ESTTA Tracking number: **ESTTA848089**

Filing date: **09/25/2017**

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

Proceeding	91233046
Party	Defendant Sesderma, S.L.
Correspondence Address	CHRISTIAN SANCHELIMA SANCHELIMA & ASSOCIATES PA 235 SW LE JEUNE ROAD MIAMI, FL 33134 UNITED STATES Email: chris@sanchelima.com, tm@sanchelima.com, jesus@sanchelima.com, legal@sanchelima.com, paralegal@sanchelima.com
Submission	Other Motions/Papers
Filer's Name	Christian Sanchelima
Filer's email	legal@sanchelima.com, chris@sanchelima.com, jesus@sanchelima.com
Signature	/CS/
Date	09/25/2017
Attachments	170925le.Mtn Leave to Accept RFA Resp_Mediderm.pdf(63544 bytes) 170925le.Exhibit 1.RespRFA_Mediderm.pdf(183712 bytes) 170925le.DeclJS_Mediderm.pdf(572157 bytes) 170925le.DeclCS_Mediderm.pdf(1366929 bytes)

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

Mediderm Laboratories, LLC,

Opposer/Counter-Defendant,

v. Opposition No. 91233046

Sesderma, S.L.,

Applicant/Counter-Plaintiff,

_____)

APPLICANT/COUNTERCLAIM-PLAINTIFF'S MOTION FOR LEAVE FROM SUSPENSION ORDER TO SERVE APPLICANT'S RESPONSES TO OPPOSER'S REQUESTS FOR ADMISSION PURPORTEDLY SERVED ON APPLICANT/COUNTERCLAIM-PLAINTIFF

Applicant/Counterclaim-Plaintiff Sesderma, S.L (hereinafter "Applicant") hereby moves the Board to allow Applicant to serve its response to Opposer/Counterclaim-Defendant Mediderm Laboratories LLC's (hereinafter "Opposer") requests for admissions purportedly served via email on November 30, 2016.

MEMORANDUM

On August 7, 2017, the Board issued a suspension order restricting these proceedings to matters pertaining to Applicant's motion for summary judgment. Opposer's cross-motion for summary judgment includes as an exhibit a set of requests for admission that were not answered and be deemed as conceded. Applicant requests leave from the suspension order to address Opposer's request.

The reason for not receiving a response to Opposer's requests for admissions is that neither Applicant nor its counsel ever received a copy. See Applicant's counsel declarations, attached.

Therefore, it would be unfair to deem that the assertions in the requests were admitted by Applicant when it did not have an opportunity to respond.

Applicant has attached hereto. As Exhibit "1", its response to Opposer's requests for admission and prays this Board to accept them as timely and in response to Opposer's requests attached to said cross-motion as exhibit "A".

Dated: September 25, 2017 Respectfully submitted,

/s/ Chris Sanchelima
Chris Sanchelima, Esq. (Fla. Bar No. 107751)
chris@sanchelima.com
Sanchelima & Associates, P.A.
235 S.W. Le Jeune Road
Miami, Florida 33134
Telephone: (305) 447-1617
Facsimile: (305) 445-8484
Attorneys for Applicant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via email on this 25th day of September 2017 to:

Kamran Fattahi, Esq.
Law Offices Of Kamran Fattahi
15303 Ventura Blvd, Suite 900
Sherman Oaks, CA 91403
United States
Email: Kamran@FattahiLaw.com

Sanchelima & Associates, P.A.
235 S.W. Le Jeune Rd.,
Miami, FL 33134-1762
Telephone: (305) 447-1617
Facsimile: (305) 445-8484
chris@sanchelima.com
Attorneys for Applicant

By: /s/ Chris Sanchelima
Chris Sanchelima

Exhibit “1”

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

Mediderm Laboratories, LLC,

Opposer/Counter-Defendant,

v. Opposition No. 91233046

Sesderma, S.L.,

Applicant/Counter-Plaintiff,

_____)

APPLICANT/COUNTER-PLAINTIFF'S RESONSES TO OPPOSER/COUNTER-DEFENDANT'S FIRST SET OF REQUESTS FOR ADMISSION

Applicant/Counter-Plaintiff Sesderma S.L. ("Petitioner") responds as follows to Opposer/Counter-Defendant's Mediderm Laboratories, LLC's ("Respondent" or "Registrant") First Set of Requests for Admission.

1. Admit that all documents and things produced by Petitioner in response to Respondent's Requests for Production of Documents in this proceeding are authentic and genuine.
   RESPONSE: Admit

2. Admit that at the time of filing with the USPTO the application for Petitioner's MEDI+DERM mark, Petitioner was aware of Respondent's Mark.
   RESPONSE: Denied.

3. Admit that at the time of first use of Petitioner's MEDI+DERMA mark as asserted in U.S. Application Serial No. 86/817,072, Petitioner was aware of Respondent's Mark.
   RESPONSE: Denied

4. Admit that at the time of first use in commerce of Petitioner's MEDI+DERMA mark as asserted in U.S. Application Serial No. 86/817,072, Petitioner was aware of Respondent's Mark.
   RESPONSE: Denied

5. Admit that Petitioner has not ever used or displayed the MEDI+DERMA mark in the sale or advertising of "on-line wholesale services featuring cosmetics" in the United States.
   RESPONSE: Denied

6. Admit that Petitioner has not ever used or displayed the MEDI+DERMA mark in the sale or advertising of "on-line wholesale services featuring pharmaceutical and medical preparations" in the United States.
   RESPONSE: Denied.

7. Admit that Petitioner has not ever used or displayed the MEDI+DERMA mark in the sale or advertising of "on-line wholesale services featuring dietetic food and substances" in the United States.
   RESPONSE: Denied.

8. Admit that Petitioner has not ever used or displayed the MEDI+DERMA mark in the sale or advertising of "on-line wholesale services featuring dietary supplements" in the United States.
   RESPONSE: Denied.

9. Admit that Petitioner has not ever used or displayed the MEDI+DERMA mark in the sale or advertising of "on-line wholesale services featuring medical apparatus and instruments" in the United States.
   RESPONSE: Denied.

10. Admit that Petitioner has not ever used or displayed the MEDI+DERMA mark in the sale or advertising of "on-line retail store services featuring cosmetics" in the United States.
RESPONSE: Denied.

