAB 1

**Scotney, Cheryl S.**

---

**From:** Scotney, Cheryl S.  
**Sent:** Monday, September 09, 2013 2:58 PM  
**To:** 'darren@rimermath.com'  
**Cc:** Trademarks  
**Subject:** FW: ESTTA. Stipulated/Consent Motion. confirmation receipt ID: ESTTA558368

Darren,

Despite the form stating that Discovery Opens is CLOSED and Initial Disclosures Due is CLOSED. The TTAB is in error and they are not closed. Can we agree that they are as follows:

Discovery Opens: 11/18/13  
Initial Disclosures Due: 12/16/13

Thank you.

Kind Regards,  
Cheryl Scotney

-----Original Message-----

**From:** [estta-server@uspto.gov](mailto:estta-server@uspto.gov) [<mailto:estta-server@uspto.gov>]  
**Sent:** Monday, September 09, 2013 2:55 PM  
**To:** Trademarks; Scotney, Cheryl S.; [darren@rimermath.com](mailto:darren@rimermath.com)  
**Subject:** ESTTA. Stipulated/Consent Motion. confirmation receipt ID: ESTTA558368

Stipulated/Consent Motion.

Tracking No: ESTTA558368

#### ELECTRONIC SYSTEM FOR TRADEMARK TRIALS AND APPEALS Filing Receipt

We have received your Stipulated/Consent Motion. submitted through the Trademark Trial and Appeal Board's ESTTA electronic filing system. This is the only receipt which will be sent for this paper. If the Board later determines that your submission is inappropriate and should not have been accepted through ESTTA, you will receive notification and appropriate action will be taken.

Please note:

Unless your submission fails to meet the minimum legal requirements for filing, the Board will not cancel the filing or refund any fee paid.

If you have a technical question, comment or concern about your ESTTA submission, call 571-272-8500 during business hours or e-mail at [estta@uspto.gov](mailto:estta@uspto.gov).

The status of any Board proceeding may be checked using TTABVUE which is available at <http://ttabvue.uspto.gov> Complete information on Board proceedings is not available through the TESS or TARR databases. Please allow a minimum of 2 business days for

**Scotney, Cheryl S.**

---

**From:** Darren S. Rimer [darren@rimermath.com]  
**Sent:** Monday, September 09, 2013 3:07 PM  
**To:** Scotney, Cheryl S.  
**Subject:** RE: ESTTA. Stipulated/Consent Motion. confirmation receipt ID: ESTTA558368

Cheryl,

Certainly - I'm not sure why they are incorrectly stated.

Talk to you soon...

Darren

Darren S. Rimer  
Rimer & Mathewson LLP  
30021 Tomas, Suite 300  
Rancho Santa Margarita, CA 92688  
(949) 367-1541 x 304  
(949) 265-9010 (fax)  
darren@rimermath.com  
<http://www.rimermath.com>

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-----Original Message-----

**From:** Scotney, Cheryl S. [mailto:CScotney@KMKLAW.com]  
**Sent:** Monday, September 09, 2013 11:58 AM  
**To:** 'darren@rimermath.com'  
**Cc:** Trademarks  
**Subject:** FW: ESTTA. Stipulated/Consent Motion. confirmation receipt ID: ESTTA558368

Darren,

Despite the form stating that Discovery Opens is CLOSED and Initial Disclosures Due is CLOSED. The TTAB is in error and they are not closed. Can we agree that they are as follows:

Discovery Opens: 11/18/13  
Initial Disclosures Due: 12/16/13

Thank you.

Kind Regards,  
Cheryl Scotney



TAB 2

**Scotney, Cheryl S.**

---

**From:** Scotney, Cheryl S.  
**Sent:** Tuesday, December 31, 2013 9:36 AM  
**To:** 'Darren S. Rimer'  
**Subject:** RE: Maestro Limpio- Petition to Cancel - FOR SETTLEMENT DISCUSSIONS

Dear Darren,

I still have not received your client's responses to discovery requests that were served by P&G on Nov. 21. According to my calculations they are overdue. Will you be sending replies shortly?

Sincerely,  
Cheryl

Cheryl S. Scotney  
Partner  
Keating Muething & Klekamp PLL  
One East Fourth Street  
Suite 1400  
Cincinnati, OH 45202  
Tel: (513) 579-6942  
Fax: (513) 579-6457  
Email: [CScotney@KMKLAW.com](mailto:CScotney@KMKLAW.com)  
Website: [www.kmklaw.com](http://www.kmklaw.com)



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**From:** Scotney, Cheryl S.  
**Sent:** Thursday, December 19, 2013 4:39 PM  
**To:** 'Darren S. Rimer'  
**Subject:** RE: Maestro Limpio- Petition to Cancel - FOR SETTLEMENT DISCUSSIONS

Dear Darren,

I didn't want to leave you hanging as I know you are probably busy with discovery responses. I have not heard back from my client. I think we are just way to far apart on the amount. I will inform you if I hear back.

Sincerely,  
Cheryl

## Scotney, Cheryl S.

---

**From:** Scotney, Cheryl S.  
**Sent:** Thursday, January 02, 2014 9:14 AM  
**To:** 'Darren S. Rimer'  
**Subject:** RE: CORRECTED Maestro Limpio- Petition to Cancel - FOR SETTLEMENT DISCUSSIONS

**Importance:** High

Dear Darren,

Please inform me if you will agree that both parties will abide by the TTAB standard protective order to protect confidential information and that both parties will send document production via mail.

Sincerely,  
Cheryl Scotney

Cheryl S. Scotney  
Partner  
Keating Muething & Klekamp PLL  
One East Fourth Street  
Suite 1400  
Cincinnati, OH 45202  
Tel: (513) 579-6942  
Fax: (513) 579-6457  
Email: [CScotney@KMKLAW.com](mailto:CScotney@KMKLAW.com)  
Website: [www.kmklaw.com](http://www.kmklaw.com)



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**From:** Scotney, Cheryl S.  
**Sent:** Tuesday, December 31, 2013 10:30 AM  
**To:** 'Darren S. Rimer'  
**Subject:** RE: CORRECTED Maestro Limpio- Petition to Cancel - FOR SETTLEMENT DISCUSSIONS

Dear Darren,

Please ignore the below email. The documents are here. My mistake.

Sincerely,  
Cheryl

## Scotney, Cheryl S.

---

**From:** Scotney, Cheryl S.  
**Sent:** Monday, January 06, 2014 4:44 PM  
**To:** 'Darren S. Rimer'  
**Subject:** RE: Maestro Limpio- Petition to Cancel - Discovery

**Importance:** High


Dear Darren,

We need the documents and information we requested in the Requests for Production and Interrogatories. There is a standard TTAB protective order that you can view at the TTAB website. Please inform me if that is satisfactory and if you will be sending documents and information via mail.

Sincerely,  
Cheryl Scotney

Cheryl S. Scotney  
Partner  
Keating Muething & Klekamp PLL  
One East Fourth Street  
Suite 1400  
Cincinnati, OH 45202  
Tel: (513) 579-6942  
Fax: (513) 579-6457  
Email: CScotney@KMKLAW.com  
Website: www.kmklaw.com

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**From:** Scotney, Cheryl S.  
**Sent:** Thursday, January 02, 2014 9:14 AM  
**To:** 'Darren S. Rimer'  
**Subject:** RE: CORRECTED Maestro Limpio- Petition to Cancel - FOR SETTLEMENT DISCUSSIONS  
**Importance:** High

Dear Darren,

Please inform me if you will agree that both parties will abide by the TTAB standard protective order to protect confidential information and that both parties will send document production via mail.

**Scotney, Cheryl S.**

---

**From:** Scotney, Cheryl S.  
**Sent:** Tuesday, January 07, 2014 10:29 AM  
**To:** 'Darren S. Rimer'  
**Subject:** RE: Maestro Limpio- Petition to Cancel - Discovery

**Importance:** High

Dear Darren,

Your objections to providing information and documents do not line up with current law. The TTAB rules state:

**412.01 In General – Board Standard Protective Order**

For inter partes proceedings pending or commenced on or after August 31, 2007, the Board's standard protective order is automatically in place to govern the exchange of information unless the parties, by stipulation approved by the Board, agree to an alternative order, or a motion by a party to use an alternative order is granted by the Board. [Note 1.] The Board's notice of institution will advise parties that the standard protective order applies, and that parties may view the Board's standard protective order at the USPTO web site at [www.uspto.gov](http://www.uspto.gov). [Note 2.] It is not necessary for the parties to sign copies of the Board's protective order for it to take effect, although it may be desirable to sign for other reasons. See TBMP § 412.03.

