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

Proceeding no.	91270073
Party	Plaintiff Isidora Gloria Posadas Romano
Correspondence address	FELIPE RUBIO RUBIO & ASSOCIATES 8950 SW 74TH CT, STE 1804 MIAMI, FL 33156 UNITED STATES Primary email: mail@rubiolaw.com Secondary email(s): uspto@rubiolaw.com 305-670-0323
Submission	Motion to Compel Discovery or Disclosure
Filer's name	Felipe Rubio
Filer's email	mail@rubiolaw.com, uspto@rubiolaw.com, murquijocertain@rubiolaw.com
Signature	/felipe rubio/
Date	08/09/2023
Attachments	Motion to Compel Discovery 08 09 2023.pdf(209041 bytes) Exhibit A Discovery Sent.pdf(705319 bytes) Exhibit B Discovery Received.pdf(661398 bytes) Exhibit C Motion to Compel FR Declaration.pdf(176828 bytes) Exhibit D Memo Style.pdf(360980 bytes)

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

In the matter of Trademark Application No. 90165076
For the mark: GRUPO ENSAMBLE

**ISIDORA GLORIA
POSADAS ROMANO,**

Opposition No. 91270073

Opposer,

v.

**CINDY N HINOJOSA,
SALVADOR OLVERA
RIOS,
LEOPOLDO HILARIO OLVERA
NAVARRETE AND
ISRAEL SALCEDO FRAGOSO,**

Applicant.
_____ /

OPPOSER'S CROSS-MOTION TO COMPEL

Opposer, by and through its Attorney, pursuant to 37 C.F.R. § 2.120(f), TBMP 411.02 and Rule 37 of the Federal Rules of Civil Procedure moves to compel Applicant to comply with its discovery obligations. Opposer requests that the new deadlines be determined, and any period or periods be set to run, from the date of the Board's decision on this and Applicant's outstanding motion to reopen.

FACTUAL BACKGROUND

This action commenced on June 21, 2021. The opposed Grupo Ensamble intent to use

Application was filed by Mrs. Cindy N. Hinojosa who later assigned the mark to Salvador Olvera Rios, Leopoldo Hilario Olvera Navarrete and Israel Salcedo Fragoso. It's important to note that in its November 4, 2022 order, the board stated that *“(a)lthough the assignment was executed prior to the commencement of this proceeding, in view of the terms of the assignment agreement, Ms. Hinojosa’s role in filing the subject application, and the common goal of Ms. Hinojosa and Assignees to defend against the opposition, Assignees are joined as party-defendants to facilitate discovery.”* [7 TTABVUE 8] Furthermore, in the same decision, the Board stated that *“the Board presumes that Mr. Begakis is representing the collective interests of the defendants herein. If this is not accurate, it is incumbent upon counsel to clarify and, if known, specify the status of Assignees’ legal representation, if any, within TWENTY DAYS of the mailing date of this order.”* [7 TTABVUE 8]. Applicant’s counsel of record did not make any clarification and to this date has not filed any papers with the Board regarding his representation of the Applicant. As such, Opposer assumes and has assumed that the current counsel of record represents Ms. Hinojosa and the Assignees.

On May 19, 2023, Opposer served its Discovery Request to Applicants. See Exhibit A. Applicant served its Responses on June 16th, 2023. See Exhibit B. However, the responses were deficient. Specifically, the Applicant’s responses to the first set of Interrogatories to Cindy N. Hinojosa, Salvador Olvera Rios, Leopoldo Hilario Olvera Navarrete and Israel Salcedo Fragoso contained numerous unsupported general objections, were incomplete and evasive. The responses by Salvador Olvera Rios, Leopoldo Hilario Olvera Navarrete and Israel Salcedo Fragoso were not signed by the proper party. Similarly, Applicant’s responses to the Requests

for Production were also deficient, evasive and contained numerous unsupported general objections. To this date, Applicants have failed to produce one single document. On June 27th 2023, Counsel for Opposer reached out to Applicant's attorney requesting that Applicant supplement its deficient responses and to request a meet-and-confer telephone conference to discuss the matter. On June 28th, 2022, Opposer followed up with the Applicant and requested a consented motion to suspend discovery deadlines. On June 29th, Applicant's counsel stated that they would agree to meet and confer only if Opposer agreed to extend the discovery period and allowed their late served discovery. On June 30th 2023, Opposer's counsel followed up with Applicant regarding the status of the outstanding discovery. On July 4th, 2023, Opposer's counsel once again followed up with Applicant regarding the status of the outstanding discovery. On July 6th, 2023, Opposer's once again followed up with Applicant regarding the status of the outstanding discovery. That same day, Opposer's counsel responded that they would only meet and confer if discovery was "reopened" and Opposer agreed provide answers to Applicant's late served discovery. Opposer's counsel also tried to reach out to Applicant's counsel by phone but was unsuccessful. Furthermore, Opposer's counsel once again tried to meet and confer with opposing counsel but Applicant's counsel flat our refused and stated that they would only meet and confer if Opposer agreed to extend the deadlines so that Opposer has to respond to the Applicant's late served discovery requests.

ARGUMENTS

It is settled that a motion to compel discovery under Fed. R. Civ. P. 37(a) and 37 C.F.R. § 2.120(e)(1) is appropriate when a party fails to provide discovery, and the moving party has

"conferred with the opposing party or his attorney, in an effort in good faith to resolve by agreement the issues raised by the motion, and has been unable to reach agreement." *Macmillan Bloedel Ltd. v. Arrow-MCorp.*, 203 U.S.P.Q. 952 (T.T.A.B. 1979); see also, *Jain v. Ramparts Inc.*, 49 U.S.P.Q. 2d 1429 (T.T.A.B. 1998); *Spa International, Inc. v. European Health Spa, Inc.*, 184 U.S.P.Q. 747 (T.T.A.B. 1975). The "good faith effort" determination is within the Board's sound discretion. *Giant Food, Inc. v. Standard Terry Mills, Inc.*, 231 USPQ 626, 632 (TTAB 1986). The Board has given some guidance and explained that, "when [a] motion [to compel] is filed, each party or his attorney submit an affidavit certifying that he has conferred with the opposing party and/or his attorney in good faith to resolve by agreement the issues raised by the motion and that they have been unable, despite their best efforts, to reach an agreement.") See e.g., *Ford Motor Co. v. Shelby International, Inc.*, 193 USPQ 236 (TTAB 1976).

Opposer has attempted to confer with the Applicant in good faith. See Exhibit C. Opposer followed up with Applicant on at least six occasions but Applicant failed to serve any supplemental responses or agree to meet and confer. See Exhibit D.

Opposer will be unable to properly prepare for trial until Applicant has completely complied with its outstanding discovery obligations. Applicant provided numerous objections that the interrogatories and requests for production are "overly burdensome" without any justification. See responses to Request for Interrogatories and Request for Production (Exhibit B) "In those cases where complete compliance with a particular request for discovery would be unduly burdensome, the Board may permit the responding party to comply by providing a representative sampling of the information sought, or some other reduced amount of information

which is nevertheless sufficient to meet the propounding party's discovery needs." See TBMP § 402.02. In this case, Applicant has not provided even a subset of the documents requested by Opposer. Additionally, a production of "representative" documents must truly be a representative sampling, and not merely a self-serving selection of favorable documents. See, e.g., *The Procter & Gamble Company v. Keystone Automotive Warehouse, Inc.*, 191 USPQ 468 (TTAB 1976).

Requests for Interrogatories to Cindy N. Hinojosa.

Applicant's responses to all 13 interrogatories consist of the same boilerplate objections and then answer as follows: "Responding Party filed for the GRUPO ENSAMBLE mark on behalf of the assignees thereof. Additionally, discovery is ongoing. As such, Responding Party reserves the right to supplement, amplify or amend its responses to this Request."

Requests for Admissions to Cindy N. Hinojosa.

Applicant's boilerplate objections to the requests for Admission's 1 through 9 served on, Mrs. Hinojosa, do not comply with the board rules as they are non-responsive. For example, the Applicant failed to respond to requests number 1, 3, 4, 5, 6 and 8 under the claim that they are ambiguous. However, Applicant failed to articulate why the requests are ambiguous. Applicant objected to the term You which has been defined clearly in the request. Applicant also objected to the term "GRUPO ENSAMBLE mark" as being ambiguous. Applicant also has made an improper objection under "assume facts not in evidence".

Requests for Production to Applicants.

Applicant's boilerplate general objections to Opposer's Request for Production to Applicant are improper as they lack specificity. To date, Applicant has not provided any documents related to this action. Please specify when you will provide documents.

Requests for Interrogatories to Salvador Olvera Rios, Leopoldo Hilario, Olvera Navarrete, And Israel Salcedo Fragoso

Applicant's counsel has objected stating that it no longer represent these defendants. However, that is an improper objection as Applicant's counsel has not filed and the board has not granted a withdrawal. As such, Applicant's counsel still remains Counsel of record for all the named Defendants.

Conclusion

Opposer has made a good faith effort to attempt to resolve this discovery dispute with Applicant by repeatedly contacting Applicant regarding compliance with the outstanding discovery demands. Applicant's delay has prevented Opposer from obtaining the discovery it needs to pursue its cancellation. Accordingly, Opposer respectfully requests that the Board compel Applicant to sufficiently respond to Opposer's discovery requests, and produce responsive documents.

Dated: August 9th, 2023

/Felipe Rubio /
Felipe Rubio
Rubio & Associates
8950 SW 74th Court, Suite 1804

Miami, Florida 33156
mail@rubiolaw.com
Phone: 305 670 0323
Attorney for Opposer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing document was served via electronic mail this 9th day of August 2023 on Applicant through its attorneys.

Respectfully submitted,

Rubio & Associates
8950 SW 74th Court, Suite 1804
Miami, Florida 33156
Phone: 305 670 0323
Fax: 305 670 0322
Email: mail@rubiolaw.com
/s/Felipe Rubio
Felipe Rubio
Attorney for Applicant

EXHIBIT A

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

In the matter of Trademark Application No. 90165076
For the mark: GRUPO ENSAMBLE

**ISIDORA GLORIA
POSADAS ROMANO,**

Opposition No. 91270073

Opposer,

v.

**CINDY N HINOJOSA,
SALVADOR OLVERA
RIOS,
LEOPOLDO HILARIO OLVERA
NAVARRETE AND
ISRAEL SALCEDO FRAGOSO,**

Applicant.
_____ /

**OPPOSER’S FIRST SET OF REQUESTS FOR ADMISSIONS TO DEFENDANT
CINDY N. HINOJOSA**

NOTICE IS HEREBY GIVEN that in accordance with Trademark Trial and Appeal Board Manual of Procedure (“TBMP”) §§ 407 and Federal Rules of Civil Procedure (“Fed. R. Civ. P.”) 26, Opposer ISIDORA GLORIA POSADAS ROMANO (“Opposer”) hereby requests that Cindy N Hinojosa (“Defendant”), within thirty (30) days, admit or deny, in writing and under oath, each of the following Requests for Admissions subject to the following definitions and instructions.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing document was served via electronic mail this 19th day of May 2023 on Cindy N Hinojosa through its attorneys.

OPPOSER'S FIRST SET OF REQUESTS FOR ADMISSIONS

DEFINITIONS

“Opposer” shall mean ISIDORA GLORIA POSADAS ROMANO and its predecessor, successor, or affiliate or any present or former owners, officers, directors, employees, agents, or attorneys or other representative’s action on Opposer’s behalf.

“You” or “Your” or “Defendant” means Cindy N Hinojosa, its agents, current and former attorneys, servants, employees, investigators, subsidiaries, affiliates, related companies, distributors, predecessors, operating divisions, and all other persons or entities, representing or acting on Defendant’s behalf.

“Defendant’s Mark” shall mean the mark identified as Grupo Ensemble in U.S. Trademark Application 90165076.

INSTRUCTIONS

1. If You claim that any information requested is privileged, please provide all information falling within the scope of the Admission Request which is not privileged, and identify with sufficient particularity for purposes of a Motion to Compel each item of information, document or thing, separately, with respect to which You claim a privilege, and state:
 - i. the basis on which the privilege is claimed;
 - ii. the author of the document, if applicable;
 - iii. each individual or other person to whom the document or copy thereof was sent or otherwise disclosed;

- iv. the date of the information or document;
 - v. the type of document (e.g., letter, memorandum, etc.); and the general subject matter of the information or document.
2. You are not requested to provide privileged information or information for which You claim privilege, but only to identify such information, document or thing.
 3. Defendant's responses to the following Admission Requests are to be promptly supplemented to include subsequently acquired information in accordance with the requirements of Rule 26(e) of the FRCP.
 4. If You deny one or more Admission Request, each statement of denial must set forth facts supporting the basis for denying the Admission Request.

REQUESTS FOR ADMISSIONS

REQUEST FOR ADMISSION NO. 1:

Admit that You did not have any intent to use Defendant's mark at the time of filing of the trademark application before the United States Patent and Trademark Office.

REQUEST FOR ADMISSION NO. 2:

Admit that you wanted to reserve a right to the GRUPO ENSAMBLE mark.

REQUEST FOR ADMISSION NO. 3:

Admit that you were not the owner of any GRUPO ENSAMBLE mark at the time of the filing of the application.

REQUEST FOR ADMISSION NO. 4:

Admit that the GRUPO ENSAMBLE mark refers to a band that existed in Mexico prior to the filing of the application of Defendant's mark.

REQUEST FOR ADMISSION NO. 5:

Admit that you did not create the GRUPO ENSAMBLE mark as identified under Defendant's mark.

REQUEST FOR ADMISSION NO. 6:

Admit that at the time of the assignment, no business was transferred to the assignees.

REQUEST FOR ADMISSION NO. 7:

Admit that you sold Defendant's mark for .USD 1,500.00.

REQUEST FOR ADMISSION NO. 8:

Admit that you never intended to use Defendant's mark.

REQUEST FOR ADMISSION NO. 9:

Admit that you have previously filed and sold trademark applications.

Respectfully submitted,

Rubio & Associates
8950 SW 74th Court, Suite 1804
Miami, Florida 33156
Phone: 305 670 0323
Fax: 305 670 0322
Email: mail@rubiolaw.com
/s/Felipe Rubio

Felipe Rubio
Attorney for Opposer

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE BEFORE THE
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LEOPOLDO HILARIO OLVERA
NAVARRETE AND
ISRAEL SALCEDO FRAGOSO,**

Applicant.
_____ /

**OPPOSER'S FIRST SET OF INTERROGATORIES TO DEFENDANTS SALVADOR
OLVERA RIOS, LEOPOLDO HILARIO OLVERA NAVARRETE AND ISRAEL
SALCEDO FRAGOSO**

NOTICE IS HEREBY GIVEN that OPPOSER, ISIDORA GLORIA POSADAS ROMANO ("OPPOSER"), by and through the undersigned attorneys, hereby serves the following interrogatories under Fed. R. Civ. P. 33 to be answered separately and fully in writing under oath by DEFENDANTS, Salvador Olvera Rios, Leopoldo Hilario Olvera Navarrete and Israel Salcedo Fragoso ("DEFENDANTS").

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing document was served via electronic mail this 19th day of May 2023 on Salvador Olvera Rios, Leopoldo Hilario Olvera Navarrete and Israel Salcedo Fragoso through its attorneys.

Dated: May 19, 2023

Respectfully submitted,

Rubio & Associates
8950 SW 74th Court, Suite 1804
Miami, Florida 33156

Phone: 305 670 0323
Fax: 305 670 0322
Email: mail@rubiolaw.com
/s/Felipe Rubio
Felipe Rubio
Attorney for OPPOSER

DEFINITIONS

1. OPPOSER means ISIDORA GLORIA POSADAS ROMANO, the OPPOSER in the above-captioned proceeding.

2. "DEFENDANTS", "you," or "your" means Salvador Olvera Rios, Leopoldo Hilario Olvera Navarrete and Israel Salcedo Fragoso, its subsidiaries, divisions, predecessor, and successor companies, affiliates, parents, distributors, licensees, any partnership or joint venture to which it may be a party, and/or each of the foregoing entities' employees, agents, officers, directors, representatives, consultants, accountants, and attorneys, including any person who served in any such capacity at any time during the relevant time period specified herein.