11. Admit that Petitioner has not ever used or displayed the MEDI+DERMA mark in the sale or advertising of "on-line retail store services featuring pharmaceutical and medical preparations" in the United States.
RESPONSE: Denied.

12. Admit that Petitioner has not ever used or displayed the MEDI+DERMA mark in the sale or advertising of "on-line retail store services featuring dietetic food and substances" in the United States.
RESPONSE: Denied.

13. Admit that Petitioner has not ever used or displayed the MEDI+DERMA mark in the sale or advertising of "on-line retail store services featuring dietary supplements" in the United States.
RESPONSE: Denied.

14. Admit that Petitioner has not ever used or displayed the MEDI+DERMA mark in the sale or advertising of "on-line retail store services featuring medical apparatus and instruments" in the United States.
RESPONSE: Denied.

15. Admit that Petitioner has not ever used or displayed the MEDI+DERMA mark in the sale or advertising of "wholesale services featuring cosmetics" in the United States.
RESPONSE: Denied.

16. Admit that Petitioner has not ever used or displayed the MEDI+DERMA mark in the sale or advertising of "wholesale services featuring pharmaceutical and medical preparations" in the United States.
RESPONSE: Denied.

17. Admit that Petitioner has not ever used or displayed the MEDI+DERMA mark in the sale or advertising of "wholesale services featuring dietetic food and substances" in the United States.
RESPONSE: Denied.

18. Admit that Petitioner has not ever used or displayed the MEDI+DERMA mark in the sale or advertising of "wholesale services featuring dietary supplements" in the United States.
RESPONSE: Denied.

19. Admit that Petitioner has not ever used or displayed the MEDI+DERMA mark in the sale or advertising of "wholesale services featuring medical apparatus and instruments" in the United States.
RESPONSE: Denied.

20. Admit that Petitioner has not ever used or displayed the MEDI+DERMA mark in the sale or advertising of "retail store services featuring cosmetics" in the United States.
RESPONSE: Denied.

21. Admit that Petitioner has not ever used or displayed the MEDI+DERMA mark in the sale or advertising of "retail store services featuring pharmaceutical and medical preparations" in the United States.
RESPONSE: Denied.

22. Admit that Petitioner has not ever used or displayed the MEDI+DERMA mark in the sale or advertising of "retail store services featuring dietetic food and substances" in the United States.
RESPONSE: Denied.

23. Admit that Petitioner has not ever used or displayed the MEDI+DERMA mark in the sale or advertising of "retail store services featuring dietary supplements" in the United States.
RESPONSE: Denied.

24. Admit that Petitioner has not ever used or displayed the MEDI+DERMA mark in the sale or advertising of "retail store services featuring medical apparatus and instruments" in the United States.
RESPONSE: Denied.

25. Admit that Petitioner has not ever rendered "on-line wholesale services featuring cosmetics" under the MEDI+DERMA mark in the United States.
RESPONSE: Denied.

26. Admit that Petitioner has not ever rendered "on-line wholesale services featuring pharmaceutical and medical preparations" under the MEDI+DERMA mark in the United States.
RESPONSE: Denied.

27. Admit that Petitioner has not ever rendered "on-line wholesale services featuring dietetic food and substances" under the MEDI+DERMA mark in the United States.
RESPONSE: Denied.

28. Admit that Petitioner has not ever rendered "on-line wholesale services featuring dietary supplements" under the MEDI+DERMA mark in the United States.
RESPONSE: Denied.

29. Admit that Petitioner has not ever rendered "on-line wholesale services featuring medical apparatus and instruments" under the MEDI+DERMA mark in the United States.
RESPONSE: Denied.

30. Admit that Petitioner has not ever rendered "on-line retail store services featuring cosmetics" under the MEDI+DERMA mark in the United States.
RESPONSE: Denied.

31. Admit that Petitioner has not ever rendered "on-line retail store services featuring pharmaceutical and medical preparations" under the MEDI+DERMA mark in the United States.
RESPONSE: Denied.

32. Admit that Petitioner has not ever rendered "on-line retail store services featuring dietetic food and substances" under the MEDI+DERMA mark in the United States.
RESPONSE: Denied.

33. Admit that Petitioner has not ever rendered "on-line retail store services featuring dietary supplements" under the MEDI+DERMA mark in the United States.
RESPONSE: Denied.

34. Admit that Petitioner has not ever rendered "on-line retail store services featuring medical apparatus and instruments" under the MEDI+DERMA mark in the United States.
RESPONSE: Denied.

35. Admit that Petitioner has not ever rendered "wholesale services featuring cosmetics" under the MEDI+DERMA mark in the United States.
RESPONSE: Denied.

36. Admit that Petitioner has not ever rendered "wholesale services featuring pharmaceutical and medical preparations" under the MEDI+DERMA mark in the United States.
RESPONSE: Denied.

37. Admit that Petitioner has not ever rendered "wholesale services featuring dietetic food and substances" under the MEDI+DERMA mark in the United States.
RESPONSE: Denied.

38. Admit that Petitioner has not ever rendered "wholesale services featuring dietary supplements" under the MEDI+DERMA mark in the United States.
RESPONSE: Denied.

39. Admit that Petitioner has not ever rendered "wholesale services featuring medical apparatus and instruments" under the MEDI+DERMA mark in the United States.
RESPONSE: Denied.

40. Admit that Petitioner has not ever rendered "retail store services featuring cosmetics" under the MEDI+DERMA mark in the United States.
RESPONSE: Denied.

41. Admit that Petitioner has not ever rendered "retail store services featuring pharmaceutical and medical preparations" under the MEDI+DERMA mark in the United States.
RESPONSE: Denied.

42. Admit that Petitioner has not ever rendered "retail store services featuring dietetic food and substances" under the MEDI+DERMA mark in the United States.
RESPONSE: Denied.

43. Admit that Petitioner has not ever rendered "retail store services featuring dietary supplements" under the MEDI+DERMA mark in the United States.
RESPONSE: Denied.

44. Admit that Petitioner has not ever rendered "retail store services featuring medical apparatus and instruments" under the MEDI+DERMA mark in the United States.
RESPONSE: Denied.

45. Admit that on or prior to November 11, 2015, Petitioner had not used or displayed the MEDI+DERMA mark in the sale or advertising of "on-line wholesale services featuring cosmetics" in the United States.
RESPONSE: Denied.