Parties cannot withhold properly discoverable information on the basis of confidentiality since the terms of the Board's standard protective order automatically apply. [Note 10.] In instances where a party has refused to provide discoverable information on such grounds, the Board, where appropriate, may order the party to provide such information consistent with the terms of the protective order. [Note 11.]

Please contact me today so that these issues can be worked out.

Sincerely,  
Cheryl Scotney

Cheryl S. Scotney  
Partner  
Keating Muething & Klekamp PLL  
One East Fourth Street  
Suite 1400  
Cincinnati, OH 45202  
Tel: (513) 579-6942  
Fax: (513) 579-6457  
Email: [CScotney@KMKLAW.com](mailto:CScotney@KMKLAW.com)  
Website: [www.kmklaw.com](http://www.kmklaw.com)

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## **Scotney, Cheryl S.**

---

**From:** Darren S. Rimer [darren@rimermath.com]  
**Sent:** Tuesday, January 07, 2014 12:46 PM  
**To:** Scotney, Cheryl S.  
**Subject:** RE: Maestro Limpio- Petition to Cancel - Discovery

Cheryl,

I am waiting for further information from the client about the quantity and nature of the responsive documents. I'll be in touch, and happy new year to you.

Darren

Darren S. Rimer  
Rimer & Mathewson LLP  
30021 Tomas, Suite 300  
Rancho Santa Margarita, CA 92688  
(949) 367-1541 x 304  
(949) 265-9010 (fax)  
darren@rimermath.com  
<http://www.rimermath.com>

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**From:** Scotney, Cheryl S. [mailto:CScotney@KMKLAW.com]  
**Sent:** Tuesday, January 07, 2014 7:29 AM  
**To:** 'Darren S. Rimer'  
**Subject:** RE: Maestro Limpio- Petition to Cancel - Discovery  
**Importance:** High

Dear Darren,

Your objections to providing information and documents do not line up with current law. The TTAB rules state:

### **412.01 In General – Board Standard Protective Order**

For inter partes proceedings pending or commenced on or after August 31, 2007, the Board's standard protective order is automatically in place to govern the exchange of information unless the parties, by stipulation approved by the Board, agree to an alternative order, or a motion by a party to use an alternative order is granted by the Board. [Note 1.] The Board's notice of institution will advise parties that the standard protective order applies, and that parties may view the Board's standard protective order at the USPTO web site at [www.uspto.gov](http://www.uspto.gov). [Note 2.] It is not necessary for the parties to sign copies of the Board's protective order for it to take effect, although it may be desirable to sign for other reasons. See TBMP § 412.03.

## Scotney, Cheryl S.

---

**From:** Scotney, Cheryl S.  
**Sent:** Thursday, January 09, 2014 1:35 PM  
**To:** 'Darren S. Rimer'  
**Subject:** RE: Maestro Limpio- Petition to Cancel - Discovery

**Importance:** High

Darren,

We don't want to push the discovery dates out any longer as we want this case to move forward to resolution or to be settled. I don't think the TTAB looks favorably on Motions to Compel so I was hoping we could work this out between us and obtain the documents we need from you/your client without board involvement. Do you think that is possible and when might we receive responsive documents/answers?

Cheryl

Cheryl S. Scotney  
Partner  
Keating Muething & Klekamp PLL  
One East Fourth Street  
Suite 1400  
Cincinnati, OH 45202  
Tel: (513) 579-6942  
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**From:** Darren S. Rimer [mailto:darren@rimermath.com]  
**Sent:** Tuesday, January 07, 2014 12:46 PM  
**To:** Scotney, Cheryl S.  
**Subject:** RE: Maestro Limpio- Petition to Cancel - Discovery

Cheryl,

I am waiting for further information from the client about the quantity and nature of the responsive documents. I'll be in touch, and happy new year to you.

**Scotney, Cheryl S.**

---

**From:** Darren S. Rimer [darren@rimermath.com]  
**Sent:** Thursday, January 09, 2014 5:45 PM  
**To:** Scotney, Cheryl S.  
**Subject:** RE: Maestro Limpio- Petition to Cancel - Discovery

Cheryl,

I am still waiting for feedback, and we have some time in the discovery period, so let's try to touch base next week.

Darren

Darren S. Rimer  
Rimer & Mathewson LLP  
30021 Tomas, Suite 300  
Rancho Santa Margarita, CA 92688  
(949) 367-1541 x 304  
(949) 265-9010 (fax)  
darren@rimermath.com  
<http://www.rimermath.com>

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**From:** Scotney, Cheryl S. [mailto:CScotney@KMKLAW.com]  
**Sent:** Thursday, January 09, 2014 10:35 AM  
**To:** 'Darren S. Rimer'  
**Subject:** RE: Maestro Limpio- Petition to Cancel - Discovery  
**Importance:** High

Darren,

We don't want to push the discovery dates out any longer as we want this case to move forward to resolution or to be settled. I don't think the TTAB looks favorably on Motions to Compel so I was hoping we could work this out between us and obtain the documents we need from you/your client without board involvement. Do you think that is possible and when might we receive responsive documents/answers?

Cheryl



## Scotney, Cheryl S.

---

**From:** Scotney, Cheryl S.  
**Sent:** Thursday, January 09, 2014 5:47 PM  
**To:** Darren S. Rimer  
**Subject:** Re: Maestro Limpio- Petition to Cancel - Discovery

I'm sure I will have follow-up Discovery requests. The point is that it's late.

Kind Regards,  
Cheryl

Cheryl S. Scotney  
Partner  
Keating Muething & Klekamp PLL  
One East Fourth Street  
Suite 1400  
Cincinnati, OH 45202  
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On Jan 9, 2014, at 5:45 PM, "Darren S. Rimer" <[darren@rimermath.com](mailto:darren@rimermath.com)> wrote:

Cheryl,

I am still waiting for feedback, and we have some time in the discovery period, so let's try to touch base next week.

Darren

Darren S. Rimer  
Rimer & Mathewson LLP  
30021 Tomas, Suite 300  
Rancho Santa Margarita, CA 92688  
(949) 367-1541 x 304

## Scotney, Cheryl S.

---

**From:** Darren S. Rimer [darren@rimermath.com]  
**Sent:** Thursday, January 09, 2014 6:00 PM  
**To:** Scotney, Cheryl S.  
**Subject:** RE: Maestro Limpio- Petition to Cancel - Discovery

If needed, we can extend the discovery period.

Darren

Darren S. Rimer  
Rimer & Mathewson LLP  
30021 Tomas, Suite 300  
Rancho Santa Margarita, CA 92688  
(949) 367-1541 x 304  
(949) 265-9010 (fax)  
darren@rimermath.com  
<http://www.rimermath.com>

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**From:** Scotney, Cheryl S. [mailto:CScotney@KMKLAW.com]  
**Sent:** Thursday, January 09, 2014 2:47 PM  
**To:** Darren S. Rimer  
**Subject:** Re: Maestro Limpio- Petition to Cancel - Discovery

I'm sure I will have follow-up Discovery requests. The point is that it's late.

Kind Regards,  
Cheryl

Cheryl S. Scotney  
Partner  
Keating Muething & Klekamp PLL  
One East Fourth Street  
Suite 1400  
Cincinnati, OH 45202  
Tel: (513) 579-6942  
Fax: (513) 579-6457  
Email: CScotney@KMKLAW.com  
Website: www.kmklaw.com

## Scotney, Cheryl S.

---

**From:** Scotney, Cheryl S.  
**Sent:** Friday, January 17, 2014 2:14 PM  
**To:** 'Darren S. Rimer'  
**Subject:** RE: Maestro Limpio- Petition to Cancel - Discovery

Darren,

I want to make you aware that I will be preparing and filing a Motion to Compel Discovery Responses and a Request for Sanctions (where appropriate) next week.

Kind Regards,  
Cheryl

Cheryl S. Scotney  
Partner  
Keating Muething & Klekamp PLL  
One East Fourth Street  
Suite 1400  
Cincinnati, OH 45202  
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**From:** Darren S. Rimer [mailto:darren@rimermath.com]  
**Sent:** Thursday, January 09, 2014 6:00 PM  
**To:** Scotney, Cheryl S.  
**Subject:** RE: Maestro Limpio- Petition to Cancel - Discovery

If needed, we can extend the discovery period.