3. "OPPOSER's Mark" mean the EL RITMO SABROSON DEL ORIGINAL GRUPO ENSAMBLE marks that is the subject of U.S. Trademark Application 90367005.

4. "DEFENDANTS's Mark" or "GRUPO ENSAMBLE mark" means the GRUPO ENSAMBLE marks that is the subject of U.S. Trademark Application 90165076.

5. "Concerning" means consisting of, referring to, relating to, reflecting, or being in any way logically or factually connected with the matter discussed.

6. "Communication" means the transmittal of information (in the form of facts, ideas, inquiries, or otherwise).

7. "Date" means the exact day, month, and year if ascertainable, or, if not, the best available approximation (including relationship to other events).

8. "Describe" means set forth fully and unambiguously every fact relevant to the subject of the Interrogatory, of which you (including your agents and representatives) have knowledge or information.

9. "Document" is synonymous in meaning and equal in scope to its usage in FRCP 34(a)(1)(A). The term "document" refers to any document now or at any time in DEFENDANTS's possession, custody, or control. A person is deemed in control of a document if the person has any ownership, possession, or custody of the document, or the right to secure the document or a copy thereof from any person or public or private entity having physical possession thereof.

10. "Identify" with respect to a person who is an individual means to state that person's full name, present or last known address, and current or last known place of employment.

11. "Identify" with respect to a person that is not an individual means to state its: full name, legal form, date of organization, state of incorporation, or organization or other business or license authority, present or last known address and telephone number, and the identity of its chief executive officer, partners, or persons in equivalent positions.

12. "Identify" with respect to a document means to give, to the extent known, the (a) type of document; (b) general subject matter; (c) date of the document; and (d) author(s), addressee(s), and recipient(s). In the alternative, the responding party may produce the documents, together with identifying information sufficient to satisfy Rule 33 of the Federal Rules of Civil Procedure.

13. "Identify" with respect to communications means to give, to the extent known, (a) a description of the substance of the communication; (b) the form of the communication (e.g., telephone, facsimile, email, etc.); (c) the identity of each person that was a party to and/or present at the time of the communication, as well as the full name, present or last known address, and the current or last known place of employment of each person; (d) the identity of the person whom you contend initiated the communication; and (e) the time, date, and place of the communication.

14. The term "mark" means any word, name, symbol, or device (including any key word or metatag) or any combination thereof.

15. The term "person" means any natural person or any legal entity, including, but not limited to, any business or governmental entity, organization, or association.

16. The terms "and" and "or" shall be construed either conjunctively or disjunctively as necessary to bring within the scope of the interrogatory all responses that might otherwise fall outside the scope of this interrogatory.

17. The terms "all," "any," or "each" encompass any and all of the matter discussed.

18. The use of singular form includes plural, and vice versa.

19. The use of present tense includes past tense, and vice versa.

20. The masculine form shall also be construed to include the feminine and vice versa.

INSTRUCTIONS

1. Answers to these interrogatories shall be served upon the undersigned attorneys, within thirty (30) days of service of these interrogatories.

2. Each interrogatory is to be answered fully based on information in your possession, custody, or control, or in the possession, custody, or control of your representatives, agents, or attorneys.

3. If you object to any interrogatory or any portion of an interrogatory on the ground that the answer reflects or would reveal the substance of a privileged communication, identify:

- (a) the nature of the privilege claimed;
- (b) the person who made the communication, whether oral or in writing;
- (c) if the communication was oral, all persons present while the communication was made;
- (d) if the communication was written, the author, addressees, and any other recipients;
- (e) the relationship of the author of the communication to each recipient;
- (f) the relationship of the persons present to the person who made the communication;
- (g) the date and place of the communication; and
- (h) the general subject matter of the communication.

OR

If you object to any interrogatory, in whole or in part, on the grounds of privilege, provide all information required by Federal Rule of Civil Procedure 26(b)(5) and TBMP § 405.04(b).

4. Unless otherwise stated herein, these interrogatories cover the time period from the year 2015 up to and including the present.

5. Unless otherwise stated herein, these interrogatories apply to activities in or in connection with the United States of America.

6. If you respond to an interrogatory by reference to documents pursuant to Federal Rule of Civil Procedure 33(d), identify the documents with specificity, including by identifying the

applicable Bates Number range to the extent the documents are produced in response to document requests in this proceeding.

7. For the convenience of the Board and the parties, each interrogatory should be quoted in full immediately preceding the response.

8. These interrogatories are continuing in nature. If you receive or otherwise become aware of information responsive to any interrogatory after you have served your answers to these interrogatories, you must promptly supplement your answers to these interrogatories to provide such information, as required by Federal Rule of Civil Procedure 26(e) and TBMP § 408.03.

INTERROGATORIES

INTERROGATORY NO. 1: Describe in detail the reason or reasons DEFENDANTS acquired the GRUPO ENSAMBLE mark from CINDY N. HINOJOSA, and identify all relevant documents.

INTERROGATORY NO. 2: Identify all of the goods and services in connection with which DEFENDANTS has used or is using any mark.

INTERROGATORY NO. 3: Describe the facts and circumstances concerning the assignment of the DEFENDANTS's Mark.

INTERROGATORY NO. 4: Identify all persons who participated in or were or are responsible for the assignment of the of DEFENDANTS's Mark.

INTERROGATORY NO. 5: Describe the reasons surrounding the transfer of DEFENDANTS's Mark by Cindy N. Hinojosa to Salvador Olvera Rios, Leopoldo Hilario Olvera Navarrete and Israel Salcedo Fragoso.

INTERROGATORY NO. 6: Describe the circumstances surrounding the transfer of DEFENDANTS's Mark by Cindy N. Hinojosa to Salvador Olvera Rios, Leopoldo Hilario Olvera Navarrete and Israel Salcedo Fragoso.

INTERROGATORY NO. 7: Describe the reasons surrounding the transfer of DEFENDANTS's Mark by Cindy N. Hinojosa to Salvador Olvera Rios, Leopoldo Hilario Olvera Navarrete and Israel Salcedo Fragoso.

INTERROGATORY NO. 8: Describe in detail the business under DEFENDANTS's Mark which Salvador Olvera Rios, Leopoldo Hilario Olvera Navarrete and Israel Salcedo Fragoso received.

INTERROGATORY NO. 9: Identify all of the documents supporting your claim of ownership to DEFENDANTS's Mark.

INTERROGATORY NO. 10: Describe in detail your plans to offer services under DEFENDANTS's mark.

INTERROGATORY NO. 11: Identify all persons who participated in or were or are responsible for the marketing or advertising of any goods or services offered for sale, sold, or intended to be offered for sale or sold by or for DEFENDANTS under or in connection with the DEFENDANTS's Mark.

INTERROGATORY NO. 12: Identify all of the documents use in support of your affirmative defenses.

INTERROGATORY NO. 13: Identify the person who prepared the Grupo Ensamble trademark application.

Respectfully submitted,

Rubio & Associates
8950 SW 74th Court, Suite 1804
Miami, Florida 33156
Phone: 305 670 0323
Fax: 305 670 0322
Email: mail@rubiolaw.com
/s/Felipe Rubio
Felipe Rubio
Attorney for OPPOSER,
ISIDORA GLORIA POSADAS ROMANO

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Applicant.
_____ /

**OPPOSER’S FIRST SET OF INTERROGATORIES TO DEFENDANT CINDY N
HINOJOSA**

NOTICE IS HEREBY GIVEN that OPPOSER, ISIDORA GLORIA POSADAS ROMANO (“OPPOSER”), by and through the undersigned attorneys, hereby serves the following interrogatories under Fed. R. Civ. P. 33 to be answered separately and fully in writing under oath by Defendant, Cindy N Hinojosa (“Defendant”).

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing document was served via electronic mail this 19th day of May 2023 on Cindy N Hinojosa through its attorneys.

Dated: May 19, 2023

Respectfully submitted,

Rubio & Associates
8950 SW 74th Court, Suite 1804
Miami, Florida 33156
Phone: 305 670 0323
Fax: 305 670 0322
Email: mail@rubiolaw.com

/s/Felipe Rubio
Felipe Rubio
Attorney for OPPOSER

DEFINITIONS

1. OPPOSER means ISIDORA GLORIA POSADAS ROMANO, the OPPOSER in the above-captioned proceeding.

2. "Defendant", "you," or "your" means Cindy N Hinojosa, its subsidiaries, divisions, predecessor, and successor companies, affiliates, parents, distributors, licensees, any partnership or joint venture to which it may be a party, and/or each of the foregoing entities' employees, agents, officers, directors, representatives, consultants, accountants, and attorneys, including any person who served in any such capacity at any time during the relevant time period specified herein.

3. "OPPOSER's Mark" mean the EL RITMO SABROSON DEL ORIGINAL GRUPO ENSAMBLE marks that is the subject of U.S. Trademark Application 90367005.

4. "Defendant's Mark" or "GRUPO ENSAMBLE mark" means the GRUPO ENSAMBLE marks that is the subject of U.S. Trademark Application 90165076.

5. "Concerning" means consisting of, referring to, relating to, reflecting, or being in any way logically or factually connected with the matter discussed.

6. "Communication" means the transmittal of information (in the form of facts, ideas, inquiries, or otherwise).

7. "Date" means the exact day, month, and year if ascertainable, or, if not, the best available approximation (including relationship to other events).

8. "Describe" means set forth fully and unambiguously every fact relevant to the subject of the Interrogatory, of which you (including your agents and representatives) have knowledge or information.

9. "Document" is synonymous in meaning and equal in scope to its usage in FRCP 34(a)(1)(A). The term "document" refers to any document now or at any time in Defendant's possession, custody, or control. A person is deemed in control of a document if the person has any ownership, possession, or custody of the document, or the right to secure the document or a copy thereof from any person or public or private entity having physical possession thereof.

10. "Identify" with respect to a person who is an individual means to state that person's full name, present or last known address, and current or last known place of employment.

11. "Identify" with respect to a person that is not an individual means to state its: full name, legal form, date of organization, state of incorporation, or organization or other business or license authority, present or last known address and telephone number, and the identity of its chief executive officer, partners, or persons in equivalent positions.

12. "Identify" with respect to a document means to give, to the extent known, the (a) type of document; (b) general subject matter; (c) date of the document; and (d) author(s), addressee(s), and recipient(s). In the alternative, the responding party may produce the documents, together with identifying information sufficient to satisfy Rule 33 of the Federal Rules of Civil Procedure.

13. "Identify" with respect to communications means to give, to the extent known, (a) a description of the substance of the communication; (b) the form of the communication (e.g., telephone, facsimile, email, etc.); (c) the identity of each person that was a party to and/or present at the time of the communication, as well as the full name, present or last known address, and the

current or last known place of employment of each person; (d) the identity of the person whom you contend initiated the communication; and (e) the time, date, and place of the communication.

14. The term "mark" means any word, name, symbol, or device (including any key word or metatag) or any combination thereof.

15. The term "person" means any natural person or any legal entity, including, but not limited to, any business or governmental entity, organization, or association.

16. The terms "and" and "or" shall be construed either conjunctively or disjunctively as necessary to bring within the scope of the interrogatory all responses that might otherwise fall outside the scope of this interrogatory.

17. The terms "all," "any," or "each" encompass any and all of the matter discussed.

18. The use of singular form includes plural, and vice versa.

19. The use of present tense includes past tense, and vice versa.

20. The masculine form shall also be construed to include the feminine and vice versa.

INSTRUCTIONS

1. Answers to these interrogatories shall be served upon the undersigned attorneys, within thirty (30) days of service of these interrogatories.

2. Each interrogatory is to be answered fully based on information in your possession, custody, or control, or in the possession, custody, or control of your representatives, agents, or attorneys.

3. If you object to any interrogatory or any portion of an interrogatory on the ground that the answer reflects or would reveal the substance of a privileged communication, identify:

- (a) the nature of the privilege claimed;
- (b) the person who made the communication, whether oral or in writing;
- (c) if the communication was oral, all persons present while the communication was made;
- (d) if the communication was written, the author, addressees, and any other recipients;
- (e) the relationship of the author of the communication to each recipient;
- (f) the relationship of the persons present to the person who made the communication;
- (g) the date and place of the communication; and
- (h) the general subject matter of the communication.

OR

If you object to any interrogatory, in whole or in part, on the grounds of privilege, provide all information required by Federal Rule of Civil Procedure 26(b)(5) and TBMP § 405.04(b).

4. Unless otherwise stated herein, these interrogatories cover the time period from the year 2015 up to and including the present.

5. Unless otherwise stated herein, these interrogatories apply to activities in or in connection with the United States of America.

6. If you respond to an interrogatory by reference to documents pursuant to Federal Rule of Civil Procedure 33(d), identify the documents with specificity, including by identifying the applicable Bates Number range to the extent the documents are produced in response to document requests in this proceeding.

7. For the convenience of the Board and the parties, each interrogatory should be quoted in full immediately preceding the response.

8. These interrogatories are continuing in nature. If you receive or otherwise become aware of information responsive to any interrogatory after you have served your answers to these interrogatories, you must promptly supplement your answers to these interrogatories to provide such information, as required by Federal Rule of Civil Procedure 26(e) and TBMP § 408.03.

INTERROGATORIES

INTERROGATORY NO. 1: Describe in detail the reason or reasons Defendant applied in the U.S. for, and is using or intends to use, the GRUPO ENSAMBLE mark, and identify all relevant documents.

INTERROGATORY NO. 2: Identify all of the goods and services in connection with which Defendant has used or is using any mark.

INTERROGATORY NO. 3: Describe the facts and circumstances concerning your conception, creation, selection, and adoption of the Defendant's Mark.

INTERROGATORY NO. 4: Identify all persons who participated in or were or are responsible for the conception, creation, selection, or adoption of Defendant's Mark.

INTERROGATORY NO. 5: Describe your qualifications to offer the services as outlined under Defendant's Mark.

INTERROGATORY NO. 6: Describe the circumstances surrounding the transfer of Defendant's Mark by you to Salvador Olvera Rios, Leopoldo Hilario Olvera Navarrete and Israel Salcedo Fragoso.

INTERROGATORY NO. 7: Describe the reasons surrounding the transfer of Defendant's Mark by you to Salvador Olvera Rios, Leopoldo Hilario Olvera Navarrete and Israel Salcedo Fragoso.

INTERROGATORY NO. 8: Describe in detail your transfer of your business under Defendant's Mark to Salvador Olvera Rios, Leopoldo Hilario Olvera Navarrete and Israel Salcedo Fragoso.

INTERROGATORY NO. 9: Identify all of the documents supporting your claim of ownership to Defendant's Mark at the time of filing of the application.

INTERROGATORY NO. 10: Describe in detail your plans to offer services under Defendant's mark at the time of the filing of the application.

INTERROGATORY NO. 11: Identify all persons who participated in or were or are responsible for the marketing or advertising of any goods or services offered for sale, sold, or intended to be offered for sale or sold by or for Defendant under or in connection with the Defendant's Mark.

INTERROGATORY NO. 12: Identify all of the documents use in support of your affirmative defenses.

INTERROGATORY NO. 13: Identify the person who prepared the Grupo Ensemble trademark application.

Respectfully submitted,

Rubio & Associates
8950 SW 74th Court, Suite 1804
Miami, Florida 33156

Phone: 305 670 0323

Fax: 305 670 0322

Email: mail@rubiolaw.com

/s/Felipe Rubio

Felipe Rubio

Attorney for OPPOSER,

ISIDORA GLORIA POSADAS ROMANO

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

In the matter of Trademark Application No. 90165076
For the mark: GRUPO ENSAMBLE

**ISIDORA GLORIA
POSADAS ROMANO,**

Opposition No. 91270073

Opposer,

v.

**CINDY N HINOJOSA,
SALVADOR OLVERA
RIOS,
LEOPOLDO HILARIO OLVERA
NAVARRETE AND
ISRAEL SALCEDO FRAGOSO,**

Applicant.
_____ /

OPPOSER’S FIRST SET OF INTERROGATORIES TO DEFENDANTS

NOTICE IS HEREBY GIVEN that OPPOSER, ISIDORA GLORIA POSADAS ROMANO (“OPPOSER”), by and through the undersigned attorneys, hereby serves the following interrogatories under Fed. R. Civ. P. 33 to be answered separately and fully in writing under oath by Defendants, Cindy N Hinojosa, Salvador Olvera Rios, Leopoldo Hilario Olvera Navarrete and Israel Salcedo Fragoso (“Defendants”).