46. Admit that on or prior to November 11, 2015, Petitioner had not used or displayed the MEDI+DERMA mark in the sale or advertising of "on-line wholesale services featuring pharmaceutical and medical preparations" in the United States.
RESPONSE: Denied.

47. Admit that on or prior to November 11, 2015, Petitioner had not used or displayed the MEDI+DERMA mark in the sale or advertising of "on-line wholesale services featuring dietetic food and substances" in the United States.
RESPONSE: Denied.

48. Admit that on or prior to November 11, 2015, Petitioner had not used or displayed the MEDI+DERMA mark in the sale or advertising of "on-line wholesale services featuring dietary supplements" in the United States.
RESPONSE: Denied.

49. Admit that on or prior to November 11, 2015, Petitioner had not used or displayed the MEDI+DERMA mark in the sale or advertising of "on-line wholesale services featuring medical apparatus and instruments" in the United States.
RESPONSE: Denied.

50. Admit that on or prior to November 11, 2015, Petitioner had not used or displayed the MEDI+DERMA mark in the sale or advertising of "on-line retail store services featuring cosmetics" in the United States.
RESPONSE: Denied.

51. Admit that on or prior to November 11, 2015, Petitioner had not used or displayed the MEDI+DERMA mark in the sale or advertising of "on-line retail store services featuring pharmaceutical and medical preparations" in the United States.
RESPONSE: Denied.

52. Admit that on or prior to November 11, 2015, Petitioner had not used or displayed the MEDI+DERMA mark in the sale or advertising of "on-line retail store services featuring dietetic food and substances" in the United States.
RESPONSE: Denied.

53. Admit that on or prior to November 11, 2015, Petitioner had not used or displayed the MEDI+DERMA mark in the sale or advertising of "on-line retail store services featuring dietary supplements" in the United States.
RESPONSE: Denied.

54. Admit that on or prior to November 11, 2015, Petitioner had not used or displayed the MEDI+DERMA mark in the sale or advertising of "on-line retail store services featuring medical apparatus and instruments" in the United States.
RESPONSE: Denied.

55. Admit that on or prior to November 11, 2015, Petitioner had not used or displayed the MEDI+DERMA mark in the sale or advertising of "wholesale services featuring cosmetics" in the United States.
RESPONSE: Denied.

56. Admit that on or prior to November 11, 2015, Petitioner had not used or displayed the MEDI+DERMA mark in the sale or advertising of "wholesale services featuring pharmaceutical and medical preparations" in the United States.
RESPONSE: Denied.

57. Admit that on or prior to November 11, 2015, Petitioner had not used or displayed the MEDI+DERMA mark in the sale or advertising of "wholesale services featuring dietetic food and substances" in the United States.
RESPONSE: Denied.

58. Admit that on or prior to November 11, 2015, Petitioner had not used or displayed the MEDI+DERMA mark in the sale or advertising of "wholesale services featuring dietary supplements" in the United States.
RESPONSE: Denied.

59. Admit that on or prior to November 11, 2015, Petitioner had not used or displayed the MEDI+DERMA mark in the sale or advertising of "wholesale services featuring medical apparatus and instruments" in the United States.
RESPONSE: Denied.

60. Admit that on or prior to November 11, 2015, Petitioner had not used or displayed the MEDI+DERMA mark in the sale or advertising of "retail store services featuring cosmetics" in the United States.
RESPONSE: Denied.

61. Admit that on or prior to November 11, 2015, Petitioner had not used or displayed the MEDI+DERMA mark in the sale or advertising of "retail store services featuring pharmaceutical and medical preparations" in the United States.
RESPONSE: Denied.

62. Admit that on or prior to November 11, 2015, Petitioner had not used or displayed the MEDI+DERMA mark in the sale or advertising of "retail store services featuring dietetic food and substances" in the United States.

RESPONSE: Denied.

63. Admit that on or prior to November 11, 2015, Petitioner had not used or displayed the MEDI+DERMA mark in the sale or advertising of "retail store services featuring dietary supplements" in the United States.

RESPONSE: Denied.

64. Admit that on or prior to November 11, 2015, Petitioner had not used or displayed the MEDI+DERMA mark in the sale or advertising of "retail store services featuring medical apparatus and instruments" in the United States.

RESPONSE: Denied.

65. Admit that on or prior to November 11, 2015, Petitioner had not rendered "on-line wholesale services featuring cosmetics" under the MEDI+DERMA mark in the United States.

RESPONSE: Denied.

66. Admit that on or prior to November 11, 2015, Petitioner had not rendered "on-line wholesale services featuring pharmaceutical and medical preparations" under the MEDI+DERMA mark in the United States.

RESPONSE: Denied.

67. Admit that on or prior to November 11, 2015, Petitioner had not rendered "on-line wholesale services featuring dietetic food and substances" under the MEDI+DERMA mark in the United States.

RESPONSE: Denied.

68. Admit that on or prior to November 11, 2015, Petitioner has not rendered "on-line wholesale services featuring dietary supplements" under the MEDI+DERMA mark in the United States.
RESPONSE: Denied.

69. Admit that on or prior to November 11, 2015, Petitioner had not rendered "on-line wholesale services featuring medical apparatus and instruments" under the MEDI+DERMA mark in the United States.
RESPONSE: Denied.

70. Admit that on or prior to November 11, 2015, Petitioner had not rendered "on-line retail store services featuring cosmetics" under the MEDI+DERMA mark in the United States.
RESPONSE: Denied.

71. Admit that on or prior to November 11, 2015, Petitioner had not rendered "on-line retail store services featuring pharmaceutical and medical preparations" under the MEDI+DERMA mark in the United States.
RESPONSE: Denied.

72. Admit that on or prior to November 11, 2015, Petitioner had not rendered "on-line retail store services featuring dietetic food and substances" under the MEDI+DERMA mark in the United States.
RESPONSE: Denied.

73. Admit that on or prior to November 11, 2015, Petitioner had not rendered "on-line retail store services featuring dietary supplements" under the MEDI+DERMA mark in the United States.
RESPONSE: Denied.

74. Admit that on or prior to November 11, 2015, Petitioner had not rendered "on-line retail store services featuring medical apparatus and instruments" under the MEDI+DERMA mark in the United States.
RESPONSE: Denied.

75. Admit that on or prior to November 11, 2015, Petitioner had not rendered "wholesale services featuring cosmetics" under the MEDI+DERMA mark in the United States.
RESPONSE: Denied.