Darren

Darren S. Rimer  
Rimer & Mathewson LLP  
30021 Tomas, Suite 300

## Scotney, Cheryl S.

---

**From:** Scotney, Cheryl S.  
**Sent:** Friday, January 17, 2014 2:39 PM  
**To:** 'Darren S. Rimer'  
**Subject:** RE: Maestro Limpio- Petition to Cancel - Discovery

**Importance:** High

Darren,

When looking through my file in preparation for the Motions mentioned below I do not see your client's Initial Disclosures. Please inform me if I am mistaken. Please get those Initial Disclosures to me as soon as possible as they are long overdue (due Dec. 12, 2013).

Regards,  
Cheryl

Cheryl S. Scotney  
Partner  
Keating Muething & Klekamp PLL  
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Suite 1400  
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**From:** Scotney, Cheryl S.  
**Sent:** Friday, January 17, 2014 2:14 PM  
**To:** 'Darren S. Rimer'  
**Subject:** RE: Maestro Limpio- Petition to Cancel - Discovery

Darren,

I want to make you aware that I will be preparing and filing a Motion to Compel Discovery Responses and a Request for Sanctions (where appropriate) next week.

## Scotney, Cheryl S.

---

**From:** Scotney, Cheryl S.  
**Sent:** Friday, January 17, 2014 2:48 PM  
**To:** 'Darren S. Rimer'  
**Subject:** RE: Maestro Limpio- Petition to Cancel - Discovery

Initial Disclosures were due Dec. 16, 2013. My mistake. Still more than one month overdue.

Cheryl S. Scotney  
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**From:** Scotney, Cheryl S.  
**Sent:** Friday, January 17, 2014 2:39 PM  
**To:** 'Darren S. Rimer'  
**Subject:** RE: Maestro Limpio- Petition to Cancel - Discovery  
**Importance:** High

Darren,

When looking through my file in preparation for the Motions mentioned below I do not see your client's Initial Disclosures. Please inform me if I am mistaken. Please get those Initial Disclosures to me as soon as possible as they are long overdue (due Dec. 12, 2013).

Regards,  
Cheryl

**From:** Scotney, Cheryl S.  
**Sent:** Friday, January 17, 2014 2:14 PM

## Scotney, Cheryl S.

---

**From:** Scotney, Cheryl S.  
**Sent:** Wednesday, January 22, 2014 5:00 PM  
**To:** 'Darren S. Rimer'  
**Subject:** Update on Discovery Responses and Initial Disclosures?  
**Attachments:** RE\_ Maestro Limpio- Petition to Cancel - Discovery.MSG; RE\_ Maestro Limpio- Petition to Cancel - Discovery(1).MSG; RE\_ Maestro Limpio- Petition to Cancel - Discovery(2).MSG

Dear Darren,

Do you have any answer or update regarding these emails sent last week? Thank you.

Sincerely,  
Cheryl Scotney

Cheryl S. Scotney  
Partner  
Keating Muething & Klekamp PLL  
One East Fourth Street  
Suite 1400  
Cincinnati, OH 45202  
Tel: (513) 579-6942  
Fax: (513) 579-6457  
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## Scotney, Cheryl S.

---

**From:** Darren S. Rimer [darren@rimermath.com]  
**Sent:** Wednesday, January 22, 2014 8:33 PM  
**To:** Scotney, Cheryl S.  
**Subject:** RE: Update on Discovery Responses and Initial Disclosures?

Cheryl,

I am still waiting for feedback, and do not have any further information from you. I'd suggest a little more time, but this is up to you.

Darren

Darren S. Rimer  
Rimer & Mathewson LLP  
30021 Tomas, Suite 300  
Rancho Santa Margarita, CA 92688  
(949) 367-1541 x 304  
(949) 265-9010 (fax)  
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**From:** Scotney, Cheryl S. [<mailto:CScotney@KMKLAW.com>]  
**Sent:** Wednesday, January 22, 2014 2:00 PM  
**To:** 'Darren S. Rimer'  
**Subject:** Update on Discovery Responses and Initial Disclosures?

Dear Darren,

Do you have any answer or update regarding these emails sent last week? Thank you.

Sincerely,  
Cheryl Scotney

Cheryl S. Scotney  
Partner  
Keating Muething & Klekamp PLL  
One East Fourth Street  
Suite 1400  
Cincinnati, OH 45202  
Tel: (513) 579-6942  
Fax: (513) 579-6457  
Email: [CScotney@KMKLAW.com](mailto:CScotney@KMKLAW.com)

## Scotney, Cheryl S.

---

**From:** Scotney, Cheryl S.  
**Sent:** Friday, January 24, 2014 11:01 AM  
**To:** 'Darren S. Rimer'  
**Subject:** RE: Update on Discovery Responses and Initial Disclosures?

Darren,

Can you give me a time frame of when you think we may receive Initial Disclosures and discovery request responses? 1 week? 1 month? Never? Thank you.

Cheryl

Cheryl S. Scotney  
Partner  
Keating Muething & Klekamp PLL  
One East Fourth Street  
Suite 1400  
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**From:** Darren S. Rimer [<mailto:darren@rimermath.com>]  
**Sent:** Wednesday, January 22, 2014 8:33 PM  
**To:** Scotney, Cheryl S.  
**Subject:** RE: Update on Discovery Responses and Initial Disclosures?

Cheryl,

I am still waiting for feedback, and do not have any further information from you. I'd suggest a little more time, but this is up to you.

Darren



## **Scotney, Cheryl S.**

---

**From:** Darren S. Rimer [darren@rimermath.com]  
**Sent:** Monday, January 27, 2014 12:35 PM  
**To:** Scotney, Cheryl S.  
**Subject:** RE: Update on Discovery Responses and Initial Disclosures?

Cheryl,

I am trying to receive documents so I can review them. I hope to have these and further information in the next week.

Darren

Darren S. Rimer  
Rimer & Mathewson LLP  
30021 Tomas, Suite 300  
Rancho Santa Margarita, CA 92688  
(949) 367-1541 x 304  
(949) 265-9010 (fax)  
[darren@rimermath.com](mailto:darren@rimermath.com)  
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**From:** Scotney, Cheryl S. [<mailto:CScotney@KMKLAW.com>]  
**Sent:** Friday, January 24, 2014 8:01 AM  
**To:** 'Darren S. Rimer'  
**Subject:** RE: Update on Discovery Responses and Initial Disclosures?

Darren,

Can you give me a time frame of when you think we may receive Initial Disclosures and discovery request responses? 1 week? 1 month? Never? Thank you.

Cheryl

Cheryl S. Scotney  
Partner  
Keating Muething & Klekamp PLL  
One East Fourth Street  
Suite 1400  
Cincinnati, OH 45202  
Tel: (513) 579-6942  
Fax: (513) 579-6457  
Email: [CScotney@KMKLAW.com](mailto:CScotney@KMKLAW.com)

## **Scotney, Cheryl S.**

---

**From:** Darren S. Rimer [darren@rimermath.com]  
**Sent:** Monday, February 03, 2014 1:53 PM  
**To:** Scotney, Cheryl S.  
**Subject:** RE: Update on Discovery Responses and Initial Disclosures?

Cheryl,

I do not have any update for you. I do not know if the client is out of the office. I will try again.

Darren

Darren S. Rimer  
Rimer & Mathewson LLP  
30021 Tomas, Suite 300  
Rancho Santa Margarita, CA 92688  
(949) 367-1541 x 304  
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**From:** Scotney, Cheryl S. [mailto:CScotney@KMKLAW.com]  
**Sent:** Monday, February 03, 2014 10:25 AM  
**To:** 'Darren S. Rimer'  
**Subject:** RE: Update on Discovery Responses and Initial Disclosures?

Darren,

Any update?

Cheryl

Cheryl S. Scotney  
Partner  
Keating Muething & Klekamp PLL  
One East Fourth Street  
Suite 1400  
Cincinnati, OH 45202  
Tel: (513) 579-6942  
Fax: (513) 579-6457  
Email: CScotney@KMKLAW.com  
Website: www.kmklaw.com

TAB 3

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

The Procter & Gamble Company,	)	Cancellation No. 92057483
	)	
Petitioner,	)	Reg. No.: 3,458,709
	)	
vs.	)	Mark: MAESTRO LIMPIO
	)	
Spe Trading, Inc.,	)	
	)	
Registrant.	)	
	)	
_____	)	

**RESPONSE TO PETITIONER'S FIRST REQUESTS FOR PRODUCTION  
OF DOCUMENTS AND THINGS TO REGISTRANT**

**GENERAL OBJECTIONS**

A. Each of Petitioner's requests to Registrant are objected to insofar as such Requests seek production of information and documents which are subject to attorney-client privilege and/or work product immunity. Registrant will not produce any information or documents which are subject to attorney-client privilege and/or work product immunity.