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing document was served via electronic mail this 19th day of May 2023 on Cindy N Hinojosa, Salvador Olvera Rios, Leopoldo Hilario Olvera Navarrete and Israel Salcedo Fragoso through its attorneys.

Dated: May 19, 2023

Respectfully submitted,

Rubio & Associates
8950 SW 74th Court, Suite 1804
Miami, Florida 33156
Phone: 305 670 0323
Fax: 305 670 0322

Email: mail@rubiolaw.com
/s/Felipe Rubio
Felipe Rubio
Attorney for OPPOSER

DEFINITIONS

1. OPPOSER means ISIDORA GLORIA POSADAS ROMANO, the OPPOSER in the above-captioned proceeding.

2. "Defendants", "you," or "your" means Cindy N Hinojosa, Salvador Olvera Rios, Leopoldo Hilario Olvera Navarrete and Israel Salcedo Fragoso, its subsidiaries, divisions, predecessor, and successor companies, affiliates, parents, distributors, licensees, any partnership or joint venture to which it may be a party, and/or each of the foregoing entities' employees, agents, officers, directors, representatives, consultants, accountants, and attorneys, including any person who served in any such capacity at any time during the relevant time period specified herein.

3. "OPPOSER's Mark" mean the EL RITMO SABROSON DEL ORIGINAL GRUPO ENSAMBLE marks that is the subject of U.S. Trademark Application 90367005.

4. "Defendant's Mark" or "GRUPO ENSAMBLE mark" means the GRUPO ENSAMBLE marks that is the subject of U.S. Trademark Application 90165076.

5. "Concerning" means consisting of, referring to, relating to, reflecting, or being in any way logically or factually connected with the matter discussed.

6. "Communication" means the transmittal of information (in the form of facts, ideas, inquiries, or otherwise).

7. "Date" means the exact day, month, and year if ascertainable, or, if not, the best available approximation (including relationship to other events).

8. "Describe" means set forth fully and unambiguously every fact relevant to the subject of the Interrogatory, of which you (including your agents and representatives) have knowledge or information.

9. "Document" is synonymous in meaning and equal in scope to its usage in FRCP 34(a)(1)(A). The term "document" refers to any document now or at any time in Defendant' s possession, custody, or control. A person is deemed in control of a document if the person has any ownership, possession, or custody of the document, or the right to secure the document or a copy thereof from any person or public or private entity having physical possession thereof.

10. "Identify" with respect to a person who is an individual means to state that person's full name, present or last known address, and current or last known place of employment.

11. "Identify" with respect to a person that is not an individual means to state its: full name, legal form, date of organization, state of incorporation, or organization or other business or license authority, present or last known address and telephone number, and the identity of its chief executive officer, partners, or persons in equivalent positions.

12. "Identify" with respect to a document means to give, to the extent known, the (a) type of document; (b) general subject matter; (c) date of the document; and (d) author(s), addressee(s), and recipient(s). In the alternative, the responding party may produce the documents, together with identifying information sufficient to satisfy Rule 33 of the Federal Rules of Civil Procedure.

13. "Identify" with respect to communications means to give, to the extent known, (a) a description of the substance of the communication; (b) the form of the communication (e.g., telephone, facsimile, email, etc.); (c) the identity of each person that was a party to and/or present at the time of the communication, as well as the full name, present or last known address, and the current or last known place of employment of each person; (d) the identity of the person whom you contend initiated the communication; and (e) the time, date, and place of the communication.

14. The term "mark" means any word, name, symbol, or device (including any key word or metatag) or any combination thereof.

15. The term "person" means any natural person or any legal entity, including, but not limited to, any business or governmental entity, organization, or association.

16. The terms "and" and "or" shall be construed either conjunctively or disjunctively as necessary to bring within the scope of the interrogatory all responses that might otherwise fall outside the scope of this interrogatory.

17. The terms "all," "any," or "each" encompass any and all of the matter discussed.

18. The use of singular form includes plural, and vice versa.

19. The use of present tense includes past tense, and vice versa.

20. The masculine form shall also be construed to include the feminine and vice versa.

INSTRUCTIONS

1. Answers to these interrogatories shall be served upon the undersigned attorneys, within thirty (30) days of service of these interrogatories.

2. Each interrogatory is to be answered fully based on information in your possession, custody, or control, or in the possession, custody, or control of your representatives, agents, or attorneys.

3. If you object to any interrogatory or any portion of an interrogatory on the ground that the answer reflects or would reveal the substance of a privileged communication, identify:

- (a) the nature of the privilege claimed;
- (b) the person who made the communication, whether oral or in writing;
- (c) if the communication was oral, all persons present while the communication was made;
- (d) if the communication was written, the author, addressees, and any other recipients;
- (e) the relationship of the author of the communication to each recipient;
- (f) the relationship of the persons present to the person who made the communication;
- (g) the date and place of the communication; and
- (h) the general subject matter of the communication.

OR

If you object to any interrogatory, in whole or in part, on the grounds of privilege, provide all information required by Federal Rule of Civil Procedure 26(b)(5) and TBMP § 405.04(b).

4. Unless otherwise stated herein, these interrogatories cover the time period from the year 2015 up to and including the present.

5. Unless otherwise stated herein, these interrogatories apply to activities in or in connection with the United States of America.

6. If you respond to an interrogatory by reference to documents pursuant to Federal Rule of Civil Procedure 33(d), identify the documents with specificity, including by identifying the

applicable Bates Number range to the extent the documents are produced in response to document requests in this proceeding.

7. For the convenience of the Board and the parties, each interrogatory should be quoted in full immediately preceding the response.

8. These interrogatories are continuing in nature. If you receive or otherwise become aware of information responsive to any interrogatory after you have served your answers to these interrogatories, you must promptly supplement your answers to these interrogatories to provide such information, as required by Federal Rule of Civil Procedure 26(e) and TBMP § 408.03.

INTERROGATORIES

INTERROGATORY NO. 1: Describe in detail the reason or reasons Defendants applied in the U.S. for, and is using or intends to use, the GRUPO ENSAMBLE mark, and identify all relevant documents.

INTERROGATORY NO. 2: Identify all of the goods and services in connection with which Defendants has used or is using any mark.

INTERROGATORY NO. 3: Describe the facts and circumstances concerning your conception, creation, selection, and adoption of the Defendant' s Mark.

INTERROGATORY NO. 4: Identify all persons who participated in or were or are responsible for the conception, creation, selection, or adoption of Defendant' s Mark.

INTERROGATORY NO. 5: Identify by jurisdiction and registration or serial number any and all federal and state trademark registration(s) and application(s), whether current (including

pending) or dead, for the Defendant' s Mark and any mark you own that resembles or incorporates any of the Defendant' s Mark in whole or in part.

INTERROGATORY NO. 6: Identify all goods and services that Defendants has offered for sale, sold, or provided under or in connection with the Defendant' s Mark in the United States.

INTERROGATORY NO. 7: For each good or service that you have offered, sold, or provided under or in connection with the Defendant' s Mark, state the date ranges of actual and planned use of the Defendant' s Mark in connection with the good or service, including the specific date of first use or intended first use of the mark for each good or service.

INTERROGATORY NO. 8: For each good or service that you have offered, sold, or provided under or in connection with the Defendant' s Mark, state the suggested or expected retail price of the good or service.

INTERROGATORY NO. 9: Describe the nature of any advertisements, promotional materials, and marketing materials (for example, newspaper advertisements, magazine advertisements, internet websites, television commercials, brochures), including by identifying the specific media (for example, The New York Times, Time magazine, Google.com, CBS Network television) in which Defendants is using, has used, or plans to use the Defendant' s Mark.

INTERROGATORY NO. 10: Identify all website(s) displaying the Defendant' s Mark that are owned, operated, or controlled by Defendants, and all persons who participated in or were or are responsible for the creation and development of each website.

INTERROGATORY NO. 11: Identify all persons who participated in or were or are responsible for the marketing or advertising of any goods or services offered for sale, sold, or intended to be offered for sale or sold by or for Defendants under or in connection with the Defendant' s Mark.

INTERROGATORY NO. 12: Describe all market research conducted by or on behalf of Defendants concerning the Defendant' s Mark or any goods or services marketed or proposed to be marketed under the Defendant' s Mark, including the results of such research.

INTERROGATORY NO. 13: Describe all channels of trade in the United States through which Defendants has offered for sale, sold, or intends to offer for sale or sell goods or services under or in connection with the Defendant' s Mark.

INTERROGATORY NO. 14: Describe all classes and/or types of customers (for example, age, gender, socioeconomic group) that comprise the intended market for goods or services offered for sale, sold, or intended to be offered for sale or sold under or in connection with the Defendant' s Mark.

INTERROGATORY NO. 15: Identify the geographic regions in the United States in which Defendants has or has caused to be advertised, promoted, marketed, displayed, distributed, offered for sale, or sold, or plans or intends to advertise, promote, market, display, distribute, offer for sale, or sell, either directly or through others, any goods or services under or in connection with the Defendant' s Mark.

INTERROGATORY NO. 16: Identify by name and location all trade shows in the United States where goods or services under the Defendant' s Mark have been displayed, promoted, or sold.

INTERROGATORY NO. 17: Identify and describe all expenditures incurred by you in connection with the development, production, distribution, promotion, advertisement, and sale of any goods or services under the Defendant' s Mark, including by identifying the nature and amount of each expenditure.

INTERROGATORY NO. 18: Identify each trademark search, investigation, or any other inquiry conducted by or for Defendants concerning the availability to use or register the Defendant' s Mark.

INTERROGATORY NO. 19: Identify each person involved in the review of any such trademark search, investigation, or other inquiry conducted by or for Defendants concerning the availability to use or register the Defendant' s Mark.

INTERROGATORY NO. 20: Identify all agreements concerning the Defendant' s Mark by date, parties to the agreement, and the subject matter of the agreement.

INTERROGATORY NO. 21: Identify by name and title the two of Defendant' s employees residing in the United States who are most knowledgeable about use of the Defendant' s Mark in the U.S.

INTERROGATORY NO. 22: Identify all persons furnishing information for the responses to these interrogatories, designating the number of each interrogatory for which such persons furnished information.

INTERROGATORY NO. 23: Provide the details and circumstances when Defendants first used Defendant' s mark for Defendant' s goods or services in U.S. commerce.

Respectfully submitted,

Rubio & Associates
8950 SW 74th Court, Suite 1804
Miami, Florida 33156
Phone: 305 670 0323
Fax: 305 670 0322
Email: mail@rubiolaw.com
/s/Felipe Rubio
Felipe Rubio
Attorney for OPPOSER,
ISIDORA GLORIA POSADAS ROMANO

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

In the matter of Trademark Application No. 90165076
For the mark: GRUPO ENSAMBLE

**ISIDORA GLORIA
POSADAS ROMANO,**

Opposition No. 91270073

Opposer,

v.

**CINDY N HINOJOSA,
SALVADOR OLVERA
RIOS,
LEOPOLDO HILARIO OLVERA
NAVARRETE AND
ISRAEL SALCEDO FRAGOSO,**

Applicant.

**PETITIONER'S FIRST REQUEST OF PRODUCTION TO CINDY N.
HINOJOSA**

NOTICE IS HEREBY GIVEN that Defendants, OPPOSER, ISIDORA GLORIA POSADAS ROMANO ("OPPOSER"), by and through the undersigned attorneys, hereby serves the following Defendant's First Request for Production of Documents to, Cindy N Hinojosa ("Defendants").

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing document was served via electronic mail this 19th day of May 2023 on Cindy N Hinojosa through its attorneys.

Dated: May 19th, 2023

Respectfully submitted,

Rubio & Associates
8950 SW 74th Court, Suite 1804
Miami, Florida 33156
Phone: 305 670 0323
Fax: 305 670 0322

Email: mail@rubiolaw.com
/s/Felipe Rubio
Felipe Rubio
Attorney for Defendants

Pursuant to the provisions of 37 C.F.R. § 2.120 and Rule 34 of the Federal Rules of Civil Procedure, Opposer hereby addresses its First Set of Requests for Production of Documents to Defendants Cindy N Hinojosa to be responded to and complied with fully within thirty (30) days of service thereof.

INSTRUCTIONS AND DEFINITIONS OF TERMS

A. As used herein, the term "Defendants" refers to Defendants Cindy N Hinojosa, and includes all other partnerships, corporations or other business entities (whether or not separate legal entities) subsidiary to, parent to, or affiliated with Defendants, including all of its or their partners, principals, officers, directors, trustees, employees, staff members, agents and representatives, including counsel for Defendants.

B. The terms "Defendant's Mark" refers to any designation and/or trademark used or intended to be used by Defendants to identify Defendants or the goods or services offered or promoted by Defendants in connection with that term, and collectively refers to the GRUPO ENSAMBLE mark owned by Defendants, including without limitation, United States Trademark Application 90165076.

C. Whenever the terms "documents" or "all documents" are used herein, these terms are meant to include all documents available to Defendants and further to include, without limitation, any written, recorded, graphic, or printed matter, in whatever form, whether printed and/or produced by hand or any other process, specifically including (1) all originals, copies or drafts, and (2) originals, copies or drafts on which appear any

notes or writings placed thereon after the document was first printed, typed, recorded, or made into graphic matter, however produced or reproduced, in the actual or constructive possession of Defendants, including, without limitation, any letters, telegrams, memoranda, writings, circulars, monographs, bulletins, manuals, speeches, audio and video tapes, drawings, blueprints, recordings, computer disks or tapes, computer electronic or optical memory devices in readable form, computer printouts, computer electronic messages, notes, correspondence, communications of any nature, summaries of records of conversations or conferences, information which can be retrieved by any process, test and/or analysis, reports and data sheets, specifications, sketches, minutes or reports and/or summaries or interviews, reports and/or summaries of investigations, opinions or reports of consultants, agreements and contracts, brochures, pamphlets, advertisements, letters to the trade, and including any tangible things within the scope of Rule 34(a)(1), Federal Rules of Civil Procedure.

Any document bearing on any sheet or side thereof any marks, not a part of the original text or any reproduction thereof is to be considered a separate document for purposes of responding to the following specific document requests.

In the event Defendants wishes to assert either attorney-client privilege or work-product exclusion, or both, as to any document for which production is requested by any of the following specific document requests, then as to each document subject to such assertion, Defendants is requested to provide such identification to include: the nature of the document, the sender, the author, the recipient, the recipient of each copy, the date, the name of each person to whom the original or any copy was circulated, the names appearing on any circulation list of Defendants associated with such document, a

summary statement of the subject matter(s) of such document in sufficient detail to permit the Trademark Trial and Appeal Board to conduct an analysis to reach a determination of any claim of privilege or exclusion and separate indication of the basis for assertion of privilege or the like for each such document.

C. Over and above the requirements of Rule 26(e) of the Federal Rules of Civil Procedure to supplement responses, it is requested that these discovery requests be treated as continuing. If Defendants becomes aware of any supplemental information or documents relating to these discovery requests and which were not included in the initial responses hereto, Defendants is requested to furnish said additional information or documents to the attorneys for Defendants as soon as possible.

REQUESTS FOR PRODUCTION

Request No. 1:

Produce all documents to support your bona fide intent to use of the mark GRUPO ENSAMBLE filed under serial number 90165076 in U.S Commerce at the time of filing of the application.

Request No. 2:

Produce all documents which record, refer to, or relate to any licenses, assignments, agreements, contracts, and/or arrangements between Defendants and any third party which relate in any manner to Defendant's Mark.

Request No. 3:

Produce all documents which record, refer to, or relate to Defendant's business at the time of the assignment of the Defendant's mark.

Request No. 4:

Produce all documents which record, refer to, or relate to the assignment of Defendant's Mark.

Request No. 5:

Produce all communications which record, refer to, or relate to the assignment of Defendant's Mark.

Request No. 6:

Produce all documents relating to your offering of services related to entertainment in the nature of live visual and audio performances by a musical band.

Respectfully submitted,

Rubio & Associates
8950 SW 74th Court, Suite 1804
Miami, Florida 33156
Phone: 305 670 0323
Fax: 305 670 0322
Email: mail@rubiolaw.com
/s/Felipe Rubio
Felipe Rubio
Attorney for Defendants

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

In the matter of Trademark Application No. 90165076
For the mark: GRUPO ENSAMBLE

**ISIDORA GLORIA
POSADAS ROMANO,**

Opposition No. 91270073

Opposer,

v.