76. Admit that on or prior to November 11, 2015, Petitioner had not rendered "wholesale services featuring pharmaceutical and medical preparations" under the MEDI+DERMA mark in the United States.
RESPONSE: Denied.

77. Admit that on or prior to November 11, 2015, Petitioner had not rendered "wholesale services featuring dietetic food and substances" under MEDI+DERMA mark in the United States.
RESPONSE: Denied.

78. Admit that on or prior to November 11, 2015, Petitioner had not rendered "wholesale services featuring dietary supplements" under the MEDI+DERMA mark in the United States.
RESPONSE: Denied.

79. Admit that on or prior to November 11, 2015, Petitioner had not rendered "wholesale services featuring medical apparatus and instruments" under the MEDI+DERMA mark in the United States.
RESPONSE: Denied.

80. Admit that on or prior to November 11, 2015, Petitioner had not rendered "retail store services featuring cosmetics" under the MEDI+DERMA mark in the United States.
RESPONSE: Denied.

81. Admit that on or prior to November 11, 2015, Petitioner had not rendered "retail store services featuring pharmaceutical and medical preparations" under the MEDI+DERMA mark in the United States.
RESPONSE: Denied.

82. Admit that on or prior to November 11, 2015, Petitioner had not rendered "retail store services featuring dietetic food and substances" under MEDI+DERMA mark in the United States.
RESPONSE: Denied.

83. Admit that on or prior to November 11, 2015, Petitioner had not rendered "retail store services featuring dietary supplements" under the MEDI+DERMA mark in the United States.
RESPONSE: Denied.

84. Admit that on or prior to November 11, 2015, Petitioner had not rendered "retail store services featuring medical apparatus and instruments" under the MEDI+DERMA mark in the United States.
RESPONSE: Denied.

85. Admit that Petitioner has not used in commerce the MEDI+DERMA mark in the United States since prior to April 21, 2012 for each and every one of the services currently identified in U.S. Application Serial No. 86/817,072.
RESPONSE: Denied.

86. Admit that prior to February 2, 1999, Petitioner did not use in commerce the MEDI+DERMA mark in the United States for any of the services currently identified in U.S. Application Serial No. 86/817,072.
RESPONSE: Denied.

87. Admit that prior to February 2, 1999, Petitioner did not use in commerce the MEDI+DERMA mark in the United States for any of the services currently identified in U.S. Application Serial No. 86/817,072.
RESPONSE: Denied.

88. Admit that prior to February 2, 1999, Petitioner did not use in commerce the MEDI+DERMA mark in the United States in connection with any goods or services.
RESPONSE: Denied.

89. Admit that prior to December 12, 2000, Petitioner did not use in commerce the MEDI+DERMA mark in the United States for any of the services currently identified in U.S. Application Serial No. 86/817,072.
RESPONSE: Denied.

90. Admit that prior to December 12, 2000, Petitioner did not use in commerce the MEDI+DERMA mark in the United States in connection with any goods or services.
RESPONSE: Denied.

91. Admit that Petitioner has not used in commerce the MEDI+DERMA mark in the United States as early as December 12, 2000 for each and every one of the services currently identified in U.S. Application Serial No. 86/817,072.
RESPONSE: Denied.

92. Admit that Petitioner has not used in commerce the MEDIDERMA mark in the United States since prior to April 21, 2012 for each and every one of the services currently identified in U.S. Application Serial No. 86/817,072 for the MEDI+DERMA mark.
RESPONSE: Denied.

93. Admit that prior to February 2, 1999, Petitioner did not use in commerce the MEDIDERMA mark in the United States for any of the services currently identified in U.S. Application Serial No. 86/817,072 for the MEDI+DERMA mark.
RESPONSE: Denied.

94. Admit that prior to February 2, 1999, Petitioner did not use in commerce the MEDIDERMA mark in the United States for any of the services currently identified in U.S. Application Serial No. 86/817,072 for the MEDI+DERMA mark.
RESPONSE: Denied.

95. Admit that prior to February 2, 1999, Petitioner did not use in commerce the MEDIDERMA mark in the United States in connection with any goods or services.
RESPONSE: Denied.

96. Admit that prior to December 12, 2000, Petitioner did not use in commerce the MEDIDERMA mark in the United States for any of the services currently identified in U.S. Application Serial No. 86/817,072 for the MEDI+DERMA mark.
RESPONSE: Denied.

97. Admit that prior to December 12, 2000, Petitioner did not use in commerce the MEDIDERMA mark in the United States in connection with any goods or services.
RESPONSE: Denied.

98. Admit that Petitioner has not used in commerce the MEDIDERMA mark in the United States as early as December 12, 2000 for each and every one of the services currently identified in U.S. Application Serial No. 86/817,072 for the MEDI+DERMA mark.
RESPONSE: Denied.

99. Admit that Petitioner does not have documentary evidence to show that it used in commerce the MEDI+DERMA mark in the United States as of December 12, 2000 for each and every one of the services currently identified in U.S. Application Serial No. 86/817,072.

RESPONSE: Discovery is still ongoing. Petitioner continues to search for documentary evidence and therefore, such allegations are denied.

100. Admit that Petitioner does not have documentary evidence to show that it used in commerce the MEDI+DERMA mark in the United States as of December 12, 2000 for any of the services currently identified in U.S. Application Serial No. 86/817,072.
RESPONSE: Denied.

101. Admit that Petitioner does not have documentary evidence to show that it used in commerce the MEDI+DERMA mark in the United States prior to 1999 for each of the services currently identified in U.S. Application Serial No. 86/817,072.
RESPONSE: Discovery is still ongoing. Petitioner continues to search for documentary evidence and therefore, such allegations are denied.

102. Admit that Petitioner does not have documentary evidence to show that it used in commerce the MEDI+DERMA mark in the United States prior to 2000 for each of the services currently identified in U.S. Application Serial No. 86/817,072.
RESPONSE: Discovery is still ongoing. Petitioner continues to search for documentary evidence and therefore, such allegations are denied.

103. Admit that Petitioner does not have documentary evidence to show that it used in commerce the MEDI+DERMA mark in the United States in 2000 for the services currently identified in U.S. Application Serial No. 86/817,072.
RESPONSE: Denied.