B. Each of Petitioner's requests to Registrant are objected to insofar as such requests seek or are intended to elicit confidential, commercially sensitive and/or proprietary business information of Registrant. Any such information would only be provided under the TTAB's standard protective order, or a more specialized Stipulated Protective Order, which must be agreed upon by the parties and submitted for approval by the Board prior to disclosure.

C. Registrant objects to Petitioner's instructions which purport to restate a portion of the requirement of Federal Rules of Civil Procedure 26(e). Registrant is aware of the duty imposed by Federal Rules of Civil Procedure 26(e) and will comply with the requirements of the rule itself rather than restatement of such requirements set forth in Petitioner's First Set of Requests.

D. Registrant objects to the definitions as set forth in Petitioner's First Requests for Production to Registrant, insofar as such definitions are over broad and unduly burdensome. Each Request will be interpreted and responded to in accordance with the ordinary meaning and uses of words in the English language. Moreover, Registrant will only respond to such requests as they relate to the Registrant's present trademark application, and only for the Registrant. All other requests are beyond the scope of this opposition proceeding and will not be answered, as they are not relevant to this proceeding and are unlikely to lead to the discovery of admissible evidence.

E. Registrant objects to Petitioner's First Set of Requests to the extent that Petitioner's First Set of Requests seeks discovery of facts and information which are equally available to Petitioner.

F. Registrant objects to Petitioner's First Set of Requests to the extent that they are self-serving statements of alleged facts which may be inconsistent with the contentions and answers made by Registrant. By answering such Requests, and without specifically denying the self-serving statements of alleged facts by Petitioner, Registrant makes no admission of such self-serving statements of alleged facts, each of which are denied by Registrant. Nothing herein shall be construed as an admission respecting the genuineness, admissibility, truth, accuracy or relevance of any information requested.

G. Registrant objects to producing documents for inspection and copying at any location other than the office of counsel for Registrant, and at a time to be mutually agreed upon by counsel.

H. Registrant will respond to the Petitioner's first set of requests as propounded to the Registrant. Registrant objects to the inclusion in the identity of the Registrant of any other persons or business entities.

I. Registrant objects to any request which purports to ask for information or documents relating to any Requests for Admissions. No Requests for Admissions have been served in this proceeding by Petitioner.

J. The foregoing General Objections are expressly incorporated into each of the individual responses below. Subject to the foregoing General Objections, as well as the specific objections stated hereinafter, Registrant responds to Petitioner's First Set of Requests as follows:

REQUEST NO. 1.:

See Exhibit A.

RESPONSE TO REQUEST NO. 1.:

Registrant objects to this request to the same extent that Registrant objected to each underlying interrogatory.

Registrant further objects to this request insofar as such request seeks or is intended to elicit confidential, commercially sensitive and/or proprietary business information of Registrant. Any such information would only be provided under the TTAB's standard protective order, or a more specialized Stipulated Protective Order, which must be agreed upon by the parties and submitted for approval by the Board prior to disclosure.

Subject to, and without in any way waiving, the foregoing objections, Registrant will make available for inspection and copying, at Petitioner's sole expense, copies of available relevant, responsive documents in Registrant's possession, custody or control, at a date and time to be mutually agreed upon between counsel.

REQUEST NO. 2.:

See Exhibit A.

RESPONSE TO REQUEST NO. 2.:

Registrant objects to this request insofar as such request is premature at this time. Discovery is continuing, and Registrant will seek to supplement this response as additional information and/or documents become known.

Subject to, and without in any way waiving, the foregoing objections, Registrant will make available for inspection and copying, at Petitioner's sole expense, copies of available relevant, responsive documents in Registrant's possession, custody or control, at a date and time to be mutually agreed upon between counsel.

REQUEST NO. 3.:

See Exhibit A.

RESPONSE TO REQUEST NO. 3.:

Registrant objects to this request insofar as such request is overbroad and unduly burdensome.

Registrant further objects to this request insofar as such request seeks information and/or documents which are protected from discovery by the attorney-client privilege and/or work-product doctrine. No such materials will be provided.

Registrant further objects to this request insofar as such request seeks information which is not relevant to any claim or defense in this proceeding and which is unlikely to lead to the discovery of admissible evidence.

Registrant further objects to this request insofar as such request seeks or is intended to elicit confidential, commercially sensitive and/or proprietary business information of Registrant. Any such

information would only be provided under the TTAB's standard protective order, or a more specialized Stipulated Protective Order, which must be agreed upon by the parties and submitted for approval by the Board prior to disclosure.

Subject to, and without in any way waiving, the foregoing objections, Registrant will make available for inspection and copying, at Petitioner's sole expense, copies of available relevant, responsive documents in Registrant's possession, custody or control, at a date and time to be mutually agreed upon between counsel.

REQUEST NO. 4.:

See Exhibit A.

RESPONSE TO REQUEST NO. 4.:

Registrant objects to this request insofar as such request is overbroad and unduly burdensome.

Registrant further objects to this request insofar as such request seeks information and/or documents which are protected from discovery by the attorney-client privilege and/or work-product doctrine. No such materials will be provided.

Registrant further objects to this request insofar as such request seeks or is intended to elicit confidential, commercially sensitive and/or proprietary business information of Registrant. Any such information would only be provided under the TTAB's standard protective order, or a more specialized Stipulated Protective Order, which must be agreed upon by the parties and submitted for approval by the Board prior to disclosure.

Subject to, and without in any way waiving, the foregoing objections, Registrant will make available for inspection and copying, at Petitioner's sole expense, copies of available relevant, responsive documents in Registrant's possession, custody or control, at a date and time to be



mutually agreed upon between counsel.

REQUEST NO. 5.:

See Exhibit A.

RESPONSE TO REQUEST NO. 5.:

Registrant objects to this request insofar as such request seeks information which is not relevant to any claim or defense in this proceeding and which is unlikely to lead to the discovery of admissible evidence.

Subject to, and without in any way waiving, the foregoing objections, Registrant will make available for inspection and copying, at Petitioner's sole expense, copies of available relevant, responsive documents in Registrant's possession, custody or control, at a date and time to be mutually agreed upon between counsel.

REQUEST NO. 6.:

See Exhibit A.

RESPONSE TO REQUEST NO. 6.:

Registrant objects to this request insofar as such request is overbroad and unduly burdensome.

Registrant further objects to this request insofar as such request seeks information and/or documents which are protected from discovery by the attorney-client privilege and/or work-product doctrine. No such materials will be provided.

Registrant further objects to this request insofar as such request seeks or is intended to elicit confidential, commercially sensitive and/or proprietary business information of Registrant. Any such information would only be provided under the TTAB's standard protective order, or a more specialized Stipulated Protective Order, which must be agreed upon by the parties and submitted for

approval by the Board prior to disclosure.

Subject to, and without in any way waiving, the foregoing objections, Registrant will make available for inspection and copying, at Petitioner's sole expense, copies of available relevant, responsive documents in Registrant's possession, custody or control, at a date and time to be mutually agreed upon between counsel.

REQUEST NO. 7.:

See Exhibit A.

RESPONSE TO REQUEST NO. 7.:

Registrant objects to this request insofar as such request seeks information and/or documents which are protected from discovery by the attorney-client privilege and/or work-product doctrine. No such materials will be provided.

Registrant further objects to this request insofar as such request seeks or is intended to elicit confidential, commercially sensitive and/or proprietary business information of Registrant. Any such information would only be provided under the TTAB's standard protective order, or a more specialized Stipulated Protective Order, which must be agreed upon by the parties and submitted for approval by the Board prior to disclosure.

Subject to, and without in any way waiving, the foregoing objections, Registrant will make available for inspection and copying, at Petitioner's sole expense, copies of available relevant, responsive documents in Registrant's possession, custody or control, at a date and time to be mutually agreed upon between counsel.

REQUEST NO. 8.:

See Exhibit A.

RESPONSE TO REQUEST NO. 8.:

Registrant objects to this request insofar as such request is vague and ambiguous as to the terms “affiliated entities” and “used Registrant’s Mark.”

Subject to, and without in any way waiving, the foregoing objections, once further information is provided, Registrant will seek to make available for inspection and copying, at Petitioner’s sole expense, copies of available relevant, responsive documents in Registrant’s possession, custody or control, at a date and time to be mutually agreed upon between counsel.

REQUEST NO. 9.:

See Exhibit A.

RESPONSE TO REQUEST NO. 9.:

Registrant objects to this request insofar as such request seeks information and/or documents which are protected from discovery by the attorney-client privilege and/or work-product doctrine. No such materials will be provided.