**CINDY N HINOJOSA,
SALVADOR OLVERA
RIOS,
LEOPOLDO HILARIO OLVERA
NAVARRETE AND
ISRAEL SALCEDO FRAGOSO,**

Applicant.

PETITIONER'S FIRST REQUEST OF PRODUCTION TO DEFENDANTS

NOTICE IS HEREBY GIVEN that Defendants, OPPOSER, ISIDORA GLORIA POSADAS ROMANO ("OPPOSER"), by and through the undersigned attorneys, hereby serves the following Defendant's First Request for Production of Documents to, Cindy N Hinojosa, Salvador Olvera Rios, Leopoldo Hilario Olvera Navarrete and Israel Salcedo Fragoso ("Defendants").

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing document was served via electronic mail this 19th day of May 2023 on Cindy N Hinojosa, Salvador Olvera Rios, Leopoldo Hilario Olvera Navarrete and Israel Salcedo Fragoso through its attorneys.

Dated: May 19th, 2023

Respectfully submitted,

Rubio & Associates
8950 SW 74th Court, Suite 1804
Miami, Florida 33156
Phone: 305 670 0323

Fax: 305 670 0322
Email: mail@rubiolaw.com
/s/Felipe Rubio
Felipe Rubio
Attorney for Defendants

Pursuant to the provisions of 37 C.F.R. § 2.120 and Rule 34 of the Federal Rules of Civil Procedure, Opposer hereby addresses its First Set of Requests for Production of Documents to Defendants Cindy N Hinojosa, Salvador Olvera Rios, Leopoldo Hilario Olvera Navarrete and Israel Salcedo Fragoso to be responded to and complied with fully within thirty (30) days of service thereof.

INSTRUCTIONS AND DEFINITIONS OF TERMS

A. As used herein, the term "Defendants" refers to Defendants Cindy N Hinojosa, Salvador Olvera Rios, Leopoldo Hilario Olvera Navarrete and Israel Salcedo Fragoso and includes all other partnerships, corporations or other business entities (whether or not separate legal entities) subsidiary to, parent to, or affiliated with Defendants, including all of its or their partners, principals, officers, directors, trustees, employees, staff members, agents and representatives, including counsel for Defendants.

B. The terms "Defendant's Mark" refers to any designation and/or trademark used or intended to be used by Defendants to identify Defendants or the goods or services offered or promoted by Defendants in connection with that term, and collectively refers to the GRUPO ENSAMBLE mark owned by Defendants, including without limitation, United States Trademark Application 90165076.

C. Whenever the terms "documents" or "all documents" are used herein, these terms are meant to include all documents available to Defendants and further to include, without limitation, any written, recorded, graphic, or printed matter, in whatever form,

whether printed and/or produced by hand or any other process, specifically including (1) all originals, copies or drafts, and (2) originals, copies or drafts on which appear any notes or writings placed thereon after the document was first printed, typed, recorded, or made into graphic matter, however produced or reproduced, in the actual or constructive possession of Defendants, including, without limitation, any letters, telegrams, memoranda, writings, circulars, monographs, bulletins, manuals, speeches, audio and video tapes, drawings, blueprints, recordings, computer disks or tapes, computer electronic or optical memory devices in readable form, computer printouts, computer electronic messages, notes, correspondence, communications of any nature, summaries of records of conversations or conferences, information which can be retrieved by any process, test and/or analysis, reports and data sheets, specifications, sketches, minutes or reports and/or summaries or interviews, reports and/or summaries of investigations, opinions or reports of consultants, agreements and contracts, brochures, pamphlets, advertisements, letters to the trade, and including any tangible things within the scope of Rule 34(a)(1), Federal Rules of Civil Procedure.

Any document bearing on any sheet or side thereof any marks, not a part of the original text or any reproduction thereof is to be considered a separate document for purposes of responding to the following specific document requests.

In the event Defendants wishes to assert either attorney-client privilege or work-product exclusion, or both, as to any document for which production is requested by any of the following specific document requests, then as to each document subject to such assertion, Defendants is requested to provide such identification to include: the nature of the document, the sender, the author, the recipient, the recipient of each copy, the date,

the name of each person to whom the original or any copy was circulated, the names appearing on any circulation list of Defendants associated with such document, a summary statement of the subject matter(s) of such document in sufficient detail to permit the Trademark Trial and Appeal Board to conduct an analysis to reach a determination of any claim of privilege or exclusion and separate indication of the basis for assertion of privilege or the like for each such document.

C. Over and above the requirements of Rule 26(e) of the Federal Rules of Civil Procedure to supplement responses, it is requested that these discovery requests be treated as continuing. If Defendants becomes aware of any supplemental information or documents relating to these discovery requests and which were not included in the initial responses hereto, Defendants is requested to furnish said additional information or documents to the attorneys for Defendants as soon as possible.

REQUESTS FOR PRODUCTION

Request No. 1:

Produce all documents which record, refer to, or relate to the organization, incorporation, structure, operation and activities of Defendants insofar as they relate to any products sold and/or services offered by and/or intended to be sold, offered or promoted by Defendants under Defendant's Mark.

Request No. 2:

Produce all documents which record, refer to, or relate to any licenses, assignments, agreements, contracts, and/or arrangements between Defendants and any third party which relate in any manner to Defendant's Mark.

Request No. 3:

Produce all documents which record, refer to, or relate to Defendant's use of the Defendant's Mark, including Defendant's investigation of Defendant's Mark for its availability for adoption and registration, its licensing, use, intended use, exploitation, and/or intended exploitation.

Request No. 4:

Produce all documents which record, refer to, or relate to Defendant's use of the term in Defendant's Mark in connection with any goods and/or services.

Request No. 5:

Produce all documents which record, refer to, or relate to Defendant's use of the GRUPO ENSAMBLE designation, including Defendant's investigation of Defendant's Mark for its availability for adoption and registration, its licensing, use, intended use, exploitation, and/or intended exploitation.

Request No. 6:

Produce all documents which record, refer to, or relate to Defendant's use of the term GRUPO ENSAMBLE in connection with any goods and/or services.

Request No. 7:

Produce all documents which record, refer to, or relate to Defendant's advertising, intended advertising, promotion, and/or intended promotion of any goods and/or services under Defendant's Mark.

Request No. 8:

Produce all documents which record, refer to, or relate to Defendant's sales or intended sales of any goods and/or services under Defendant's Mark.

Request No. 9:

Produce all documents which record, refer to, or relate to the selection, design, adoption, proposed use of, decision to use, and first use of Defendant's Mark and/or any mark including the term GRUPO ENSAMBLE including samples of any names, designations and/or other marks considered and rejected.

Request No. 10:

Produce all documents which record, refer to, or relate to any searches, investigations, studies, analyses, or inquiries conducted by or on behalf of Defendants, or by any person acting for or on its behalf, regarding the availability and/or registrability of Defendant's Mark, or of the term GRUPO ENSAMBLE.

Request No. 11:

Produce all documents which refer to, relate to, or are in any way concerned with the preparation, filing and/or prosecution of any applications for registration, state or federal of Defendant's Mark, or of the term GRUPO ENSAMBLE.

Request No. 13:

Produce a sample of each and every different advertisement, intended advertisement, item of promotional material and/or intended item of promotional material printed and/or disseminated by or for Defendants in which Defendant's Mark appears and/or any designation that includes the term GRUPO ENSAMBLE.

Request No. 14:

Produce all documents which record, refer to, or relate to Defendant's advertising and/or promotional expenditures, or expected advertising and/or promotional expenditures, for any goods offered for sale, sold and/or distributed under Defendant's Mark including, without limitation, the advertising medium, the dates of any such

advertisements or promotions, and the cost associated with such advertisements and/or promotions.

Request No. 15:

Produce all documents which record, refer to, or relate to the amount of sales (actual and/or projected) by calendar quarter of goods sold by or for Defendants under Defendant's Mark including, without limitation, the identification of the goods or services, the number of units and/or services sold, the dates of the sales, and the dollar value of the sales.

Request No. 16:

Produce all documents which record, refer to, or relate to any instance or occurrence of likelihood of confusion and/or actual confusion on the part of any person between Defendant's Mark and any of Defendant's Marks.

Request No. 15:

Produce all documents which record, refer to, or relate to Defendant's knowledge and/or awareness of the use and/or application for registration of Defendant's Mark.

Request No. 16:

Produce all documents which record, refer to, or which constitute any research, reports, surveys, or studies conducted by or on behalf of Defendants of consumer or customer perception of Defendant's Mark.

Request No. 17:

Produce all documents in Defendant's possession or control that refer or relate to Defendants or Defendant's Marks.

Request No. 18:

Produce all press releases, articles and clippings relating to or commenting on goods or services marketed or sold under Defendant's Mark.

Request No. 19:

Produce a copy of any statements and/or opinions of any expert obtained by Defendants or any person acting for or on behalf of Defendants regarding any of the issues in this opposition proceeding.

Request No. 20:

Produce a copy of all documents, other than those produced to any of the foregoing requests, upon which Defendants intends to rely in connection with this opposition proceeding.

Request No. 28:

Produce all documents identified in response to Defendant's First Set of Interrogatories to Defendants not produced in response to the above requests.

Request No. 29:

Produce all documents to support your allegation of ownership at the time of the filing of Defendant's Mark identified under serial number 90165076.

Request No. 30:

Produce all documents to support your allegation of bona fide intent to use of the GRUPO ENSAMBLE mark at the time of the filing of Defendant's Mark identified under serial number 90165076.

Request No. 31:

Produce all documents and communications concerning any transfer or assignment of the GRUPO ENSAMBLE mark.

Request No. 32:

Produce all documents to support your affirmative defenses.

Respectfully submitted,

Rubio & Associates
8950 SW 74th Court, Suite 1804
Miami, Florida 33156
Phone: 305 670 0323
Fax: 305 670 0322
Email: mail@rubiolaw.com
/s/Felipe Rubio
Felipe Rubio
Attorney for Defendants

EXHIBIT B

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

ISIDORA GLORIA POSADAS ROMANO,	)	Opposition No. 91270073
)	
Opposer,	)	Mark: GRUPO ENSAMBLE
	)	Application Serial No.: 90/165,076
v.	)	Filed: September 8, 2020
	)	Published: February 23, 2021
)	
CINDY N HINOJOSA,)	
)	
)	
Applicant.)	
)	
)	
)	
)	
)	
)	

**INCORRECTLY-NAMED APPLICANT CINDY N HINOJOSA’S RESPONSES TO
OPPOSER’S FIRST SET OF REQUESTS FOR ADMISSION**

Pursuant to Section 2.120(a) of the Rules of Practice in Trademark Cases and Rule 36 of the Federal Rules of Civil Procedure (“FRCP”), incorrectly-named Applicant CINDY N HINOJOSA (“Hinojosa” or “Responding Party”), hereby responds to Opposer ISIDORA GLORIA POSADAS ROMANO’s (“Opposer” or “Requesting Party”) First Set of Requests for Admission.

PRELIMINARY STATEMENT

Responding Party makes these responses solely for the purpose of this action. Responding Party has not fully completed its investigation of the facts relating to this case, has not completed its discovery, and has not completed its preparation for trial in this matter. Accordingly, all of the responses contained herein are based solely upon information and documents that are presently available to and specifically known to Responding Party. Further discovery and independent investigation may supply additional facts and documents which may, in turn, clarify and add

meaning to known facts as well as establish entirely new matters, all of which may lead to substantial additions to, changes in, and variations from the responses set forth herein. The following responses are given without prejudice to Responding Party's right to produce evidence of any subsequently discovered fact(s) or document(s) that later may be recalled. Accordingly, Responding Party reserves the right to produce at trial all facts, opinions, or documents, the existence of which are subsequently discovered through investigation, discovery, or otherwise, which support or tend to support its contentions at the time of trial.

Any information provided in response to the Requests is subject to any and all objections regarding competence, relevance, materiality, propriety and admissibility. Responding Party reserves these objections and any other objections not stated herein that would require the exclusion of any information, if such information is offered as evidence at any time during this action. Responding Party may interpose these objections at any time prior to and during the trial of this case. Further, attorneys' work product and/or privileged information are not referred to herein. Any disclosure of or reference herein to attorney-client privileged information or attorney work product is inadvertent and does not constitute a waiver such privilege.

No incidental or implied admissions are intended by these responses. The fact that Responding Party responds to or objects to a Request should not be taken as an admission that Responding Party accepts or admits the existence of any facts or legal conclusions assumed or presumed by the Request. The fact that Responding Party responds to part or all of a Request is not intended to be, and shall not be, construed as a waiver by Responding Party of any part of any objection to the Request.

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RESPONSES TO REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION NO. 1:

Admit that You did not have any intent to use Defendant's mark at the time of filing of the trademark application before the United States Patent and Trademark Office.

RESPONSE TO REQUEST FOR ADMISSION NO. 1:

Objection. Responding Party incorporates by reference its Preliminary Statement as though fully set forth herein. Responding Party objects to this Request to the extent it is vague and ambiguous, including in, without limitation, its use of the terms "You", "Defendant's mark" and "the trademark application." Responding Party objects to this Request to the extent it seeks information that is protected by the attorney-client privilege and/or attorney work product doctrine. Responding Party further objects to this Request to the extent it seeks a legal conclusion.

Subject to and without waiving the foregoing objections, Responding Party responds as follows: Based on the ambiguities in this Request, Responding Party can neither admit nor deny such Request. Additionally, discovery is ongoing. As such, Responding Party reserves the right to supplement, amplify or amend its responses to this Request.

REQUEST FOR ADMISSION NO. 2:

Admit that you wanted to reserve a right to the GRUPO ENSAMBLE mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 2:

Objection. Responding Party incorporates by reference its Preliminary Statement as though fully set forth herein. Responding Party objects to this Request to the extent it seeks a legal conclusion. Responding Party objects to this Request to the extent it is vague and ambiguous, including in, without limitation, its use of the terms "you" and "the GRUPO ENSAMBLE mark." Responding Party further objects to this request to the extent it assumes facts not in evidence.

Subject to and without waiving the foregoing objections, Responding Party responds as follows: Assuming “you” refers to Responding Party, Deny. Additionally, discovery is ongoing. As such, Responding Party reserves the right to supplement, amplify or amend its responses to this Request.

REQUEST FOR ADMISSION NO. 3:

Admit that you were not the owner of any GRUPO ENSAMBLE mark at the time of the filing of the application.

RESPONSE TO REQUEST FOR ADMISSION NO. 3:

Objection. Responding Party incorporates by reference its Preliminary Statement as though fully set forth herein. Responding Party objects to this Request to the extent it is vague and ambiguous, including in, without limitation, its use of the terms “You” and “any GRUPO ENSAMBLE mark.” Responding Party further objects to this Request to the extent it seeks a legal conclusion.

Subject to and without waiving the foregoing objections, Responding Party responds as follows: Based on the ambiguities in this Request, Responding Party can neither admit nor deny such Request. Additionally, discovery is ongoing. As such, Responding Party reserves the right to supplement, amplify or amend its responses to this Request.

REQUEST FOR ADMISSION NO. 4:

Admit that the GRUPO ENSAMBLE mark refers to a band that existed in Mexico prior to the filing of the application of Defendant’s mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 4:

Objection. Responding Party incorporates by reference its Preliminary Statement as though fully set forth herein. Responding Party objects to this Request to the extent it is vague and

ambiguous, including in, without limitation, its use of the terms “the GRUPO ENSAMBLE mark”, “a band” and “refers to.” Responding Party further objects to this Request to the extent it seeks a legal conclusion.

Subject to and without waiving the foregoing objections, Responding Party responds as follows: Based on the ambiguities in this Request, Responding Party can neither admit nor deny such Request. Additionally, discovery is ongoing. As such, Responding Party reserves the right to supplement, amplify or amend its responses to this Request.