104. Admit that Petitioner does not have documentary evidence to show that it used in commerce the MEDI+DERMA mark in the United States in 2001 for the services currently identified in U.S. Application Serial No. 86/817,072.
RESPONSE: Denied.

105. Admit that Petitioner does not have documentary evidence to show that it used in commerce the MEDI+DERMA mark in the United States in 2002 for the services currently identified in U.S. Application Serial No. 86/817,072.
RESPONSE: Denied.

106. Admit that Petitioner does not have documentary evidence to show that it used in commerce the MEDI+DERMA mark in the United States in 2003 for the services currently identified in U.S. Application Serial No. 86/817,072.
RESPONSE: Denied.

107. Admit that Petitioner does not have documentary evidence to show that it used in commerce the MEDI+DERMA mark in the United States in 2004 for the services currently identified in U.S. Application Serial No. 86/817,072.
RESPONSE: Denied.

108. Admit that Petitioner does not have documentary evidence to show that it used in commerce the MEDI+DERMA mark in the United States in 2005 for the services currently identified in U.S. Application Serial No. 86/817,072.
RESPONSE: Denied.

109. Admit that Petitioner does not have documentary evidence to show that it used in commerce the MEDI+DERMA mark in the United States in 2006 for the services currently identified in U.S. Application Serial No. 86/817,072.
RESPONSE: Denied.

110. Admit that Petitioner does not have documentary evidence to show that it used in commerce the MEDI+DERMA mark in the United States in 2007 for the services currently identified in U.S. Application Serial No. 86/817,072.
RESPONSE: Denied.

111. Admit that Petitioner does not have documentary evidence to show that it used in commerce the MEDI+DERMA mark in the United States in 2008 for the services currently identified in U.S. Application Serial No. 86/817,072.
RESPONSE: Denied.

112. Admit that Petitioner does not have documentary evidence to show that it used in commerce the MEDI+DERMA mark in the United States in 2009 for the services currently identified in U.S. Application Serial No. 86/817,072.
RESPONSE: Denied.

113. Admit that Petitioner does not have documentary evidence to show that it used in commerce the MEDI+DERMA mark in the United States in 2010 for the services currently identified in U.S. Application Serial No. 86/817,072.
RESPONSE: Denied.

114. Admit that Petitioner does not have documentary evidence to show that it used in commerce the MEDI+DERMA mark in the United States in 2011 for the services currently identified in U.S. Application Serial No. 86/817,072.
RESPONSE: Denied.

115. Admit that Petitioner does not have documentary evidence to show that it used in commerce the MEDI+DERMA mark in the United States in 2012 for the services currently identified in U.S. Application Serial No. 86/817,072.
RESPONSE: Denied.

116. Admit that Petitioner does not have documentary evidence to show that it used in commerce the MEDI+DERMA mark in the United States in 2013 for the services currently identified in U.S. Application Serial No. 86/817,072.
RESPONSE: Denied.

117. Admit that Petitioner does not have documentary evidence to show that it used in commerce the MEDI+DERMA mark in the United States in 2014 for the services currently identified in U.S. Application Serial No. 86/817,072.
RESPONSE: Denied.

118. Admit that Petitioner does not have documentary evidence to show that it used in commerce the MEDI+DERMA mark in the United States in 2015 for the services currently identified in U.S. Application Serial No. 86/817,072.
RESPONSE: Denied.

119. Admit that Petitioner does not have documentary evidence to show that it used in commerce the MEDI+DERMA mark in the United States in 2016 for the services currently identified in U.S. Application Serial No. 86/817,072.
RESPONSE: Denied.

120. Admit that Petitioner, or anyone on behalf of Petitioner, has not ever conducted any search or investigation relating to the availability of Petitioner's Marks for use or registration in the United States.
RESPONSE: Admit.

121. Admit that prior to the filing date of U.S. Application Serial No. 86/817,072 for Petitioner's MEDI+DERMA mark, Petitioner, or anyone on behalf of Petitioner, did not conduct any search or investigation relating to the availability of Petitioner's Marks for use or registration in the United States.
RESPONSE: Admit.

122. Admit that Petitioner does not have any documentary evidence in support of the allegations in ¶7 of the Amended Petition for Cancellation that "Registrant has discontinued the use of its mark MEDIDERM and that Registrant has abandoned its mark MEDIDERM."
RESPONSE: Denied.

123. Admit that Petitioner does not have any evidence in support of the allegations in ¶7 of the Amended Petition for Cancellation that "Registrant has discontinued the use of its mark MEDIDERM and that Registrant has abandoned its mark MEDIDERM."
RESPONSE: Denied.

124. Admit that the USPTO has approved for publication U.S. Application Serial No. 86/817,072 for Petitioner's MEDI+DERMA mark.
RESPONSE: Admit.

Dated: September 25, 2017

Respectfully submitted,

/s/ Chris Sanchelima
Chris Sanchelima, Esq. (Fla. Bar No. 107751)
chris@sanchelima.com
Sanchelima & Associates, P.A.
235 S.W. Le Jeune Road
Miami, Florida 33134
Telephone: (305) 447-1617
Facsimile: (305) 445-8484
Attorneys for Applicant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via email on this 25th day of September 2017 to:

Kamran Fattahi, Esq.
Law Offices Of Kamran Fattahi
15303 Ventura Blvd, Suite 900
Sherman Oaks, CA 91403
United States
Email: Kamran@FattahiLaw.com

Sanchelima & Associates, P.A.
235 S.W. Le Jeune Rd.,
Miami, FL 33134-1762
Telephone: (305) 447-1617
Facsimile: (305) 445-8484
chris@sanchelima.com
Attorneys for Applicant

By: /s/ Chris Sanchelima
Chris Sanchelima

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

Mediderm Laboratories, LLC,

Opposer/Counter-Respondent,

v. Opposition No. 91233046

Sesderma, S.L.,

Applicant/Counter-Petitioner,

_____)

DECLARATION OF JESUS SANCHELIMA, ESQ.