Registrant further objects to this request insofar as such request seeks or is intended to elicit confidential, commercially sensitive and/or proprietary business information of Registrant. Any such information would only be provided under the TTAB’s standard protective order, or a more specialized Stipulated Protective Order, which must be agreed upon by the parties and submitted for approval by the Board prior to disclosure.

Subject to, and without in any way waiving, the foregoing objections, Registrant will make available for inspection and copying, at Petitioner’s sole expense, copies of available relevant, responsive documents in Registrant’s possession, custody or control, at a date and time to be mutually agreed upon between counsel.

REQUEST NO. 10.:

See Exhibit A.

RESPONSE TO REQUEST NO. 10.:

Registrant objects to this request insofar as such request seeks or is intended to elicit confidential, commercially sensitive and/or proprietary business information of Registrant. Any such information would only be provided under the TTAB's standard protective order, or a more specialized Stipulated Protective Order, which must be agreed upon by the parties and submitted for approval by the Board prior to disclosure.

Subject to, and without in any way waiving, the foregoing objections, Registrant will make available for inspection and copying, at Petitioner's sole expense, copies of available relevant, responsive documents in Registrant's possession, custody or control, at a date and time to be mutually agreed upon between counsel.

REQUEST NO. 11.:

See Exhibit A.

RESPONSE TO REQUEST NO. 11.:

Registrant objects to this request insofar as such request is overbroad and unduly burdensome.

Registrant further objects to this request insofar as such request seeks information and/or documents which are protected from discovery by the attorney-client privilege and/or work-product doctrine. No such materials will be provided.

Registrant further objects to this request insofar as such request seeks or is intended to elicit confidential, commercially sensitive and/or proprietary business information of Registrant. Any such information would only be provided under the TTAB's standard protective order, or a more

specialized Stipulated Protective Order, which must be agreed upon by the parties and submitted for approval by the Board prior to disclosure.

Subject to, and without in any way waiving, the foregoing objections, Registrant will make available for inspection and copying, at Petitioner's sole expense, copies of available relevant, responsive documents in Registrant's possession, custody or control, at a date and time to be mutually agreed upon between counsel.

REQUEST NO. 12.:

See Exhibit A.

RESPONSE TO REQUEST NO. 12.:

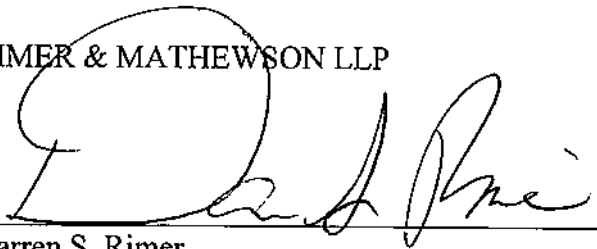
Subject to, and without in any way waiving, the foregoing objections, Registrant will make available for inspection and copying, at Petitioner's sole expense, copies of available relevant, responsive documents in Registrant's possession, custody or control, at a date and time to be mutually agreed upon between counsel.

Dated:

12/23/13

By:

RIMER & MATHEWSON LLP

  
Darren S. Rimer  
30021 Tomas, Suite 300  
Rancho Santa Margarita, CA 92688  
(949) 367-1541  
Counsel for Registrant

# EXHIBIT A



**DOCUMENT REQUEST NO. 3:** Any and all Documents and things reflecting, documenting, supporting or in any way relating to any and all of Registrant's use of, plans to use and/or efforts to use or license "MAESTRO LIMPIO," or any mark similar thereto, in United States commerce, including, but not limited to, all documentation and information regarding where "MAESTRO LIMPIO" was used, when it was used, and to whom and how the use in question was disseminated.

**RESPONSE:**

**DOCUMENT REQUEST NO. 4:** Any and all Documents and things relating to, referencing, discussing or consisting of any branding, marketing, naming, or consumer studies, research or similar documentation, notes or memoranda regarding or relating to use or potential use of "MAESTRO LIMPIO," or the production of the products to be called "MAESTRO LIMPIO," or any mark similar thereto in any manner whatsoever, including without limitation any Documents relating to Registrant's contact with Petitioner.

**RESPONSE:**

**DOCUMENT REQUEST NO. 5:** Any and all Documents and things including, but not limited to, opinions of any person other than an attorney rendering advice, commenting upon, giving opinion, strategy or discussing with, among or to Registrant, which relate to any of the issues involved in this action.

**RESPONSE:**



**DOCUMENT REQUEST NO. 6:** Any and all Documents and things in Registrant's possession relating to Registrant's Mark, including without limitation, commercials, artwork, and packaging.

**RESPONSE:**

**DOCUMENT REQUEST NO. 7:** Any and all Documents and things which refer to or relate to trademark searches, investigations, communications or correspondence concerning the selection, adoption or use by Registrant of "MAESTRO LIMPIO," or any variation thereof, as a trademark or service mark.

**RESPONSE:**

**DOCUMENT REQUEST NO. 8:** Documents sufficient to show the organizational structure of affiliated entities and employees/officers of any entity that you allege has used Registrant's Mark.

**RESPONSE:**

**DOCUMENT REQUEST NO. 9:** All documents related to any offer or inquiry to purchase Registrant's Mark.

**RESPONSE:**

**DOCUMENT REQUEST NO. 10:** All documents supporting any affirmative defense that You are asserting in this matter.

**RESPONSE:**

**DOCUMENT REQUEST NO. 11:** All documents related to the actual sale or other commercial use of the products or services that you have claimed to the USPTO constituted a use of Registrant's Mark, including but not limited to invoices, shipping labels, packages, receipts, checks, bills of lading, emails, order forms, purchase orders, or credit card records.

**RESPONSE:**

**DOCUMENT REQUEST NO. 12:** To the extent that you still possess it/them, present for inspection the product(s) and package(s) of which you took photographs that were provided to the USPTO.

**RESPONSE:**

RESPECTFULLY SUBMITTED,

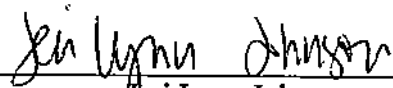
BY: Cheryl S. Seaton

Cheryl S. Scotney (License #0069531)  
Keating, Muething & Klekamp PLL  
One East Fourth Street  
Suite 1400  
Cincinnati, Ohio 45202  
(513) 579-6942  
[cscotney@kmklaw.com](mailto:cscotney@kmklaw.com)  
Attorney for Petitioner,  
The Procter & Gamble Company

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing Petitioner's Requests For Production Of Documents was served by first class mail, postage prepaid, this 18<sup>th</sup> day of November 2013, on attorney for Registrant at:

Darren S. Rimer  
Rimer & Mathewson LLP  
30021 Tomas, Suite 300  
Rancho Santa Margarita, CA 92688

  
\_\_\_\_\_  
Teri Lynn Johnson

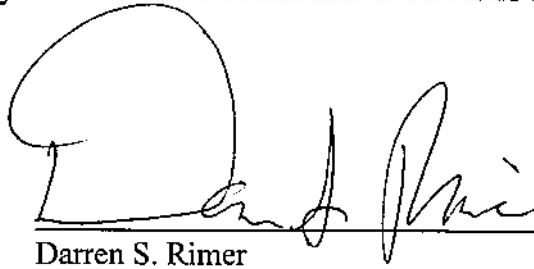
**PROOF OF SERVICE**

State of California    )  
                                  ) ss.  
County of Orange     )

I am over the age of 18 and not a party to the within action; my business address is 30021 Tomas, Suite 300, Rancho Santa Margarita, California 92688. On December 23, 2013, the attached **RESPONSE TO PETITIONER'S FIRST REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS TO REGISTRANT** was served on all interested parties in this action by U.S. Mail, postage prepaid, at the address as follows:

Cheryl S. Scotney  
Keating Muething & Klekamp PLL  
1 East Fourth Street, Suite 1400  
Cincinnati, OH 45202

Executed on December 23, 2013. I declare under penalty of perjury that the above is true and correct. I declare that I am employed in the office of RIMER & MATHEWSON LLP at whose direction service was made.

  
Darren S. Rimer

TAB 4

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

The Procter & Gamble Company,	)	Cancellation No. 92057483
	)	
Petitioner,	)	Reg. No.: 3,458,709
	)	
vs.	)	Mark: MAESTRO LIMPIO
	)	
Spe Trading, Inc.,	)	
	)	
Registrant.	)	
	)	
	)	
_____	)	

**RESPONSE TO PETITIONER'S FIRST SET OF INTERROGATORIES**

**PROPOUNDED ON REGISTRANT**

**GENERAL OBJECTIONS**

A. Each of Petitioner's requests to Registrant are objected to insofar as such Requests seek production of information and documents which are subject to attorney-client privilege and/or work product immunity. Registrant will not produce any information or documents which are subject to attorney-client privilege and/or work product immunity.