REQUEST FOR ADMISSION NO. 5:

Admit that you did not create the GRUPO ENSAMBLE mark as identified under Defendant’s mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 5:

Objection. Responding Party incorporates by reference its Preliminary Statement as though fully set forth herein. Responding Party objects to this Request to the extent it is vague and ambiguous, including in, without limitation, its use of the terms “you”, “the GRUPO ENSAMBLE mark”, “create” and “as identified under.” Responding Party objects to this Request to the extent it seeks information that is protected by the attorney-client privilege and/or attorney work product doctrine. Responding Party further objects to this Request to the extent it seeks a legal conclusion.

Subject to and without waiving the foregoing objections, Responding Party responds as follows: Based on the ambiguities in this Request, Responding Party can neither admit nor deny such Request. Additionally, discovery is ongoing. As such, Responding Party reserves the right to supplement, amplify or amend its responses to this Request.

REQUEST FOR ADMISSION NO. 6:

Admit that at the time of the assignment, no business was transferred to the assignees.

RESPONSE TO REQUEST FOR ADMISSION NO. 6:

Objection. Responding Party incorporates by reference its Preliminary Statement as though fully set forth herein. Responding Party objects to this Request to the extent it is vague and ambiguous, including in, without limitation, its use of the terms “the assignment” and “the assignees.” Responding Party further objects to this Request to the extent it seeks a legal conclusion.

Subject to and without waiving the foregoing objections, Responding Party responds as follows: Based on the ambiguities in this Request, Responding Party can neither admit nor deny such Request. Additionally, discovery is ongoing. As such, Responding Party reserves the right to supplement, amplify or amend its responses to this Request.

REQUEST FOR ADMISSION NO. 7:

Admit that you sold Defendant’s mark for USD 1,500.00.

RESPONSE TO REQUEST FOR ADMISSION NO. 7:

Objection. Responding Party incorporates by reference its Preliminary Statement as though fully set forth herein. Responding Party objects to this Request to the extent it seeks a legal conclusion. Responding Party objects to this Request to the extent it is vague and ambiguous, including in, without limitation, its use of the terms “You” and “Defendant’s mark.” Responding Party further objects to this request to the extent it assumes facts not in evidence.

Subject to and without waiving the foregoing objections, Responding Party responds as follows: Assuming “you” refers to Responding Party, Deny. Additionally, discovery is ongoing. As such, Responding Party reserves the right to supplement, amplify or amend its responses to this Request.

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REQUEST FOR ADMISSION NO. 8:

Admit that you never intended to use Defendant's mark.

RESPONSE TO REQUEST FOR ADMISSION NO. 8:

Objection. Responding Party incorporates by reference its Preliminary Statement as though fully set forth herein. Responding Party objects to this Request to the extent it is vague and ambiguous, including in, without limitation, its use of the terms "You" and "Defendant's mark." Responding Party further objects to this Request to the extent it seeks a legal conclusion.

Subject to and without waiving the foregoing objections, Responding Party responds as follows: Based on the ambiguities in this Request, Responding Party can neither admit nor deny such Request. Additionally, discovery is ongoing. As such, Responding Party reserves the right to supplement, amplify or amend its responses to this Request.

REQUEST FOR ADMISSION NO. 9:

Admit that you have previously filed and sold trademark applications.

RESPONSE TO REQUEST FOR ADMISSION NO. 9:

Objection. Responding Party incorporates by reference its Preliminary Statement as though fully set forth herein. Responding Party objects to this Request to the extent it seeks a legal conclusion. Responding Party objects to this Request to the extent it is vague and ambiguous, including in, without limitation, its use of the terms "you." Responding Party further objects to this request to the extent it assumes facts not in evidence.

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Subject to and without waiving the foregoing objections, Responding Party responds as follows: Assuming “you” refers to Responding Party, Deny. Additionally, discovery is ongoing. As such, Responding Party reserves the right to supplement, amplify or amend its responses to this Request.

Dated: June 16, 2023

ALTVIEW LAW GROUP, LLP
12100 Wilshire Blvd., Ste. 800
Los Angeles, CA 90025
Telephone: (310) 230-5580
Facsimile: (310) 943-2540

Respectfully submitted,
ALTVIEW LAW GROUP, LLP

By: /s/ John M. Begakis
Attorney for Incorrectly-Named
Applicant CINDY N HINOJOSA

VERIFICATION

STATE OF CALIFORNIA)
)
 COUNTY OF LOS ANGELES) **ss.**

I have read the foregoing **INCORRECTLY-NAMED APPLICANT CINDY N HINOJOSA’S RESPONSES TO OPPOSER’S FIRST SET OF REQUESTS FOR ADMISSION** and know its contents.

 X I am a party to this action. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

_____ I am _____ an Officer _____ a partner of _____, a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason. _____ I am informed and believe and on that ground allege that the matters stated in the foregoing document are true. _____ The matters stated in the foregoing document are true of my own knowledge, except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

_____ I am one of the attorneys for _____, a party to this action. Such party is absent from the county of aforesaid where such attorneys have their offices, and I make this verification for and on behalf of that party for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true.

Executed on June 16, 2023 at Los Angeles, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

_____ Cindy N. Hinojosa
Type or Print Name

Cindy Hinojosa

Signature

CERTIFICATION OF SERVICE

This is to certify that a true and correct copy of the foregoing **INCORRECTLY-NAMED APPLICANT CINDY N HINOJOSA’S RESPONSES TO OPPOSER’S FIRST SET OF REQUESTS FOR ADMISSION** was served by email upon Opposer’s attorney of record, as identified below, on this day, June 16, 2023.

Felipe Rubio
Rubio & Associates
8950 SW 74th Ct, STE 1804
Miami, FL 33156
United States
mail@rubiolaw.com
info@rubiolegal.com
frubio@rubiolegal.com
tm@rubiolaw.com

Dated: June 16, 2023

/s/ John M. Begakis
John M. Begakis, Esq.

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

ISIDORA GLORIA POSADAS ROMANO,	)	Opposition No. 91270073
)	
Opposer,	)	Mark: GRUPO ENSAMBLE
	)	Application Serial No.: 90/165,076
v.	)	Filed: September 8, 2020
	)	Published: February 23, 2021
)	
CINDY N HINOJOSA, SALVADOR)	
OLVERA RIOS, LEOPOLDO HILARIO)	
OLVERA NAVARRETE, AND ISRAEL)	
SALCEDO FRAGOSO,)	
)	
Applicant.)	
)	

**INCORRECTLY-NAMED APPLICANT HINOJOSA’S RESPONSES TO OPPOSER’S
FIRST SET OF INTERROGATORIES TO DEFENDANTS**

Pursuant to Section 2.120(a) of the Rules of Practice in Trademark Cases and Rule 33 of the Federal Rules of Civil Procedure (“FRCP”), incorrectly-named Applicant CINDY N HINOJOSA (“Hinojosa” or “Responding Party”), hereby responds to Opposer ISIDORA GLORIA POSADAS ROMANO’s (“Opposer” or “Requesting Party”) First Set of Interrogatories to “Defendants.”

PRELIMINARY STATEMENT

Responding Party makes these responses solely for the purpose of this action. Responding Party has not fully completed its investigation of the facts relating to this case, has not completed its discovery, and has not completed its preparation for trial in this matter. Accordingly, all of the responses contained herein are based solely upon information and documents that are presently available to and specifically known to Responding Party. Further discovery and independent investigation may supply additional facts and documents which may, in turn, clarify and add

meaning to known facts as well as establish entirely new matters, all of which may lead to substantial additions to, changes in, and variations from the responses set forth herein. The following responses are given without prejudice to Responding Party's right to produce evidence of any subsequently discovered fact(s) or document(s) that later may be recalled. Accordingly, Responding Party reserves the right to produce at trial all facts, opinions, or documents, the existence of which are subsequently discovered through investigation, discovery, or otherwise, which support or tend to support its contentions at the time of trial.

Any information provided in response to the Interrogatories is subject to any and all objections regarding competence, relevance, materiality, propriety and admissibility. Responding Party reserves these objections and any other objections not stated herein that would require the exclusion of any information, if such information is offered as evidence at any time during this action. Responding Party may interpose these objections at any time prior to and during the trial of this case. Further, attorneys' work product and/or privileged information are not referred to herein. Any disclosure of or reference herein to attorney-client privileged information or attorney work product is inadvertent and does not constitute a waiver such privilege.

No incidental or implied admissions are intended by these responses. The fact that Responding Party responds to or objects to an Interrogatory should not be taken as an admission that Responding Party accepts or admits the existence of any facts or legal conclusions assumed or presumed by the Interrogatory. The fact that Responding Party responds to part or all of an Interrogatory is not intended to be, and shall not be, construed as a waiver by Responding Party of any part of any objection to the Interrogatory.

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RESPONSES TO SPECIAL INTERROGATORIES

INTERROGATORY NO. 1:

Describe in detail the reason or reasons DEFENDANTS acquired the GRUPO ENSAMBLE mark from CINDY N. HINOJOSA, and identify all relevant documents.

RESPONSE TO INTERROGATORY NO. 1:

Objection. Responding Party incorporates by reference its Preliminary Statement as though fully set forth herein. Responding Party objects to this Request to the extent it is vague and ambiguous, including in, without limitation, its use of the terms “Defendants” and/or “Defendant’s mark.” Responding Party further objects to this Request to the extent it seeks information that is protected by rights of privacy, and by the attorney-client and/or attorney work product doctrine. Responding Party objects to this Request to the extent it is compound. Responding Party objects to this Request to the extent it seeks a legal conclusion. Responding Party objects to this Request to the extent it would require Responding Party to violate any common interest privilege between Responding Party and any other parties to this proceeding. Responding Party objects to this Request to the extent it is overbroad and unduly burdensome. Responding Party further objects to this Request to the extent it assumes facts not in evidence.

Subject to and without waiving the foregoing objections, Responding Party responds as follows: Responding Party is unable to respond to this Request to because the Request necessitates a unified response from Responding Party, and Salvador Olvera Rios, Leopoldo Hilario Olvera Navarrete and Israel Salcedo Fragoso – who Responding Party’s counsel of record hereto does not presently represent. Additionally, discovery is ongoing. As such, Responding Party reserves the right to supplement, amplify or amend its responses to this Request.

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INTERROGATORY NO. 2:

Identify all of the goods and services in connection with which DEFENDANTS has used or is using any mark.

RESPONSE TO INTERROGATORY NO. 2:

Objection. Responding Party incorporates by reference its Preliminary Statement as though fully set forth herein. Responding Party objects to this Request to the extent it is vague and ambiguous, including in, without limitation, its use of the terms “Defendants” and/or “Defendant’s mark.” Responding Party further objects to this Request to the extent it seeks information that is protected by rights of privacy, and by the attorney-client and/or attorney work product doctrine. Responding Party objects to this Request to the extent it is compound. Responding Party objects to this Request to the extent it seeks a legal conclusion. Responding Party objects to this Request to the extent it would require Responding Party to violate any common interest privilege between Responding Party and any other parties to this proceeding. Responding Party objects to this Request to the extent it is overbroad and unduly burdensome. Responding Party further objects to this Request to the extent it assumes facts not in evidence.

Subject to and without waiving the foregoing objections, Responding Party responds as follows: Responding Party is unable to respond to this Request to because the Request necessitates a unified response from Responding Party, and Salvador Olvera Rios, Leopoldo Hilario Olvera Navarrete and Israel Salcedo Fragoso – who Responding Party’s counsel of record hereto does not presently represent. Additionally, discovery is ongoing. As such, Responding Party reserves the right to supplement, amplify or amend its responses to this Request.

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INTERROGATORY NO. 3:

Describe the facts and circumstances concerning the assignment of the DEFENDANTS's Mark.

RESPONSE TO INTERROGATORY NO. 3:

Objection. Responding Party incorporates by reference its Preliminary Statement as though fully set forth herein. Responding Party objects to this Request to the extent it is vague and ambiguous, including in, without limitation, its use of the terms "Defendants" and/or "Defendant's mark." Responding Party further objects to this Request to the extent it seeks information that is protected by rights of privacy, and by the attorney-client and/or attorney work product doctrine. Responding Party objects to this Request to the extent it is compound. Responding Party objects to this Request to the extent it seeks a legal conclusion. Responding Party objects to this Request to the extent it would require Responding Party to violate any common interest privilege between Responding Party and any other parties to this proceeding. Responding Party objects to this Request to the extent it is overbroad and unduly burdensome. Responding Party further objects to this Request to the extent it assumes facts not in evidence.

Subject to and without waiving the foregoing objections, Responding Party responds as follows: Responding Party is unable to respond to this Request to because the Request necessitates a unified response from Responding Party, and Salvador Olvera Rios, Leopoldo Hilario Olvera Navarrete and Israel Salcedo Fragoso – who Responding Party's counsel of record hereto does not presently represent. Additionally, discovery is ongoing. As such, Responding Party reserves the right to supplement, amplify or amend its responses to this Request.

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INTERROGATORY NO. 4:

Identify all persons who participated in or were or are responsible for the assignment of the of DEFENDANTS's Mark.

RESPONSE TO INTERROGATORY NO. 4:

Objection. Responding Party incorporates by reference its Preliminary Statement as though fully set forth herein. Responding Party objects to this Request to the extent it is vague and ambiguous, including in, without limitation, its use of the terms "Defendants" and/or "Defendant's mark." Responding Party further objects to this Request to the extent it seeks information that is protected by rights of privacy, and by the attorney-client and/or attorney work product doctrine. Responding Party objects to this Request to the extent it is compound. Responding Party objects to this Request to the extent it seeks a legal conclusion. Responding Party objects to this Request to the extent it would require Responding Party to violate any common interest privilege between Responding Party and any other parties to this proceeding. Responding Party objects to this Request to the extent it is overbroad and unduly burdensome. Responding Party further objects to this Request to the extent it assumes facts not in evidence.

Subject to and without waiving the foregoing objections, Responding Party responds as follows: Responding Party is unable to respond to this Request to because the Request necessitates a unified response from Responding Party, and Salvador Olvera Rios, Leopoldo Hilario Olvera Navarrete and Israel Salcedo Fragoso – who Responding Party's counsel of record hereto does not presently represent. Additionally, discovery is ongoing. As such, Responding Party reserves the right to supplement, amplify or amend its responses to this Request.

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INTERROGATORY NO. 5:

Describe the reasons surrounding the transfer of DEFENDANTS's Mark by Cindy N. Hinojosa to Salvador Olvera Rios, Leopoldo Hilario Olvera Navarrete and Israel Salcedo Fragoso.

RESPONSE TO INTERROGATORY NO. 5:

Objection. Responding Party incorporates by reference its Preliminary Statement as though fully set forth herein. Responding Party objects to this Request to the extent it is vague and ambiguous, including in, without limitation, its use of the terms "Defendants" and/or "Defendant's mark." Responding Party further objects to this Request to the extent it seeks information that is protected by rights of privacy, and by the attorney-client and/or attorney work product doctrine. Responding Party objects to this Request to the extent it is compound. Responding Party objects to this Request to the extent it seeks a legal conclusion. Responding Party objects to this Request to the extent it would require Responding Party to violate any common interest privilege between Responding Party and any other parties to this proceeding. Responding Party objects to this Request to the extent it is overbroad and unduly burdensome. Responding Party further objects to this Request to the extent it assumes facts not in evidence.

Subject to and without waiving the foregoing objections, Responding Party responds as follows: Responding Party is unable to respond to this Request to because the Request necessitates a unified response from Responding Party, and Salvador Olvera Rios, Leopoldo Hilario Olvera Navarrete and Israel Salcedo Fragoso – who Responding Party's counsel of record hereto does not presently represent. Additionally, discovery is ongoing. As such, Responding Party reserves the right to supplement, amplify or amend its responses to this Request.

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INTERROGATORY NO. 6:

Describe the circumstances surrounding the transfer of DEFENDANTS's Mark by Cindy N. Hinojosa to Salvador Olvera Rios, Leopoldo Hilario Olvera Navarrete and Israel Salcedo Fragoso.

RESPONSE TO INTERROGATORY NO. 6:

Objection. Responding Party incorporates by reference its Preliminary Statement as though fully set forth herein. Responding Party objects to this Request to the extent it is vague and ambiguous, including in, without limitation, its use of the terms "Defendants" and/or "Defendant's mark." Responding Party further objects to this Request to the extent it seeks information that is protected by rights of privacy, and by the attorney-client and/or attorney work product doctrine. Responding Party objects to this Request to the extent it is compound. Responding Party objects to this Request to the extent it seeks a legal conclusion. Responding Party objects to this Request to the extent it would require Responding Party to violate any common interest privilege between Responding Party and any other parties to this proceeding. Responding Party objects to this Request to the extent it is overbroad and unduly burdensome. Responding Party further objects to this Request to the extent it assumes facts not in evidence.