The undersigned declares that the following matters to which he has personal knowledge are true:

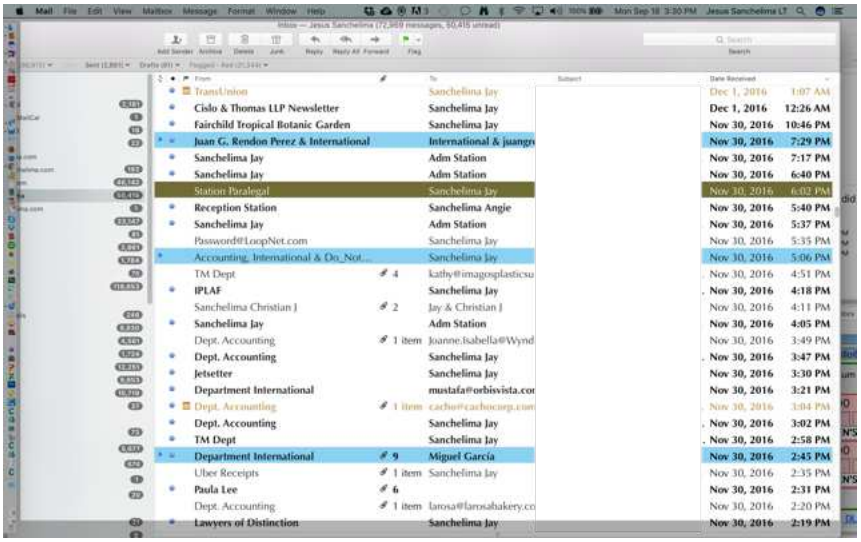
1. My name is Jesus Sanchelima, and I am an attorney at Sanchelima & Associates, P.A. The law firm is counsel of record for Opposer/Counter-Respondent Sesderma, S.L. ("Sesderma") in the above referenced TTAB proceeding.
2. My email addresses are jesus@sanchelima.com and "paralegal@sanchelima.com".
3. I never received an email from counsel for Opposer/Counter-Respondent Mediderm Laboratories, LLC ("Mediderm") enclosing a service copy of "Respondent's First Set of Requests for Admissions" on November 30, 2016. See attached Exhibit "1" corresponding to the entries for email account "jesus@sanchelima.com" on November 30, 2016.

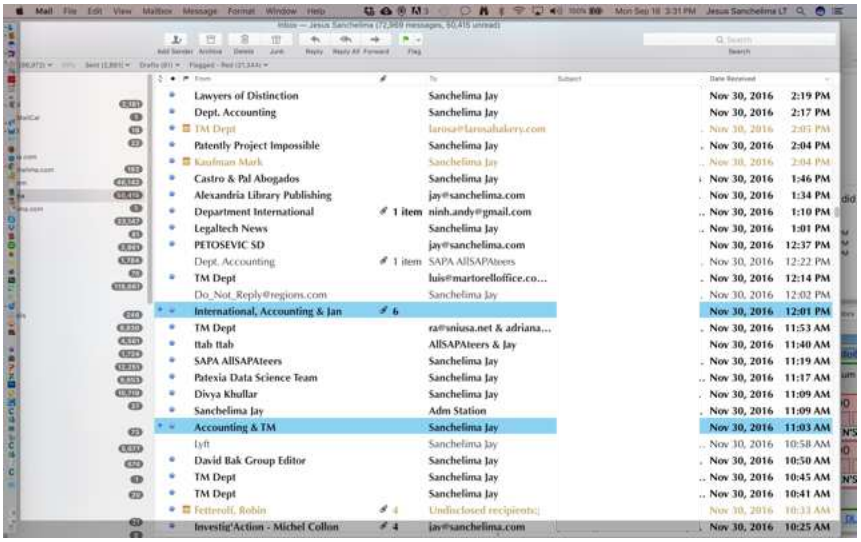
4. I first became aware of "Respondent's First Set of Requests for Admissions", on September 5, 2017, when counsel for Mediderm filed a copy of the document as an exhibit to its Response/Cross-Motion for Summary Judgment.
5. I never received any other communications from counsel for Mediderm regarding "Respondent's First Set of Requests for Admissions." I, and our staff, had several communications with Respondent's counsel and he never notified us of any outstanding discovery requests.

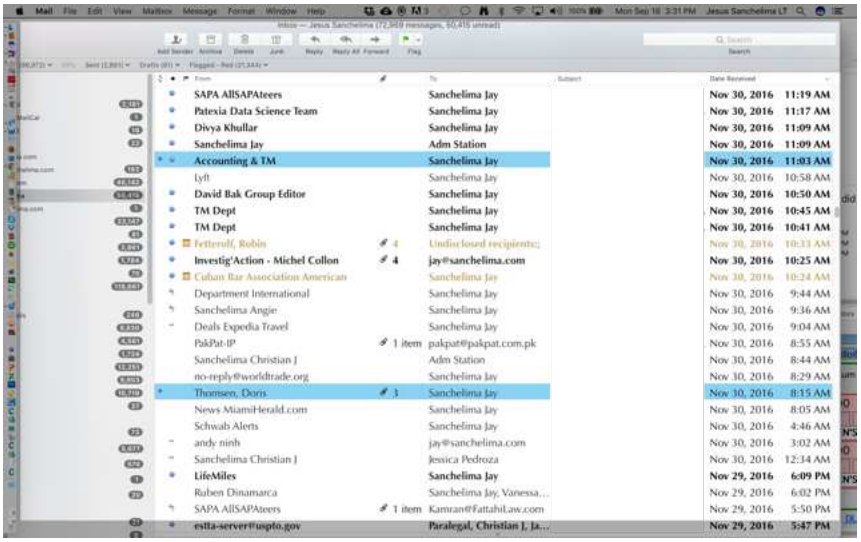
I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Date: September 25, 2017 /s/ Jesus Sanchelima
Jesus Sanchelima, Esq.