B. Each of Petitioner's requests to Registrant are objected to insofar as such requests seek or are intended to elicit confidential, commercially sensitive and/or proprietary business information of Registrant. Any such information would only be provided under the TTAB's standard protective order, or a more specialized Stipulated Protective Order, which must be agreed upon by the parties and submitted for approval by the Board prior to disclosure.

C. Registrant objects to Petitioner's instructions which purport to restate a portion of the requirement of Federal Rules of Civil Procedure 26(e). Registrant is aware of the duty imposed by Federal Rules of Civil Procedure 26(e) and will comply with the requirements of the rule itself rather than restatement of such requirements set forth in Petitioner's First Set of Requests.

D. Registrant objects to the definitions as set forth in Petitioner's First Set of Interrogatories to Registrant, insofar as such definitions are over broad and unduly burdensome. Each Request will be interpreted and responded to in accordance with the ordinary meaning and uses of words in the English language. Moreover, Registrant will only respond to such requests as they relate to the Registrant's present trademark application, and only for the Registrant. All other requests are beyond the scope of this opposition proceeding and will not be answered, as they are not relevant to this proceeding and are unlikely to lead to the discovery of admissible evidence.

E. Registrant objects to Petitioner's First Set of Requests to the extent that Petitioner's First Set of Requests seeks discovery of facts and information which are equally available to Petitioner.

F. Registrant objects to Petitioner's First Set of Requests to the extent that they are self-serving statements of alleged facts which may be inconsistent with the contentions and answers made by Registrant. By answering such Requests, and without specifically denying the self-serving statements of alleged facts by Petitioner, Registrant makes no admission of such self-serving statements of alleged facts, each of which are denied by Registrant. Nothing herein shall be construed as an admission respecting the genuineness, admissibility, truth, accuracy or relevance of any information requested.

G. Registrant objects to producing documents for inspection and copying at any location other than the office of counsel for Registrant, and at a time to be mutually agreed upon by counsel.

H. Registrant will respond to the Petitioner's first set of requests as propounded to the Registrant. Registrant objects to the inclusion in the identity of the Registrant of any other persons or business entities.

I. Registrant objects to any request which purports to ask for information or documents relating to any Requests for Admissions. No Requests for Admissions have been served in this proceeding by Petitioner.

J. The foregoing General Objections are expressly incorporated into each of the individual responses below. Subject to the foregoing General Objections, as well as the specific objections stated hereinafter, Registrant responds to Petitioner's First Set of Interrogatories as follows:

INTERROGATORY NO. 1.:

See Exhibit A.

RESPONSE TO INTERROGATORY NO. 1.:

Registrant objects to this request insofar as such request is compound and complex.

Registrant further objects to this request insofar as such request seeks or is intended to elicit confidential, commercially sensitive and/or proprietary business information of Registrant. Any such information would only be provided under the TTAB's standard protective order, or a more specialized Stipulated Protective Order, which must be agreed upon by the parties and submitted for approval by the Board prior to disclosure.

Subject to, and without in any way waiving, the foregoing objections, Applicant identifies the products set forth in the instant trademark application (all purpose cleaners). Further subject to, and without in any way waiving, the foregoing objections, Registrant will make available for inspection and copying, at Petitioner's sole expense, copies of available relevant, responsive



documents (under Fed. R. Civ. P. 33(d)) in Registrant's possession, custody or control, at a date and time to be mutually agreed upon between counsel.

INTERROGATORY NO. 2.:

See Exhibit A.

RESPONSE TO INTERROGATORY NO. 2.:

Registrant objects to this request insofar as such request is overbroad and unduly burdensome.

Registrant further objects to this request insofar as such request seeks or is intended to elicit confidential, commercially sensitive and/or proprietary business information of Registrant. Any such information would only be provided under the TTAB's standard protective order, or a more specialized Stipulated Protective Order, which must be agreed upon by the parties and submitted for approval by the Board prior to disclosure.

Subject to, and without in any way waiving, the foregoing objections, Registrant will make available for inspection and copying, at Petitioner's sole expense, copies of available relevant, responsive documents (under Fed. R. Civ. P. 33(d)) in Registrant's possession, custody or control, at a date and time to be mutually agreed upon between counsel.

INTERROGATORY NO. 3.:

See Exhibit A.

RESPONSE TO INTERROGATORY NO. 3.:

Registrant objects to this request insofar as such request is compound and complex.

Subject to, and without in any way waiving, the foregoing objections, Registrant will provide further information in response to this request.

INTERROGATORY NO. 4.:

See Exhibit A.

RESPONSE TO INTERROGATORY NO. 4.:

Registrant objects to this request insofar as such request is vague and ambiguous concerning the source of the Products.

Registrant further objects to this request insofar as such request seeks or is intended to elicit confidential, commercially sensitive and/or proprietary business information of Registrant. Any such information would only be provided under the TTAB's standard protective order, or a more specialized Stipulated Protective Order, which must be agreed upon by the parties and submitted for approval by the Board prior to disclosure.

Subject to, and without in any way waiving, the foregoing objections, Registrant will provide further information upon receiving further clarification from the Petitioner.

INTERROGATORY NO. 5.:

See Exhibit A.

RESPONSE TO INTERROGATORY NO. 5.:

Registrant objects to this request insofar as such request seeks information which is not relevant to any claim or defense in this proceeding and which is unlikely to lead to the discovery of admissible evidence.

Registrant further objects to this request insofar as such request seeks or is intended to elicit confidential, commercially sensitive and/or proprietary business information of Registrant. Any such information would only be provided under the TTAB's standard protective order, or a more specialized Stipulated Protective Order, which must be agreed upon by the parties and submitted for approval by the Board prior to disclosure.

Registrant further objects to this request insofar as such request is compound and complex.

INTERROGATORY NO. 6.:

See Exhibit A.

RESPONSE TO INTERROGATORY NO. 6.:

Registrant objects to this request insofar as such request is overbroad and unduly burdensome.

Registrant further objects to this request insofar as such request seeks or is intended to elicit confidential, commercially sensitive and/or proprietary business information of Registrant. Any such information would only be provided under the TTAB's standard protective order, or a more specialized Stipulated Protective Order, which must be agreed upon by the parties and submitted for approval by the Board prior to disclosure.

Subject to, and without in any way waiving, the foregoing objections, Registrant will make available for inspection and copying, at Petitioner's sole expense, copies of available relevant, responsive documents (under Fed. R. Civ. P. 33(d)) in Registrant's possession, custody or control, at a date and time to be mutually agreed upon between counsel.

INTERROGATORY NO. 7.:

See Exhibit A.

RESPONSE TO INTERROGATORY NO. 7.:

Subject to, and without in any way waiving, the foregoing objections, Registrant will make available for inspection and copying, at Petitioner's sole expense, copies of available relevant, responsive documents (under Fed. R. Civ. P. 33(d)) in Registrant's possession, custody or control, at a date and time to be mutually agreed upon between counsel.

INTERROGATORY NO. 8.:

See Exhibit A.

RESPONSE TO INTERROGATORY NO. 8.:

Registrant objects to this request insofar as such request seeks information which is not relevant to any claim or defense in this proceeding and which is unlikely to lead to the discovery of admissible evidence.

Registrant further objects to this request insofar as such request seeks or is intended to elicit confidential, commercially sensitive and/or proprietary business information of Registrant. Any such information would only be provided under the TTAB's standard protective order, or a more specialized Stipulated Protective Order, which must be agreed upon by the parties and submitted for approval by the Board prior to disclosure.

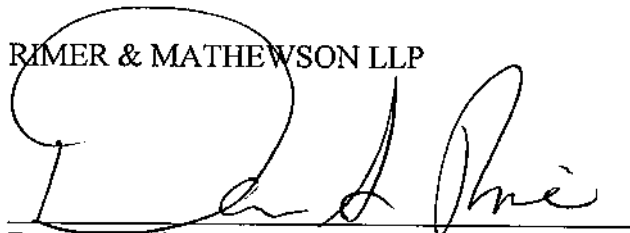
Subject to, and without in any way waiving, the foregoing objections, Registrant will make available for inspection and copying, at Petitioner's sole expense, copies of available relevant, responsive documents (under Fed. R. Civ. P. 33(d)) in Registrant's possession, custody or control, at a date and time to be mutually agreed upon between counsel.