Subject to and without waiving the foregoing objections, Responding Party responds as follows: Responding Party is unable to respond to this Request to because the Request necessitates a unified response from Responding Party, and Salvador Olvera Rios, Leopoldo Hilario Olvera Navarrete and Israel Salcedo Fragoso – who Responding Party's counsel of record hereto does not presently represent. Additionally, discovery is ongoing. As such, Responding Party reserves the right to supplement, amplify or amend its responses to this Request.

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INTERROGATORY NO. 7:

Describe the reasons surrounding the transfer of DEFENDANTS's Mark by Cindy N. Hinojosa to Salvador Olvera Rios, Leopoldo Hilario Olvera Navarrete and Israel Salcedo Fragoso.

RESPONSE TO INTERROGATORY NO. 7:

Objection. Responding Party incorporates by reference its Preliminary Statement as though fully set forth herein. Responding Party objects to this Request to the extent it is vague and ambiguous, including in, without limitation, its use of the terms "Defendants" and/or "Defendant's mark." Responding Party further objects to this Request to the extent it seeks information that is protected by rights of privacy, and by the attorney-client and/or attorney work product doctrine. Responding Party objects to this Request to the extent it is compound. Responding Party objects to this Request to the extent it seeks a legal conclusion. Responding Party objects to this Request to the extent it would require Responding Party to violate any common interest privilege between Responding Party and any other parties to this proceeding. Responding Party objects to this Request to the extent it is overbroad and unduly burdensome. Responding Party further objects to this Request to the extent it assumes facts not in evidence.

Subject to and without waiving the foregoing objections, Responding Party responds as follows: Responding Party is unable to respond to this Request to because the Request necessitates a unified response from Responding Party, and Salvador Olvera Rios, Leopoldo Hilario Olvera Navarrete and Israel Salcedo Fragoso – who Responding Party's counsel of record hereto does not presently represent. Additionally, discovery is ongoing. As such, Responding Party reserves the right to supplement, amplify or amend its responses to this Request.

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INTERROGATORY NO. 8:

Describe in detail the business under DEFENDANTS's Mark which Salvador Olvera Rios, Leopoldo Hilario Olvera Navarrete and Israel Salcedo Fragoso received.

RESPONSE TO INTERROGATORY NO. 8:

Objection. Responding Party incorporates by reference its Preliminary Statement as though fully set forth herein. Responding Party objects to this Request to the extent it is vague and ambiguous, including in, without limitation, its use of the terms "Defendants" and/or "Defendant's mark." Responding Party further objects to this Request to the extent it seeks information that is protected by rights of privacy, and by the attorney-client and/or attorney work product doctrine. Responding Party objects to this Request to the extent it is compound. Responding Party objects to this Request to the extent it seeks a legal conclusion. Responding Party objects to this Request to the extent it would require Responding Party to violate any common interest privilege between Responding Party and any other parties to this proceeding. Responding Party objects to this Request to the extent it is overbroad and unduly burdensome. Responding Party further objects to this Request to the extent it assumes facts not in evidence.

Subject to and without waiving the foregoing objections, Responding Party responds as follows: Responding Party is unable to respond to this Request to because the Request necessitates a unified response from Responding Party, and Salvador Olvera Rios, Leopoldo Hilario Olvera Navarrete and Israel Salcedo Fragoso – who Responding Party's counsel of record hereto does not presently represent. Additionally, discovery is ongoing. As such, Responding Party reserves the right to supplement, amplify or amend its responses to this Request.

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INTERROGATORY NO. 9:

Identify all of the documents supporting your claim of ownership to DEFENDANTS's Mark.

RESPONSE TO INTERROGATORY NO. 9:

Objection. Responding Party incorporates by reference its Preliminary Statement as though fully set forth herein. Responding Party objects to this Request to the extent it is vague and ambiguous, including in, without limitation, its use of the terms "Defendants" and/or "Defendant's mark." Responding Party further objects to this Request to the extent it seeks information that is protected by rights of privacy, and by the attorney-client and/or attorney work product doctrine. Responding Party objects to this Request to the extent it is compound. Responding Party objects to this Request to the extent it seeks a legal conclusion. Responding Party objects to this Request to the extent it would require Responding Party to violate any common interest privilege between Responding Party and any other parties to this proceeding. Responding Party objects to this Request to the extent it is overbroad and unduly burdensome. Responding Party further objects to this Request to the extent it assumes facts not in evidence.

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INTERROGATORY NO. 10:

Describe in detail your plans to offer services under DEFENDANTS's mark.

RESPONSE TO INTERROGATORY NO. 10:

Objection. Responding Party incorporates by reference its Preliminary Statement as though fully set forth herein. Responding Party objects to this Request to the extent it is vague and ambiguous, including in, without limitation, its use of the terms “Defendants” and/or “Defendant’s mark.” Responding Party further objects to this Request to the extent it seeks information that is protected by rights of privacy, and by the attorney-client and/or attorney work product doctrine. Responding Party objects to this Request to the extent it is compound. Responding Party objects to this Request to the extent it seeks a legal conclusion. Responding Party objects to this Request to the extent it would require Responding Party to violate any common interest privilege between Responding Party and any other parties to this proceeding. Responding Party objects to this Request to the extent it is overbroad and unduly burdensome. Responding Party further objects to this Request to the extent it assumes facts not in evidence.

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INTERROGATORY NO. 11:

Identify all persons who participated in or were or are responsible for the marketing or advertising of any goods or services offered for sale, sold, or intended to be offered for sale or sold by or for DEFENDANTS under or in connection with the DEFENDANTS’s Mark.

///

RESPONSE TO INTERROGATORY NO. 11:

Objection. Responding Party incorporates by reference its Preliminary Statement as though fully set forth herein. Responding Party objects to this Request to the extent it is vague and ambiguous, including in, without limitation, its use of the terms “Defendants” and/or “Defendant’s mark.” Responding Party further objects to this Request to the extent it seeks information that is protected by rights of privacy, and by the attorney-client and/or attorney work product doctrine. Responding Party objects to this Request to the extent it is compound. Responding Party objects to this Request to the extent it seeks a legal conclusion. Responding Party objects to this Request to the extent it would require Responding Party to violate any common interest privilege between Responding Party and any other parties to this proceeding. Responding Party objects to this Request to the extent it is overbroad and unduly burdensome. Responding Party further objects to this Request to the extent it assumes facts not in evidence.

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INTERROGATORY NO. 12:

Identify all of the documents use in support of your affirmative defenses.

RESPONSE TO INTERROGATORY NO. 12:

Objection. Responding Party incorporates by reference its Preliminary Statement as though fully set forth herein. Responding Party objects to this Request to the extent it is vague and

ambiguous, including in, without limitation, its use of the terms “Defendants” and/or “Defendant’s mark.” Responding Party further objects to this Request to the extent it seeks information that is protected by rights of privacy, and by the attorney-client and/or attorney work product doctrine. Responding Party objects to this Request to the extent it is compound. Responding Party objects to this Request to the extent it seeks a legal conclusion. Responding Party objects to this Request to the extent it would require Responding Party to violate any common interest privilege between Responding Party and any other parties to this proceeding. Responding Party objects to this Request to the extent it is overbroad and unduly burdensome. Responding Party further objects to this Request to the extent it assumes facts not in evidence.

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INTERROGATORY NO. 13:

Identify the person who prepared the Grupo Ensamble trademark application.

RESPONSE TO INTERROGATORY NO. 13:

Objection. Responding Party incorporates by reference its Preliminary Statement as though fully set forth herein. Responding Party objects to this Request to the extent it is vague and ambiguous, including in, without limitation, its use of the terms “Defendants” and/or “Defendant’s mark.” Responding Party further objects to this Request to the extent it seeks information that is protected by rights of privacy, and by the attorney-client and/or attorney work product doctrine.

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Dated: June 16, 2023

ALTVIEW LAW GROUP, LLP
12100 Wilshire Blvd., Ste. 800
Los Angeles, CA 90025
Telephone: (310) 230-5580
Facsimile: (310) 943-2540

Respectfully submitted,
ALTVIEW LAW GROUP, LLP

By: /s/ John M. Begakis
Attorney for Incorrectly-Named
Applicant CINDY N HINOJOSA

VERIFICATION

STATE OF CALIFORNIA)
) **ss.**
COUNTY OF LOS ANGELES)

I have read the foregoing **INCORRECTLY-NAMED APPLICANT HINOJOSA'S RESPONSES TO OPPOSER'S FIRST SET OF INTERROGATORIES TO DEFENDANTS** and know its contents.

 X I am a party to this action. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

_____ I am _____ an Officer _____ a partner of _____, a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason. _____ I am informed and believe and on that ground allege that the matters stated in the foregoing document are true. _____ The matters stated in the foregoing document are true of my own knowledge, except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

_____ I am one of the attorneys for _____, a party to this action. Such party is absent from the county of aforesaid where such attorneys have their offices, and I make this verification for and on behalf of that party for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true.

Executed on June 16, 2023 at Los Angeles, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

_____ Cindy N Hinojosa
Type or Print Name

_____ *Cindy Hinojosa*
Signature

CERTIFICATION OF SERVICE

This is to certify that a true and correct copy of the foregoing **INCORRECTLY-NAMED APPLICANT HINOJOSA’S RESPONSES TO OPPOSER’S FIRST SET OF INTERROGATORIES TO DEFENDANTS** was served by email upon Opposer’s attorney of record, as identified below, on this day, June 16, 2023.

Felipe Rubio
Rubio & Associates
8950 SW 74th Ct, STE 1804
Miami, FL 33156
United States
mail@rubiolaw.com
info@rubiolegal.com
frubio@rubiolegal.com
tm@rubiolaw.com

Dated: June 16, 2023

/s/ John M. Begakis
John M. Begakis, Esq.

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

ISIDORA GLORIA POSADAS ROMANO,	)	Opposition No. 91270073
)	
Opposer,	)	Mark: GRUPO ENSAMBLE
	)	Application Serial No.: 90/165,076
v.	)	Filed: September 8, 2020
	)	Published: February 23, 2021
CINDY N HINOJOSA,)	
)	
Applicant.)	
)	
)	
)	
)	
)	
)	

**INCORRECTLY-NAMED APPLICANT CINDY N HINOJOSA’S RESPONSES TO
OPPOSER’S FIRST SET OF INTERROGATORIES**

Pursuant to Section 2.120(a) of the Rules of Practice in Trademark Cases and Rule 33 of the Federal Rules of Civil Procedure (“FRCP”), incorrectly-named Applicant CINDY N HINOJOSA (“Hinojosa” or “Responding Party”), hereby responds to Opposer ISIDORA GLORIA POSADAS ROMANO’s (“Opposer” or “Requesting Party”) First Set of Interrogatories.

PRELIMINARY STATEMENT

Responding Party makes these responses solely for the purpose of this action. Responding Party has not fully completed its investigation of the facts relating to this case, has not completed its discovery, and has not completed its preparation for trial in this matter. Accordingly, all of the responses contained herein are based solely upon information and documents that are presently available to and specifically known to Responding Party. Further discovery and independent investigation may supply additional facts and documents which may, in turn, clarify and add meaning to known facts as well as establish entirely new matters, all of which may lead to

substantial additions to, changes in, and variations from the responses set forth herein. The following responses are given without prejudice to Responding Party's right to produce evidence of any subsequently discovered fact(s) or document(s) that later may be recalled. Accordingly, Responding Party reserves the right to produce at trial all facts, opinions, or documents, the existence of which are subsequently discovered through investigation, discovery, or otherwise, which support or tend to support its contentions at the time of trial.

Any information provided in response to the Interrogatories is subject to any and all objections regarding competence, relevance, materiality, propriety and admissibility. Responding Party reserves these objections and any other objections not stated herein that would require the exclusion of any information, if such information is offered as evidence at any time during this action. Responding Party may interpose these objections at any time prior to and during the trial of this case. Further, attorneys' work product and/or privileged information are not referred to herein. Any disclosure of or reference herein to attorney-client privileged information or attorney work product is inadvertent and does not constitute a waiver such privilege.

No incidental or implied admissions are intended by these responses. The fact that Responding Party responds to or objects to an Interrogatory should not be taken as an admission that Responding Party accepts or admits the existence of any facts or legal conclusions assumed or presumed by the Interrogatory. The fact that Responding Party responds to part or all of an Interrogatory is not intended to be, and shall not be, construed as a waiver by Responding Party of any part of any objection to the Interrogatory.

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RESPONSES TO SPECIAL INTERROGATORIES

INTERROGATORY NO. 1:

Describe in detail the reason or reasons Defendant applied in the U.S. for, and is using or intends to use, the GRUPO ENSAMBLE mark, and identify all relevant documents.

RESPONSE TO INTERROGATORY NO. 1:

Objection. Responding Party incorporates by reference its Preliminary Statement as though fully set forth herein. Responding Party objects to this Request to the extent it is compound. Responding Party objects to this Request to the extent it is vague and ambiguous. Responding Party objects to this Request to the extent it is unintelligible. Responding Party objects to this Request to the extent it seeks information that is protected by rights of privacy, or protected by the attorney-client and/or attorney work product doctrine. Responding Party objects to this Request to the extent it assumes facts not in evidence. Responding Party further objects to this Request to the extent it is overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, Responding Party responds as follows: Responding Party filed for the GRUPO ENSAMBLE mark on behalf of the assignees thereof. Additionally, discovery is ongoing. As such, Responding Party reserves the right to supplement, amplify or amend its responses to this Request.

INTERROGATORY NO. 2:

Identify all of the goods and services in connection with which Defendant has used or is using any mark.

RESPONSE TO INTERROGATORY NO. 2:

Objection. Responding Party incorporates by reference its Preliminary Statement as though fully set forth herein. Responding Party objects to this Request to the extent it is compound.

Responding Party objects to this Request to the extent it assumes facts not in evidence. Responding Party objects to this Request to the extent it seeks information that is irrelevant to the subject matter of the within action, and is not reasonably calculated to lead to the discovery of admissible evidence. Responding Party objects to this Request to the extent it is beyond the scope of the Federal Rules of Civil Procedure. Responding Party further objects to this Request to the extent it is overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, Responding Party responds as follows: Responding Party filed for the GRUPO ENSAMBLE mark on behalf of the assignees thereof. Additionally, discovery is ongoing. As such, Responding Party reserves the right to supplement, amplify or amend its responses to this Request.

INTERROGATORY NO. 3:

Describe the facts and circumstances concerning your conception, creation, selection, and adoption of the Defendant's Mark.

RESPONSE TO INTERROGATORY NO. 3:

Objection. Responding Party incorporates by reference its Preliminary Statement as though fully set forth herein. Responding Party objects to this Request to the extent it is compound. Responding Party objects to this Request to the extent it assumes facts not in evidence. Responding Party objects to this Request to the extent it is vague and ambiguous, including in, without limitation, its use of the term "your". Responding Party objects to this Request to the extent it is overbroad and unduly burdensome. Responding Party objects to this Request to the extent it seeks information that is irrelevant to the subject matter of the within action, and is not reasonably calculated to lead to the discovery of admissible evidence. Responding Party objects to this Request to the extent it is beyond the scope of the Federal Rules of Civil Procedure. Responding

Party further objects to this Request to the extent it seeks information that is protected by Responding Party's rights of privacy, or protected by the attorney-client and/or attorney work product doctrine. Responding Party further objects to this Request to the extent it is overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, Responding Party responds as follows: Responding Party filed for the GRUPO ENSAMBLE mark on behalf of the assignees thereof. Additionally, discovery is ongoing. As such, Responding Party reserves the right to supplement, amplify or amend its responses to this Request.

INTERROGATORY NO. 4:

Identify all persons who participated in or were or are responsible for the conception, creation, selection, or adoption of Defendant's Mark.