Exhibit “1”




Mail File Edit View Mailbox Message Format Window Help
Mon Sep 18 3:31 PM Jesus Sanchelima LT
Inbox — Jesus Sanchelima (72,969 messages, 50,415 unread)
Add Sender Archive Delete Junk Reply Reply All Forward Flag Search
From To Subject Date Received
Lawyers of Distinction Sanchelima Jay Nov 30, 2016 2:19 PM
Dept. Accounting Sanchelima Jay Nov 30, 2016 2:17 PM
TM Dept larosa@larosabakery.com Nov 30, 2016 2:05 PM
Patently Project Impossible Sanchelima Jay Nov 30, 2016 2:04 PM
Kaufman Mark Sanchelima Jay Nov 30, 2016 2:04 PM
Castro & Pal Abogados Sanchelima Jay Nov 30, 2016 1:46 PM
Alexandria Library Publishing jay@sanchelima.com Nov 30, 2016 1:34 PM
Department International 1 item ninh.andy@gmail.com Nov 30, 2016 1:10 PM
Legaltech News Sanchelima Jay Nov 30, 2016 1:01 PM
PETOSEVIC SD jay@sanchelima.com Nov 30, 2016 12:37 PM
Dept. Accounting 1 item SAPA AllSAPAteers Nov 30, 2016 12:22 PM
TM Dept luis@martorelloffice.co... Nov 30, 2016 12:14 PM
Do_Not_Reply@regions.com Sanchelima Jay Nov 30, 2016 12:02 PM
International, Accounting & Jan 6 Nov 30, 2016 12:01 PM
TM Dept ra@sniusa.net & adriana... Nov 30, 2016 11:53 AM
Itah Itah AllSAPAteers & Jay Nov 30, 2016 11:40 AM
SAPA AllSAPAteers Sanchelima Jay Nov 30, 2016 11:19 AM
Patexia Data Science Team Sanchelima Jay Nov 30, 2016 11:17 AM
Divya Khullar Sanchelima Jay Nov 30, 2016 11:09 AM
Sanchelima Jay Adm Station Nov 30, 2016 11:09 AM
Accounting & TM Sanchelima Jay Nov 30, 2016 11:03 AM
lyft Sanchelima Jay Nov 30, 2016 10:58 AM
David Bak Group Editor Sanchelima Jay Nov 30, 2016 10:50 AM
TM Dept Sanchelima Jay Nov 30, 2016 10:45 AM
TM Dept Sanchelima Jay Nov 30, 2016 10:41 AM
Fetterolf, Robin 4 Undisclosed recipients:; Nov 30, 2016 10:33 AM
Investig'Action - Michel Collon 4 jay@sanchelima.com Nov 30, 2016 10:25 AM


Mail File Edit View Mailbox Message Format Window Help
Mon Sep 18 3:31 PM Jesus Sanchelima LT
Inbox — Jesus Sanchelima (72,369 messages, 60,415 unread)
Add Sender Archive Delete Junk Reply Reply All Forward Flag Search
From To Subject Date Received
SAPA AllSAPAteers Sanchelima Jay Nov 30, 2016 11:19 AM
Patexia Data Science Team Sanchelima Jay Nov 30, 2016 11:17 AM
Divya Khullar Sanchelima Jay Nov 30, 2016 11:09 AM
Sanchelima Jay Adm Station Nov 30, 2016 11:09 AM
Accounting & TM Sanchelima Jay Nov 30, 2016 11:03 AM
Lyft Sanchelima Jay Nov 30, 2016 10:58 AM
David Bak Group Editor Sanchelima Jay Nov 30, 2016 10:50 AM
TM Dept Sanchelima Jay Nov 30, 2016 10:45 AM
TM Dept Sanchelima Jay Nov 30, 2016 10:41 AM
Fetterolf, Robin 4 Undisclosed recipients:; Nov 30, 2016 10:33 AM
Investig'Action - Michel Collon 4 jay@sanchelima.com Nov 30, 2016 10:25 AM
Cuban Bar Association American Sanchelima Jay Nov 30, 2016 10:24 AM
Department International Sanchelima Jay Nov 30, 2016 9:44 AM
Sanchelima Angie Sanchelima Jay Nov 30, 2016 9:36 AM
Deals Expedia Travel Sanchelima Jay Nov 30, 2016 9:04 AM
PakPat-IP 1 item pakpat@pakpat.com.pk Nov 30, 2016 8:55 AM
Sanchelima Christian J Adm Station Nov 30, 2016 8:44 AM
no-reply@worldtrade.org Sanchelima Jay Nov 30, 2016 8:29 AM
Thomsen, Doris 3 Sanchelima Jay Nov 30, 2016 8:15 AM
News MiamiHerald.com Sanchelima Jay Nov 30, 2016 8:05 AM
Schwab Alerts Sanchelima Jay Nov 30, 2016 4:46 AM
andy ninh jay@sanchelima.com Nov 30, 2016 3:02 AM
Sanchelima Christian J Jessica Pedroza Nov 30, 2016 12:34 AM
LifeMiles Sanchelima Jay Nov 29, 2016 6:09 PM
Ruben Dinamarca Sanchelima Jay, Vanessa… Nov 29, 2016 6:02 PM
SAPA AllSAPAteers 1 item Kamran@FattahiLaw.com Nov 29, 2016 5:50 PM
estta-server@uspto.gov Paralegal, Christian J, Ja… Nov 29, 2016 5:47 PM

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

Mediderm Laboratories, LLC,

Opposer/Counter-Respondent,

v. Opposition No. 91233046

Sesderma, S.L.,

Applicant/Counter-Petitioner,

_____)

DECLARATION OF CHRISTIAN SANCHELIMA, ESQ.

The undersigned declares, under penalty of perjury under the laws of the United States of America, that the following matters to which he has personal knowledge are true:

1. My name is Christian Sanchelima, and I am an attorney at Sanchelima & Associates, P.A. The law firm and I are counsel of record for Opposer/Counter-Respondent Sesderma, S.L. ("Sesderma") in the above referenced TTAB proceeding.
2. My email addresses are "chris@sanchelima.com" and "paralegal@sanchelima.com".
3. I never received an email from counsel for Opposer/Counter-Respondent Mediderm Laboratories, LLC ("Mediderm") enclosing a service copy of "Respondent's First Set of Requests for Admissions" on November 30, 2016. See attached Exhibit "1", corresponding to the email entries on November 30, 2016.
4. I first became aware of "Respondent's First Set of Requests for Admissions", on September 5, 2017, when counsel for Mediderm filed a copy of the document as an exhibit to its Response/Cross-Motion for Summary Judgment.