Dated:

12/23/13

By:

RIMER & MATHEWSON LLP

  
\_\_\_\_\_  
Darren S. Rimer  
30021 Tomas, Suite 300  
Rancho Santa Margarita, CA 92688  
(949) 367-1541  
Counsel for Registrant

# EXHIBIT A

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

THE PROCTER & GAMBLE COMPANY	)	
	)	
Petitioner,	)	Cancellation No. 92057483
v.	)	
SPE TRADING, INC.	)	Mark: MAESTRO LIMPIO
	)	
Registrant.	)	
	)	
	)	
	)	

**PETITIONER'S FIRST SET OF INTERROGATORIES PROPOUNDED ON  
REGISTRANT**

Pursuant to Rule 33 of the Federal Rules of Civil Procedure and TBMP § 400 *et seq.*, The Procter & Gamble Company ("Petitioner") submits the following Interrogatories to Spe Trading, Inc. (Registrant").

**INSTRUCTIONS**

A. You are required to answer the following Interrogatories, and the Requests for Production of Documents, and Requests for Admission served in conjunction with these Interrogatories, separately and fully, under oath, in writing, within thirty (30) days after service. Each interrogatory is required to be answered on the basis of the entire knowledge of Registrant, after reasonable inquiry, including all information in the possession of Registrant, its employees, agent(s), representative(s), and attorney(s).

B. If any of the following written Interrogatories cannot be answered in full, you are directed to answer to the extent possible, specifying the reason for your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion, and identifying each person whom you believe has information regarding the subject of

the interrogatory. If an answer is qualified in any particular, set forth the details of such qualification.

C. If you contend that the answer to any interrogatory is privileged, in whole or in part, or otherwise object to any part of any interrogatory, state the reasons for each objection or ground for exclusion, and identify each person having knowledge of the factual basis, if any, on which the privilege or other ground is asserted.

D. You are required to produce the documents, served in conjunction with these Interrogatories, for inspection and copying at the offices of Keating Muething and Klekamp PLL, One East Fourth Street, Suite 1400, Cincinnati, Ohio 45202, within thirty (30) days after service of the Requests for Production of Documents. Each Request for Production of Documents is required to be answered on the basis of your entire knowledge, including all information in your possession, as well as your employees, agent(s), representative(s), and attorney(s).

E. If you contend that any identified document in response to Petitioner's Requests for Production of Documents served in conjunction with these Interrogatories, is privileged, in whole or in part, from production in discovery, regardless of its relevance, or otherwise object to any part of any request for production, state the reasons for each objection or grounds for exclusion, and identify each person having knowledge of the factual basis, if any, on which the privilege or other ground is asserted.

F. Please respond to each interrogatory in the space provided immediately following it. Please attach additional sheets if more space is required for answers than is provided.

G. The following Interrogatories and Requests for Production of Documents, served in conjunction with these Interrogatories, shall be continuing to the extent required under Fed. R. Civ. P. 26(e), so as to require additional answer or production if you obtain or locate further

information or documents between the time answers are served and the time of trial. Such further information shall be promptly reported to Petitioner, but in any event within twenty (20) days after you become aware of such information or documents.

### **DEFINITIONS**

The following definitions are applicable throughout the Interrogatories, and the Requests for Production of Documents and Request for Admissions served in conjunction with these Interrogatories:

A. Registrant. "Registrant" shall mean Spe Trading, Inc., and its attorneys, agents, employees, and other persons acting or purporting to act for or on its behalf.

B. Petitioner. "Petitioner" shall mean The Procter & Gamble Company and its attorneys, agents, employees and other persons acting or purporting to act for or on its behalf.

C. You or Your. "You," as well as the possessives thereof, shall mean Registrant and its attorneys, agents, employees and other persons acting or purporting to act for or on its behalf.

D. Person. "Person" or "persons" means all entities, including, without limiting the generality of the foregoing, all individual natural persons, associations, companies, partnerships, joint ventures, corporations, trusts or estates, public agencies, departments, bureaus, commissions, and boards.

E. Witness. "Witness" or "witnesses" means the name, address, and telephone number of each person having knowledge pertaining to the item in question.

F. Document. "Document" means all written, printed, typed, punched, taped, filmed, or graphic matter, however produced or reproduced, of every kind and description, now or formerly in your actual or constructive possession, custody, trust, care, or control, including, but not limited to, any correspondence (including, but not limited to, any and all letters, cables, telegraphs, envelopes, packages, TWX's, telexes, telefaxes, and e-mail; memoranda and notes;



memoranda of conversations, conferences, or telephone conversations; reports; data complications or analyses; logs and records; photographs; books; papers; manual; handbooks; bulletins; advisories; messages; magazines; periodicals, film strips, or movies; press releases; newspaper clippings; pamphlets, studies, or notations; working papers; charts; graphs; plans; drawings; diagrams; computer data, disks, hard drives, and printouts; indexes; minutes; transcripts; contracts; agreements; leases; legal pleadings; invoices; billings; statements; checks, accounting books or records; financial data of any kind; journals; ledgers; diaries; tax returns; bylaws; rules; regulations; constitutions; annual reports; programs; certifications; resolutions; and each non identical draft of the above.

G. Identify, Identity, Identification, Describe, or Description.

1. "Identify", "identity", or "identification", when used with reference to a person who is an individual natural person, means to state his full name and present address and residence telephone number, his present or last known employer and business telephone number, the address or last known address and telephone number of each employer, and his present or last position held; when used with reference to a person other than a natural individual person, "identify", "identity", or "identification" means to state its full name, its principal business address and telephone number, the nature of the organization, if known, and the identity of its owner(s), operator(s), officer(s), partner(s), or managing personnel.

2. "Identify", "identity", "describe", "description", or "state" when used with respect to an (including alleged) offense, occurrence, contract, transaction, decision, statement, communication, or conduct (hereinafter collectively called "act"), or business relationship, operation, or activity, means to describe in substance the event or events constituting such act, or what transpired, the place, the date, and to identify all persons involved, present, or having

knowledge thereof, stating the subject matter of their knowledge and the manner in which such knowledge was acquired, and to identify the documents referring or relating thereto.

3. "Identify", "identity", or "identification", when used with reference to a document, means to set forth, with respect to the original and copies thereof, the following:

(i) Information sufficient to enable Petitioner to identify the document, by its date, the name of the addressee or addressees, the name of the signer or signers, the title or heading of the document, and its approximate number of pages. Form documents may be identified by the title of the form, a description of the method of preparation, and disposition of all copies;

(ii) The identity and address or addresses of the person or persons to whom copies were sent;

(iii) The present or last known location of the possessor of the original of the document (or, if that is unavailable, the most legible copy);

(iv) If any document was, but is no longer in your possession, custody, or control, state what disposition was made of it and the reason for such disposition; or

(v) In lieu of specifically identifying documents as requested in Paragraphs (i)-(iv) above, documents responsive to each interrogatory may be generally described (with enough particularity to inform Petitioner which documents are responsive to the interrogatory) and produced for Petitioner's inspection and copying; provided, however, that all documents not produced must be identified and if there are no documents responsive to a particular interrogatory, that must be indicated in the answer to the interrogatory. Provided further, if any document is withheld or not identified under a claim of privilege, you must (a) identify each such document with sufficient particularity as to author(s), addressee(s) or recipient(s), and contents to allow defendants to bring the matter before the Court; (b) state the nature of the privilege(s) asserted; and (c) state in detail the factual basis for the claim of privilege.

H. Gender and Number. As used herein, the masculine shall include the feminine and the neuter and the singular shall include the plural.

I. Either and Or. As used herein, the words "either" and "or" include both the disjunctive and conjunctive meanings so as to require response relevant to any and all alternatives referenced.

J. Registrant's Mark. The term "Registrant's Mark" as used herein shall refer to any applications held by Registrant for the designation "MAESTRO LIMPIO" for all purpose cleaners.

K. Products. The terms "Product" or "Products," when used in connection with Registrant, shall include any function, service, good, product, tangible or intangible property, which is sold or performed by Registrant, its agents, employees, or representatives. The terms "Product" or "Products," when used in connection with Registrant, shall mean any function, service, good, product, tangible or intangible property, which is sold or performed by Registrant, its agents, employees, or representatives.

### **INTERROGATORIES**

**INTERROGATORY NO. 1:** Identify all Products in relation to which you currently use or have used "MAESTRO LIMPIO" in U.S. commerce, including:

(a) When each Product was first advertised and offered using "MAESTRO LIMPIO", which of these Products are currently advertised and offered, and type of media:

**RESPONSE:**

(b) All persons to whom this Product was offered/promoted at wholesale and/or retail.