RESPONSE TO INTERROGATORY NO. 4:

Objection. Responding Party incorporates by reference its Preliminary Statement as though fully set forth herein. Responding Party objects to this Request to the extent it is compound. Responding Party objects to this Request to the extent it seeks information that is irrelevant to the subject matter of the within action, and is not reasonably calculated to lead to the discovery of admissible evidence. Responding Party objects to this Request to the extent it is beyond the scope of the Federal Rules of Civil Procedure. Responding Party further objects to this Request to the extent that it seeks confidential and/or proprietary information and/or trade secrets.

Subject to and without waiving the foregoing objections, Responding Party responds as follows: Responding Party filed for the GRUPO ENSAMBLE mark on behalf of the assignees thereof. Additionally, discovery is ongoing. As such, Responding Party reserves the right to supplement, amplify or amend its responses to this Request.

INTERROGATORY NO. 5:

Describe your qualifications to offer the services as outlined under Defendant's Mark.

RESPONSE TO INTERROGATORY NO. 5:

Objection. Responding Party incorporates by reference its Preliminary Statement as though fully set forth herein. Responding Party objects to this Request to the extent it assumes facts not in evidence. Responding Party objects to this Request to the extent it is vague and ambiguous, including in, without limitation, its use of the term "your". Responding Party objects to this Request to the extent it is overbroad and unduly burdensome. Responding Party objects to this Request to the extent it seeks information that is irrelevant to the subject matter of the within action, and is not reasonably calculated to lead to the discovery of admissible evidence. Responding Party objects to this Request to the extent it is beyond the scope of the Federal Rules of Civil Procedure. Responding Party further objects to this Request to the extent it is vague and ambiguous, including in, without limitation, its use of the term "qualifications."

Subject to and without waiving the foregoing objections, Responding Party responds as follows: Responding Party filed for the GRUPO ENSAMBLE mark on behalf of the assignees thereof. Additionally, discovery is ongoing. As such, Responding Party reserves the right to supplement, amplify or amend its responses to this Request.

INTERROGATORY NO. 6:

Describe the circumstances surrounding the transfer of Defendant's Mark by you to Salvador Olvera Rios, Leopoldo Hilario Olvera Navarrete and Israel Salcedo Fragoso.

RESPONSE TO INTERROGATORY NO. 6:

Objection. Responding Party incorporates by reference its Preliminary Statement as though fully set forth herein. Responding Party objects to this Request to the extent it assumes facts not

in evidence. Responding Party objects to this Request to the extent it calls for a legal conclusion. Responding Party objects to this Request to the extent it is vague and ambiguous, including in, without limitation, its use of the term “your”. Responding Party objects to this Request to the extent it is overbroad and unduly burdensome. Responding Party objects to this Request to the extent it seeks information that is irrelevant to the subject matter of the within action, and is not reasonably calculated to lead to the discovery of admissible evidence. Responding Party objects to this Request to the extent it is beyond the scope of the Federal Rules of Civil Procedure. Responding Party further objects to this Request to the extent it is vague and ambiguous, including in, without limitation, its use of the term “circumstances.”

Subject to and without waiving the foregoing objections, Responding Party responds as follows: Responding Party filed for the GRUPO ENSAMBLE mark on behalf of the assignees thereof. Additionally, discovery is ongoing. As such, Responding Party reserves the right to supplement, amplify or amend its responses to this Request.

INTERROGATORY NO. 7:

Describe the reasons surrounding the transfer of Defendant’s Mark by you to Salvador Olvera Rios, Leopoldo Hilario Olvera Navarrete and Israel Salcedo Fragoso.

RESPONSE TO INTERROGATORY NO. 7:

Objection. Responding Party incorporates by reference its Preliminary Statement as though fully set forth herein. Responding Party objects to this Request to the extent it assumes facts not in evidence. Responding Party objects to this Request to the extent it is vague and ambiguous, including in, without limitation, its use of the term “your”. Responding Party objects to this Request to the extent it is overbroad and unduly burdensome. Responding Party objects to this Request to the extent it seeks information that is irrelevant to the subject matter of the within

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INTERROGATORY NO. 8:

Describe in detail your transfer of your business under Defendant's Mark to Salvador Olvera Rios, Leopoldo Hilario Olvera Navarrete and Israel Salcedo Fragoso.

RESPONSE TO INTERROGATORY NO. 8:

Objection. Responding Party incorporates by reference its Preliminary Statement as though fully set forth herein. Responding Party objects to this Request to the extent it assumes facts not in evidence. Responding Party objects to this Request to the extent it seeks information that is irrelevant to the subject matter of the within action, and is not reasonably calculated to lead to the discovery of admissible evidence. Responding Party objects to this Request to the extent it is beyond the scope of the Federal Rules of Civil Procedure. Responding Party objects to this Request to the extent it is vague and ambiguous, including in, without limitation, its use of the term "your". Responding Party objects to this Request to the extent it is overbroad and unduly burdensome. Responding Party further objects to this Request to the extent it calls for a legal conclusion.

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thereof. Additionally, discovery is ongoing. As such, Responding Party reserves the right to supplement, amplify or amend its responses to this Request.

INTERROGATORY NO. 9:

Identify all of the documents supporting your claim of ownership to Defendant's Mark at the time of filing of the application.

RESPONSE TO INTERROGATORY NO. 9:

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INTERROGATORY NO. 10:

Describe in detail your plans to offer services under Defendant's mark at the time of the filing of the application.

RESPONSE TO INTERROGATORY NO. 10:

Objection. Responding Party incorporates by reference its Preliminary Statement as though fully set forth herein. Responding Party objects to this Request to the extent it assumes facts not in evidence. Responding Party objects to this Request to the extent it is vague and ambiguous, including in, without limitation, its use of the terms "your" and "offer services." Responding Party objects to this Request to the extent it is overbroad and unduly burdensome. Responding Party objects to this Request to the extent it seeks information that is irrelevant to the subject matter of the within action, and is not reasonably calculated to lead to the discovery of admissible evidence. Responding Party objects to this Request to the extent it is beyond the scope of the Federal Rules of Civil Procedure. Responding Party objects to this Request to the extent it seeks information that is protected by rights of privacy, or protected by the attorney-client and/or attorney work product doctrine. Responding Party objects to this Request to the extent that it seeks confidential and/or proprietary information and/or trade secrets. Responding Party further objects to this Request to the extent it calls for a legal conclusion.

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INTERROGATORY NO. 11:

Identify all persons who participated in or were or are responsible for the marketing or advertising of any goods or services offered for sale, sold, or intended to be offered for sale or sold by or for Defendant under or in connection with the Defendant's Mark.

RESPONSE TO INTERROGATORY NO. 11:

Objection. Responding Party incorporates by reference its Preliminary Statement as though fully set forth herein. Responding Party objects to this Request to the extent it is compound. Responding Party objects to this Request to the extent it is vague and ambiguous, including in, without limitation, its use of the terms "participated", "responsible for", "by or for Defendant" and "under or in connection with." Responding Party objects to this Request to the extent it is overbroad and unduly burdensome. Responding Party objects to this Request to the extent that it seeks confidential and/or proprietary information and/or trade secrets. Responding Party objects to this Request to the extent it seeks information that is irrelevant to the subject matter of the within action, and is not reasonably calculated to lead to the discovery of admissible evidence. Responding Party objects to this Request to the extent it is beyond the scope of the Federal Rules of Civil Procedure. Responding Party further objects to this Request to the extent it seeks information that is protected by rights of privacy, or protected by the attorney-client and/or attorney work product doctrine.

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INTERROGATORY NO. 12:

Identify all of the documents use in support of your affirmative defenses.

RESPONSE TO INTERROGATORY NO. 12:

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INTERROGATORY NO. 13:

Identify the person who prepared the Grupo Ensamble trademark application.

RESPONSE TO INTERROGATORY NO. 13:

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Dated: June 16, 2023

ALTVIEW LAW GROUP, LLP
12100 Wilshire Blvd., Ste. 800
Los Angeles, CA 90025
Telephone: (310) 230-5580
Facsimile: (310) 943-2540

Respectfully submitted,
ALTVIEW LAW GROUP, LLP

By: /s/ John M. Begakis
Attorney for Incorrectly-Named
Applicant CINDY N HINOJOSA

VERIFICATION

STATE OF CALIFORNIA)
) **ss.**
COUNTY OF LOS ANGELES)

I have read the foregoing **INCORRECTLY-NAMED APPLICANT CINDY N HINOJOSA’S RESPONSES TO OPPOSER’S FIRST SET OF INTERROGATORIES** and know its contents.

 X I am a party to this action. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

_____ I am _____ an Officer _____ a partner of _____, a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason. _____ I am informed and believe and on that ground allege that the matters stated in the foregoing document are true. _____ The matters stated in the foregoing document are true of my own knowledge, except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

_____ I am one of the attorneys for _____, a party to this action. Such party is absent from the county of aforesaid where such attorneys have their offices, and I make this verification for and on behalf of that party for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true.

Executed on June 16, 2023 at Los Angeles, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Cindy N Hinojosa
Type or Print Name

Cindy Hinojosa
Signature

CERTIFICATION OF SERVICE

This is to certify that a true and correct copy of the foregoing **INCORRECTLY-NAMED APPLICANT CINDY N HINOJOSA'S RESPONSES TO OPPOSER'S FIRST SET OF INTERROGATORIES** was served by email upon Opposer's attorney of record, as identified below, on this day, June 16, 2023.

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Dated: June 16, 2023

/s/ John M. Begakis
John M. Begakis, Esq.

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

ISIDORA GLORIA POSADAS ROMANO,	)	Opposition No. 91270073
)	
Opposer,	)	Mark: GRUPO ENSAMBLE
	)	Application Serial No.: 90/165,076
v.	)	Filed: September 8, 2020
	)	Published: February 23, 2021
CINDY N HINOJOSA)	
)	
Applicant.)	
)	
)	
)	
)	

**INCORRECTLY-NAMED APPLICANT HINOJOSA’S RESPONSES TO OPPOSER’S
FIRST SET OF INTERROGATORIES TO DEFENDANTS SALVADOR OLVERO
RIOS, LEOPOLDO HILARIO OLVERA NAVARRETE AND ISRAEL SLACEDO
FRAGOSO**

Pursuant to Section 2.120(a) of the Rules of Practice in Trademark Cases and Rule 33 of the Federal Rules of Civil Procedure (“FRCP”), incorrectly-named Applicant CINDY N HINOJOSA (“Hinojosa” or “Responding Party”), hereby responds to Opposer ISIDORA GLORIA POSADAS ROMANO’s (“Opposer” or “Requesting Party”) First Set of Interrogatories to Responding Party and “Defendants” SALVADOR OLVERA RIOS, LEOPOLDO HILARIO OLVERA NAVARRETE, and ISRAEL SALCEDO FRAGOSO.

PRELIMINARY STATEMENT

Responding Party makes these responses solely for the purpose of this action. Responding Party has not fully completed its investigation of the facts relating to this case, has not completed its discovery, and has not completed its preparation for trial in this matter. Accordingly, all of the responses contained herein are based solely upon information and documents that are presently

available to and specifically known to Responding Party. Further discovery and independent investigation may supply additional facts and documents which may, in turn, clarify and add meaning to known facts as well as establish entirely new matters, all of which may lead to substantial additions to, changes in, and variations from the responses set forth herein. The following responses are given without prejudice to Responding Party's right to produce evidence of any subsequently discovered fact(s) or document(s) that later may be recalled. Accordingly, Responding Party reserves the right to produce at trial all facts, opinions, or documents, the existence of which are subsequently discovered through investigation, discovery, or otherwise, which support or tend to support its contentions at the time of trial.

Any information provided in response to the Interrogatories is subject to any and all objections regarding competence, relevance, materiality, propriety and admissibility. Responding Party reserves these objections and any other objections not stated herein that would require the exclusion of any information, if such information is offered as evidence at any time during this action. Responding Party may interpose these objections at any time prior to and during the trial of this case. Further, attorneys' work product and/or privileged information are not referred to herein. Any disclosure of or reference herein to attorney-client privileged information or attorney work product is inadvertent and does not constitute a waiver such privilege.

No incidental or implied admissions are intended by these responses. The fact that Responding Party responds to or objects to an Interrogatory should not be taken as an admission that Responding Party accepts or admits the existence of any facts or legal conclusions assumed or presumed by the Interrogatory. The fact that Responding Party responds to part or all of an Interrogatory is not intended to be, and shall not be, construed as a waiver by Responding Party of any part of any objection to the Interrogatory.

RESPONSES TO SPECIAL INTERROGATORIES

INTERROGATORY NO. 1:

Describe in detail the reason or reasons Defendants applied in the U.S. for, and is using or intends to use, the GRUPO ENSAMBLE mark, and identify all relevant documents.

RESPONSE TO INTERROGATORY NO. 1:

Objection. Responding Party incorporates by reference its Preliminary Statement as though fully set forth herein. Responding Party objects to this Request to the extent it is vague and ambiguous, including in, without limitation, its use of the terms “Defendants” and/or “Defendant’s mark.” Responding Party further objects to this Request to the extent it seeks information that is protected by rights of privacy, and by the attorney-client and/or attorney work product doctrine. Responding Party objects to this Request to the extent it is compound. Responding Party objects to this Request to the extent it seeks a legal conclusion. Responding Party objects to this Request to the extent it would require Responding Party to violate any common interest privilege between Responding Party and any other parties to this proceeding. Responding Party objects to this Request to the extent it is overbroad and unduly burdensome. Responding Party further objects to this Request to the extent it assumes facts not in evidence.

Subject to and without waiving the foregoing objections, Responding Party responds as follows: Responding Party is unable to respond to this Request to because the Request necessitates a unified response from Salvador Olvera Rios, Leopoldo Hilario Olvera Navarrete and Israel Salcedo Fragoso – who Responding Party’s counsel of record hereto does not presently represent. Additionally, discovery is ongoing. As such, Responding Party reserves the right to supplement, amplify or amend its responses to this Request.

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INTERROGATORY NO. 2:

Identify all of the goods and services in connection with which Defendants has used or is using any mark.

RESPONSE TO INTERROGATORY NO. 2:

Objection. Responding Party incorporates by reference its Preliminary Statement as though fully set forth herein. Responding Party objects to this Request to the extent it is vague and ambiguous, including in, without limitation, its use of the terms “Defendants” and/or “Defendant’s mark.” Responding Party further objects to this Request to the extent it seeks information that is protected by rights of privacy, and by the attorney-client and/or attorney work product doctrine. Responding Party objects to this Request to the extent it is compound. Responding Party objects to this Request to the extent it seeks a legal conclusion. Responding Party objects to this Request to the extent it would require Responding Party to violate any common interest privilege between Responding Party and any other parties to this proceeding. Responding Party objects to this Request to the extent it is overbroad and unduly burdensome. Responding Party further objects to this Request to the extent it assumes facts not in evidence.

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INTERROGATORY NO. 3:

Describe the facts and circumstances concerning your conception, creation, selection, and adoption of the Defendant's Mark.

RESPONSE TO INTERROGATORY NO. 3:

Objection. Responding Party incorporates by reference its Preliminary Statement as though fully set forth herein. Responding Party objects to this Request to the extent it is vague and ambiguous, including in, without limitation, its use of the terms "Defendants" and/or "Defendant's mark." Responding Party further objects to this Request to the extent it seeks information that is protected by rights of privacy, and by the attorney-client and/or attorney work product doctrine. Responding Party objects to this Request to the extent it is compound. Responding Party objects to this Request to the extent it seeks a legal conclusion. Responding Party objects to this Request to the extent it would require Responding Party to violate any common interest privilege between Responding Party and any other parties to this proceeding. Responding Party objects to this Request to the extent it is overbroad and unduly burdensome. Responding Party further objects to this Request to the extent it assumes facts not in evidence.

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INTERROGATORY NO. 4:

Identify all persons who participated in or were or are responsible for the conception, creation, selection, or adoption of Defendant's Mark.

RESPONSE TO INTERROGATORY NO. 4:

Objection. Responding Party incorporates by reference its Preliminary Statement as though fully set forth herein. Responding Party objects to this Request to the extent it is vague and ambiguous, including in, without limitation, its use of the terms "Defendants" and/or "Defendant's mark." Responding Party further objects to this Request to the extent it seeks information that is protected by rights of privacy, and by the attorney-client and/or attorney work product doctrine. Responding Party objects to this Request to the extent it is compound. Responding Party objects to this Request to the extent it seeks a legal conclusion. Responding Party objects to this Request to the extent it would require Responding Party to violate any common interest privilege between Responding Party and any other parties to this proceeding. Responding Party objects to this Request to the extent it is overbroad and unduly burdensome. Responding Party further objects to this Request to the extent it assumes facts not in evidence.