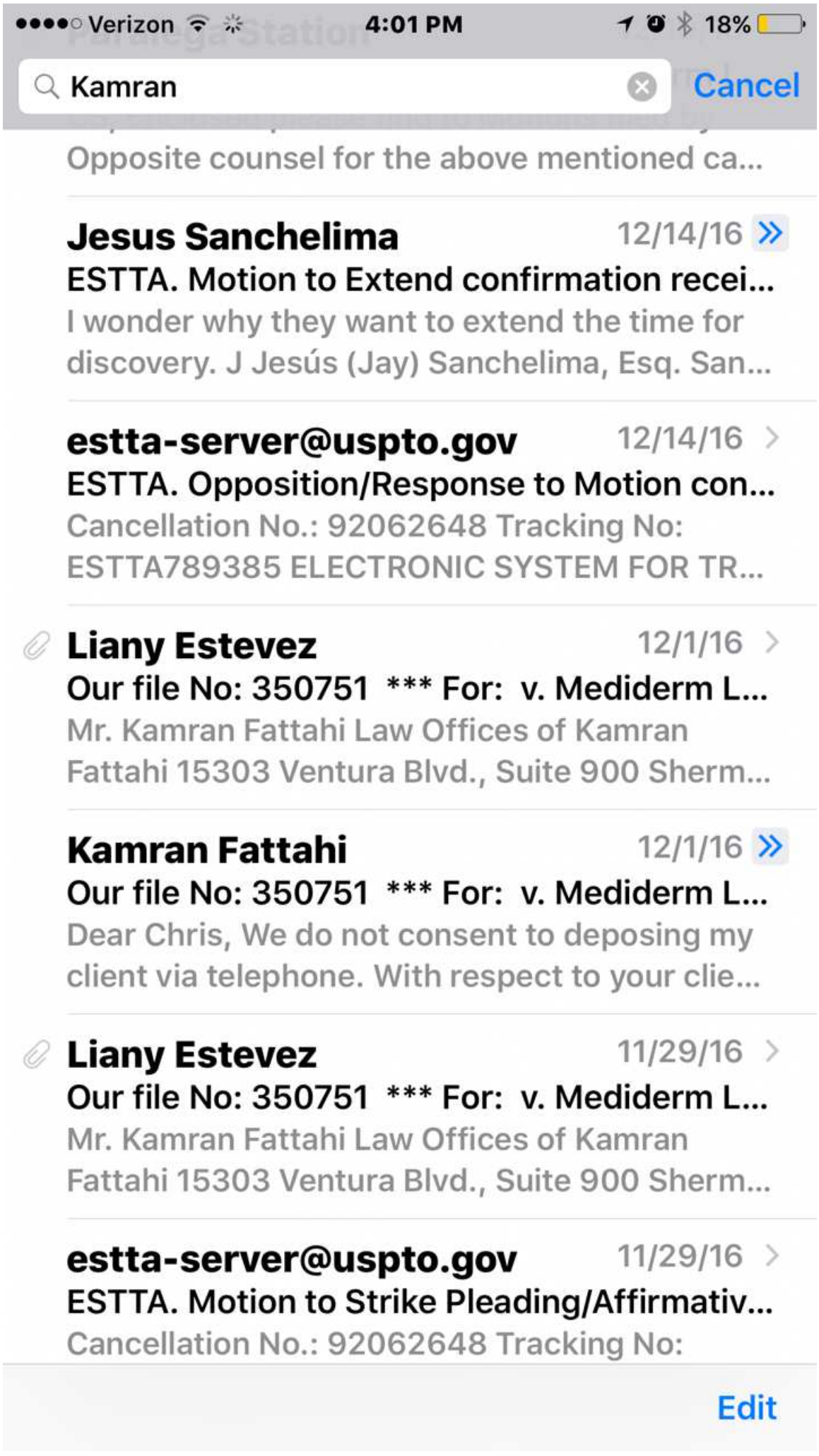
5. I never received any other communications from counsel for Mediderm regarding "Respondent's First Set of Requests for Admissions."

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Date: September 25, 2017

/s/ Christian Sanchelima
Christian Sanchelima, Esq.

Exhibit “1”


Verizon
4:01 PM
18%
Kamran
Cancel
Opposite counsel for the above mentioned ca...
Jesus Sanchelima
12/14/16
ESTTA. Motion to Extend confirmation recei...
I wonder why they want to extend the time for discovery. J Jesús (Jay) Sanchelima, Esq. San...
estta-server@uspto.gov
12/14/16
ESTTA. Opposition/Response to Motion con...
Cancellation No.: 92062648 Tracking No: ESTTA789385 ELECTRONIC SYSTEM FOR TR...
Liany Estevez
12/1/16
Our file No: 350751 *** For: v. Mediderm L...
Mr. Kamran Fattahi Law Offices of Kamran Fattahi 15303 Ventura Blvd., Suite 900 Sherm...
Kamran Fattahi
12/1/16
Our file No: 350751 *** For: v. Mediderm L...
Dear Chris, We do not consent to deposing my client via telephone. With respect to your clie...
Liany Estevez
11/29/16
Our file No: 350751 *** For: v. Mediderm L...
Mr. Kamran Fattahi Law Offices of Kamran Fattahi 15303 Ventura Blvd., Suite 900 Sherm...
estta-server@uspto.gov
11/29/16
ESTTA. Motion to Strike Pleading/Affirmativ...
Cancellation No.: 92062648 Tracking No:
Edit

Liany Estevez 11/30/16
To: Kamran Cc: Chris Details

Mr. Kamran Fattahi
Law Offices of Kamran Fattahi
15303 Ventura Blvd., Suite 900
Sherman Oaks California 91403

Dear Mr. Fattahi:

Please let us know if you consent to our deposing your client via telephone.

Also, we request that you let us know if you intend to depose our client during discovery. Since our client resides in a foreign country, the deposition would be upon written questions as per TBMP 404.03(b) and 37 CFR § 2.124.

Very truly yours,

Liany Estevez for

Found in SAPA All Mail Mailbox

Kamran Fattahi 12/1/16
To: Chris, Liany Details

KF

Dear Chris,

We do not consent to deposing my client via telephone.

With respect to your client, are you saying that Gabriel Serrano will be the only designated witness under FRCP 30(b)(6) for any and all subjects? Also, it appears that Mr. Serrano regularly travels to the U.S. for business or perhaps other reasons. Are there any dates when Mr. Serrano plans to be in the United States within the next six months? If that is the case, please let me know of such dates. And would he be agreeable to have his oral deposition in the U.S.?

If Mr. Gabriel Serrano will not agree to have his oral deposition taken in the U.S., would Petitioner stipulate to have his deposition taken by telephone?

On a related note, in reference to Sesderma, S.L.'s Initial Disclosures, please identify the subject(s) of information relevant to each named witness as required by TBMP 401.02. Please also identify the titles and positions of your client's witnesses Juan Acosta Sr. and Cecilia Ryle and their connections with Petitioner.

Regards,
Kamran Fattahi