**RESPONSE:**

(c) Sales figures for all such products.

**RESPONSE:**

**INTERROGATORY NO. 2:** Identify, list and provide all details and information and describe all Documents supporting Registrant's efforts to use "MAESTRO LIMPIO" in United States commerce, including any mock-ups or artwork for packaging, signing and marking of the product (trademark inscribed or attached to).

**RESPONSE:**

**INTERROGATORY NO. 3:** Describe by position the present organizational or management structure of Registrant with regard to the advertising, promotion, sale and distribution of the Products Registrant offers for sale in the United States, identifying each person who occupies each such position, stating the length of time each person had or has had such position, and describing the general areas of responsibility of each person identified.

**RESPONSE:**

**INTERROGATORY NO. 4:** Identify any information Registrant has regarding the source of the Products.

**RESPONSE:**

**INTERROGATORY NO. 5:** Identify each and every anticipated and/or projected advertising, promotional and sales campaign Registrant plans to undertake for its all purpose cleaners using "MAESTRO LIMPIO," along with the total anticipated or projected annual expenditures for each such advertising and/or promotion, and the total anticipated or projected annual sales figures, and units to be sold (annually) for such anticipated or projected sales in the United States.

**RESPONSE:**

**INTERROGATORY NO. 6:** Identify all sales of any of Registrant's products or services using Registrant's Mark that involved the product or service crossing over a state border.

**RESPONSE:**

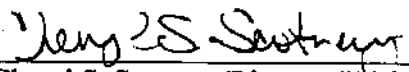
**INTERROGATORY NO. 7:** Identify any period of time during which any website of Registrant sold or offered for sale any products or services using Registrant's Mark, and for any listed period, provide the website address(es) upon which You are relying.

**RESPONSE:**

**INTERROGATORY NO. 8:** Identify all offers or inquiries that you have received related to purchasing Registrant's Mark, including the offering or inquiring party, the price, the date, and all terms.

**RESPONSE:**

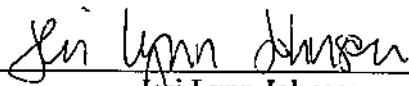
RESPECTFULLY SUBMITTED,

BY:   
Cheryl S. Scotney (License #0069531)  
Keating, Muething & Klekamp PLL  
One East Fourth Street  
Suite 1400  
Cincinnati, Ohio 45202  
(513) 579-6942  
[cscotney@kmklaw.com](mailto:cscotney@kmklaw.com)  
Attorney for Petitioner,  
The Procter & Gamble Company

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing Petitioner's First Set Of Interrogatories Propounded On Registrant was served by first class mail, postage prepaid, this 18<sup>th</sup> day of November 2013, on attorney for Registrant at:

Darren S. Rimer  
Rimer & Mathewson LLP  
30021 Tomas, Suite 300  
Rancho Santa Margarita, CA 92688

  
Jeri Lynn Johnson

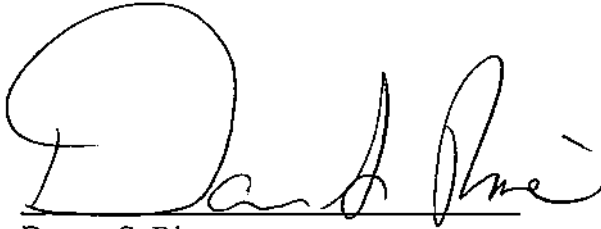
**PROOF OF SERVICE**

State of California    )  
                                  ) ss.  
County of Orange     )

I am over the age of 18 and not a party to the within action; my business address is 30021 Tomas, Suite 300, Rancho Santa Margarita, California 92688. On December 23, 2013, the attached **RESPONSE TO PETITIONER'S FIRST SET OF INTERROGATORIES PROPOUNDED ON REGISTRANT** was served on all interested parties in this action by U.S. Mail, postage prepaid, at the address as follows:

Cheryl S. Scotney  
Keating Muething & Klekamp PLL  
1 East Fourth Street, Suite 1400  
Cincinnati, OH 45202

Executed on December 23, 2013. I declare under penalty of perjury that the above is true and correct. I declare that I am employed in the office of RIMER & MATHEWSON LLP at whose direction service was made.



Darren S. Rimer

# **EXHIBIT E**



ESTTA Tracking number: **ESTTA604896**

Filing date: **05/19/2014**

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

Proceeding	92057483
Party	Plaintiff The Procter & Gamble Company
Correspondence Address	CHERYL S SCOTNEY KEATING MUETHING & KLEKAMP PLL ONE EAST FOURTH STREET, SUITE 1400 CINCINNATI, OH 45202 UNITED STATES trademarks@kmklaw.com, cscotney@kmklaw.com
Submission	Motion for Sanctions
Filer's Name	Cheryl S. Scotney
Filer's e-mail	cscotney@kmklaw.com, trademarks@kmklaw.com
Signature	/Cheryl S. Scotney/
Date	05/19/2014
Attachments	Motion for Entry of Sanctions.pdf(53547 bytes )

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

THE PROCTER & GAMBLE COMPANY	)	
	)	
Petitioner,	)	Cancellation No. 92057483
v.	)	
	)	Mark: MAESTRO LIMPIO
	)	
SPE TRADING, INC.	)	
	)	
Respondent.	)	

**PETITIONER'S MOTION FOR ENTRY OF SANCTIONS**

Pursuant to Federal Rules of Civil Procedure 37(b)(2) and 37 CFR §2.120(g)(1),  
Petitioner The Procter & Gamble Company files this Motion for Entry of Sanctions.

**PRELIMINARY STATEMENT**

Petitioner has not received Respondent's Initial Disclosures or substantive responses to Petitioner's First Requests for Production of Documents and Things and Petitioner's First Set of Interrogatories. In response to a Motion to Compel filed by Petitioner, Respondent was ordered to respond in full and without objection on the merits of the discovery requests within 30 days from the TTAB order dated April 16, 2014. Petitioner has received no correspondence from Respondent or Respondent's attorney.

Petitioner requests that the Board issue default judgment and thus cancellation of Registration No. 3,458,709.

RESPECTFULLY SUBMITTED,

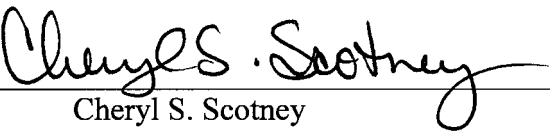
BY: Cheryl S. Scotney

Cheryl S. Scotney  
Keating, Muething & Klekamp PLL  
One East Fourth Street  
Suite 1400  
Cincinnati, Ohio 45202  
(513) 579-6947  
[cscotney@kmlaw.com](mailto:cscotney@kmlaw.com)  
Attorney for Petitioner,  
The Procter & Gamble Company

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing Petitioner's Motion For Entry of Sanctions was served by e-mail and first class mail, postage prepaid, this 19<sup>th</sup> day of May 2014, on counsel for Respondent:

Darren S. Rimer  
Rimer & Mathewson LLP  
30021 Tomas, Suite 300  
Rancho Santa Margarita, CA 92688  
[darren@rimermath.com](mailto:darren@rimermath.com)

  
Cheryl S. Scotney

5467075.1

# **EXHIBIT F**

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

VW

Mailed: July 7, 2014

Cancellation No. 92057483

The Procter & Gamble Company

v.

SPE Trading, Inc.

**By the Trademark Trial and Appeal Board:**

Petitioner's motion for discovery sanctions (filed May 19, 2014) is granted as conceded. *See* Trademark Rules 2.120(g) and 2.127(a).

Accordingly, judgment is entered against respondent, the petition to cancel is granted, and Registration No. 3458709 will be cancelled in due course by the Commissioner for Trademarks.

# **EXHIBIT G**

U. S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

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The Procter & Gamble Company

v.

SPE Trading, Inc.

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Cancellation No. 92057483

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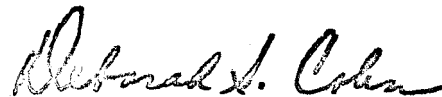
Cheryl S. Scotney of Keating Muething & Klekamp PLL for The Procter & Gamble Company.

Darren S. Rimer of Rimer & Mathewson LLP for SPE Trading, Inc.

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The petition of The Procter & Gamble Company having been granted on July 7, 2014, Registration No. 3458709 is hereby cancelled.

AUG - 4 2014



Deborah S. Cohn  
Commissioner for Trademarks