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INTERROGATORY NO. 5:

Identify by jurisdiction and registration or serial number any and all federal and state trademark registration(s) and application(s), whether current (including pending) or dead, for the Defendant's Mark and any mark you own that resembles or incorporates any of the Defendant's Mark in whole or in part.

RESPONSE TO INTERROGATORY NO. 5:

Objection. Responding Party incorporates by reference its Preliminary Statement as though fully set forth herein. Responding Party objects to this Request to the extent it is vague and ambiguous, including in, without limitation, its use of the terms "Defendants" and/or "Defendant's mark." Responding Party further objects to this Request to the extent it seeks information that is protected by rights of privacy, and by the attorney-client and/or attorney work product doctrine. Responding Party objects to this Request to the extent it is compound. Responding Party objects to this Request to the extent it seeks a legal conclusion. Responding Party objects to this Request to the extent it would require Responding Party to violate any common interest privilege between Responding Party and any other parties to this proceeding. Responding Party objects to this Request to the extent it is overbroad and unduly burdensome. Responding Party further objects to this Request to the extent it assumes facts not in evidence.

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INTERROGATORY NO. 6:

Identify all goods and services that Defendants has offered for sale, sold, or provided under or in connection with the Defendant's Mark in the United States.

RESPONSE TO INTERROGATORY NO. 6:

Objection. Responding Party incorporates by reference its Preliminary Statement as though fully set forth herein. Responding Party objects to this Request to the extent it is vague and ambiguous, including in, without limitation, its use of the terms "Defendants" and/or "Defendant's mark." Responding Party further objects to this Request to the extent it seeks information that is protected by rights of privacy, and by the attorney-client and/or attorney work product doctrine. Responding Party objects to this Request to the extent it is compound. Responding Party objects to this Request to the extent it seeks a legal conclusion. Responding Party objects to this Request to the extent it would require Responding Party to violate any common interest privilege between Responding Party and any other parties to this proceeding. Responding Party objects to this Request to the extent it is overbroad and unduly burdensome. Responding Party further objects to this Request to the extent it assumes facts not in evidence.

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INTERROGATORY NO. 7:

For each good or service that you have offered, sold, or provided under or in connection with the Defendant's Mark, state the date ranges of actual and planned use of the Defendant's Mark in connection with the good or service, including the specific date of first use or intended first use of the mark for each good or service.

RESPONSE TO INTERROGATORY NO. 7:

Objection. Responding Party incorporates by reference its Preliminary Statement as though fully set forth herein. Responding Party objects to this Request to the extent it is vague and ambiguous, including in, without limitation, its use of the terms "Defendants" and/or "Defendant's mark." Responding Party further objects to this Request to the extent it seeks information that is protected by rights of privacy, and by the attorney-client and/or attorney work product doctrine. Responding Party objects to this Request to the extent it is compound. Responding Party objects to this Request to the extent it seeks a legal conclusion. Responding Party objects to this Request to the extent it would require Responding Party to violate any common interest privilege between Responding Party and any other parties to this proceeding. Responding Party objects to this Request to the extent it is overbroad and unduly burdensome. Responding Party further objects to this Request to the extent it assumes facts not in evidence.

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INTERROGATORY NO. 8:

For each good or service that you have offered, sold, or provided under or in connection with the Defendant's Mark, state the suggested or expected retail price of the good or service.

RESPONSE TO INTERROGATORY NO. 8:

Objection. Responding Party incorporates by reference its Preliminary Statement as though fully set forth herein. Responding Party objects to this Request to the extent it is vague and ambiguous, including in, without limitation, its use of the terms "Defendants" and/or "Defendant's mark." Responding Party further objects to this Request to the extent it seeks information that is protected by rights of privacy, and by the attorney-client and/or attorney work product doctrine. Responding Party objects to this Request to the extent it is compound. Responding Party objects to this Request to the extent it seeks a legal conclusion. Responding Party objects to this Request to the extent it would require Responding Party to violate any common interest privilege between Responding Party and any other parties to this proceeding. Responding Party objects to this Request to the extent it is overbroad and unduly burdensome. Responding Party further objects to this Request to the extent it assumes facts not in evidence.

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INTERROGATORY NO. 9:

Describe the nature of any advertisements, promotional materials, and marketing materials (for example, newspaper advertisements, magazine advertisements, internet websites, television commercials, brochures), including by identifying the specific media (for example, The New York Times, Time magazine, Google.com, CBS Network television) in which Defendants is using, has used, or plans to use the Defendant's Mark.

RESPONSE TO INTERROGATORY NO. 9:

Objection. Responding Party incorporates by reference its Preliminary Statement as though fully set forth herein. Responding Party objects to this Request to the extent it is vague and ambiguous, including in, without limitation, its use of the terms "Defendants" and/or "Defendant's mark." Responding Party further objects to this Request to the extent it seeks information that is protected by rights of privacy, and by the attorney-client and/or attorney work product doctrine. Responding Party objects to this Request to the extent it is compound. Responding Party objects to this Request to the extent it seeks a legal conclusion. Responding Party objects to this Request to the extent it would require Responding Party to violate any common interest privilege between Responding Party and any other parties to this proceeding. Responding Party objects to this Request to the extent it is overbroad and unduly burdensome. Responding Party further objects to this Request to the extent it assumes facts not in evidence.

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Additionally, discovery is ongoing. As such, Responding Party reserves the right to supplement, amplify or amend its responses to this Request.

INTERROGATORY NO. 10:

Identify all website(s) displaying the Defendant's Mark that are owned, operated, or controlled by Defendants, and all persons who participated in or were or are responsible for the creation and development of each website.

RESPONSE TO INTERROGATORY NO. 10:

Objection. Responding Party incorporates by reference its Preliminary Statement as though fully set forth herein. Responding Party objects to this Request to the extent it is vague and ambiguous, including in, without limitation, its use of the terms "Defendants" and/or "Defendant's mark." Responding Party further objects to this Request to the extent it seeks information that is protected by rights of privacy, and by the attorney-client and/or attorney work product doctrine. Responding Party objects to this Request to the extent it is compound. Responding Party objects to this Request to the extent it seeks a legal conclusion. Responding Party objects to this Request to the extent it would require Responding Party to violate any common interest privilege between Responding Party and any other parties to this proceeding. Responding Party objects to this Request to the extent it is overbroad and unduly burdensome. Responding Party further objects to this Request to the extent it assumes facts not in evidence.

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Additionally, discovery is ongoing. As such, Responding Party reserves the right to supplement, amplify or amend its responses to this Request.

INTERROGATORY NO. 11:

Identify all persons who participated in or were or are responsible for the marketing or advertising of any goods or services offered for sale, sold, or intended to be offered for sale or sold by or for Defendants under or in connection with the Defendant's Mark.

RESPONSE TO INTERROGATORY NO. 11:

Objection. Responding Party incorporates by reference its Preliminary Statement as though fully set forth herein. Responding Party objects to this Request to the extent it is vague and ambiguous, including in, without limitation, its use of the terms "Defendants" and/or "Defendant's mark." Responding Party further objects to this Request to the extent it seeks information that is protected by rights of privacy, and by the attorney-client and/or attorney work product doctrine. Responding Party objects to this Request to the extent it is compound. Responding Party objects to this Request to the extent it seeks a legal conclusion. Responding Party objects to this Request to the extent it would require Responding Party to violate any common interest privilege between Responding Party and any other parties to this proceeding. Responding Party objects to this Request to the extent it is overbroad and unduly burdensome. Responding Party further objects to this Request to the extent it assumes facts not in evidence.

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Additionally, discovery is ongoing. As such, Responding Party reserves the right to supplement, amplify or amend its responses to this Request.

INTERROGATORY NO. 12:

Describe all market research conducted by or on behalf of Defendants concerning the Defendant's Mark or any goods or services marketed or proposed to be marketed under the Defendant's Mark, including the results of such research.

RESPONSE TO INTERROGATORY NO. 12:

Objection. Responding Party incorporates by reference its Preliminary Statement as though fully set forth herein. Responding Party objects to this Request to the extent it is vague and ambiguous, including in, without limitation, its use of the terms "Defendants" and/or "Defendant's mark." Responding Party further objects to this Request to the extent it seeks information that is protected by rights of privacy, and by the attorney-client and/or attorney work product doctrine. Responding Party objects to this Request to the extent it is compound. Responding Party objects to this Request to the extent it seeks a legal conclusion. Responding Party objects to this Request to the extent it would require Responding Party to violate any common interest privilege between Responding Party and any other parties to this proceeding. Responding Party objects to this Request to the extent it is overbroad and unduly burdensome. Responding Party further objects to this Request to the extent it assumes facts not in evidence.

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Additionally, discovery is ongoing. As such, Responding Party reserves the right to supplement, amplify or amend its responses to this Request.

INTERROGATORY NO. 13:

Describe all channels of trade in the United States through which Defendants has offered for sale, sold, or intends to offer for sale or sell goods or services under or in connection with the Defendant's Mark.

RESPONSE TO INTERROGATORY NO. 13:

Objection. Responding Party incorporates by reference its Preliminary Statement as though fully set forth herein. Responding Party objects to this Request to the extent it is vague and ambiguous, including in, without limitation, its use of the terms "Defendants" and/or "Defendant's mark." Responding Party further objects to this Request to the extent it seeks information that is protected by rights of privacy, and by the attorney-client and/or attorney work product doctrine. Responding Party objects to this Request to the extent it is compound. Responding Party objects to this Request to the extent it seeks a legal conclusion. Responding Party objects to this Request to the extent it would require Responding Party to violate any common interest privilege between Responding Party and any other parties to this proceeding. Responding Party objects to this Request to the extent it is overbroad and unduly burdensome. Responding Party further objects to this Request to the extent it assumes facts not in evidence.

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Additionally, discovery is ongoing. As such, Responding Party reserves the right to supplement, amplify or amend its responses to this Request.

INTERROGATORY NO. 14:

Describe all classes and/or types of customers (for example, age, gender, socioeconomic group) that comprise the intended market for goods or services offered for sale, sold, or intended to be offered for sale or sold under or in connection with the Defendant's Mark.

RESPONSE TO INTERROGATORY NO. 14:

Objection. Responding Party incorporates by reference its Preliminary Statement as though fully set forth herein. Responding Party objects to this Request to the extent it is vague and ambiguous, including in, without limitation, its use of the terms "Defendants" and/or "Defendant's mark." Responding Party further objects to this Request to the extent it seeks information that is protected by rights of privacy, and by the attorney-client and/or attorney work product doctrine. Responding Party objects to this Request to the extent it is compound. Responding Party objects to this Request to the extent it seeks a legal conclusion. Responding Party objects to this Request to the extent it would require Responding Party to violate any common interest privilege between Responding Party and any other parties to this proceeding. Responding Party objects to this Request to the extent it is overbroad and unduly burdensome. Responding Party further objects to this Request to the extent it assumes facts not in evidence.

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Additionally, discovery is ongoing. As such, Responding Party reserves the right to supplement, amplify or amend its responses to this Request.

INTERROGATORY NO. 15:

Identify the geographic regions in the United States in which Defendants has or has caused to be advertised, promoted, marketed, displayed, distributed, offered for sale, or sold, or plans or intends to advertise, promote, market, display, distribute, offer for sale, or sell, either directly or through others, any goods or services under or in connection with the Defendant's Mark.

RESPONSE TO INTERROGATORY NO. 15:

Objection. Responding Party incorporates by reference its Preliminary Statement as though fully set forth herein. Responding Party objects to this Request to the extent it is vague and ambiguous, including in, without limitation, its use of the terms "Defendants" and/or "Defendant's mark." Responding Party further objects to this Request to the extent it seeks information that is protected by rights of privacy, and by the attorney-client and/or attorney work product doctrine. Responding Party objects to this Request to the extent it is compound. Responding Party objects to this Request to the extent it seeks a legal conclusion. Responding Party objects to this Request to the extent it would require Responding Party to violate any common interest privilege between Responding Party and any other parties to this proceeding. Responding Party objects to this Request to the extent it is overbroad and unduly burdensome. Responding Party further objects to this Request to the extent it assumes facts not in evidence.

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INTERROGATORY NO. 16:

Identify by name and location all trade shows in the United States where goods or services under the Defendant's Mark have been displayed, promoted, or sold.

RESPONSE TO INTERROGATORY NO. 16:

Objection. Responding Party incorporates by reference its Preliminary Statement as though fully set forth herein. Responding Party objects to this Request to the extent it is vague and ambiguous, including in, without limitation, its use of the terms "Defendants" and/or "Defendant's mark." Responding Party further objects to this Request to the extent it seeks information that is protected by rights of privacy, and by the attorney-client and/or attorney work product doctrine. Responding Party objects to this Request to the extent it is compound. Responding Party objects to this Request to the extent it seeks a legal conclusion. Responding Party objects to this Request to the extent it would require Responding Party to violate any common interest privilege between Responding Party and any other parties to this proceeding. Responding Party objects to this Request to the extent it is overbroad and unduly burdensome. Responding Party further objects to this Request to the extent it assumes facts not in evidence.

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INTERROGATORY NO. 17:

Identify and describe all expenditures incurred by you in connection with the development, production, distribution, promotion, advertisement, and sale of any goods or services under the Defendant's Mark, including by identifying the nature and amount of each expenditure.

RESPONSE TO INTERROGATORY NO. 17:

Objection. Responding Party incorporates by reference its Preliminary Statement as though fully set forth herein. Responding Party objects to this Request to the extent it is vague and ambiguous, including in, without limitation, its use of the terms "Defendants" and/or "Defendant's mark." Responding Party further objects to this Request to the extent it seeks information that is protected by rights of privacy, and by the attorney-client and/or attorney work product doctrine. Responding Party objects to this Request to the extent it is compound. Responding Party objects to this Request to the extent it seeks a legal conclusion. Responding Party objects to this Request to the extent it would require Responding Party to violate any common interest privilege between Responding Party and any other parties to this proceeding. Responding Party objects to this Request to the extent it is overbroad and unduly burdensome. Responding Party further objects to this Request to the extent it assumes facts not in evidence.

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INTERROGATORY NO. 18:

Identify each trademark search, investigation, or any other inquiry conducted by or for Defendants concerning the availability to use or register the Defendant's Mark.

RESPONSE TO INTERROGATORY NO. 18:

Objection. Responding Party incorporates by reference its Preliminary Statement as though fully set forth herein. Responding Party objects to this Request to the extent it is vague and ambiguous, including in, without limitation, its use of the terms "Defendants" and/or "Defendant's mark." Responding Party further objects to this Request to the extent it seeks information that is protected by rights of privacy, and by the attorney-client and/or attorney work product doctrine. Responding Party objects to this Request to the extent it is compound. Responding Party objects to this Request to the extent it seeks a legal conclusion. Responding Party objects to this Request to the extent it would require Responding Party to violate any common interest privilege between Responding Party and any other parties to this proceeding. Responding Party objects to this Request to the extent it is overbroad and unduly burdensome. Responding Party further objects to this Request to the extent it assumes facts not in evidence.

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INTERROGATORY NO. 19:

Identify each person involved in the review of any such trademark search, investigation, or other inquiry conducted by or for Defendants concerning the availability to use or register the Defendant's Mark.

RESPONSE TO INTERROGATORY NO. 19:

Objection. Responding Party incorporates by reference its Preliminary Statement as though fully set forth herein. Responding Party objects to this Request to the extent it is vague and ambiguous, including in, without limitation, its use of the terms "Defendants" and/or "Defendant's mark." Responding Party further objects to this Request to the extent it seeks information that is protected by rights of privacy, and by the attorney-client and/or attorney work product doctrine. Responding Party objects to this Request to the extent it is compound. Responding Party objects to this Request to the extent it seeks a legal conclusion. Responding Party objects to this Request to the extent it would require Responding Party to violate any common interest privilege between Responding Party and any other parties to this proceeding. Responding Party objects to this Request to the extent it is overbroad and unduly burdensome. Responding Party further objects to this Request to the extent it assumes facts not in evidence.

Subject to and without waiving the foregoing objections, Responding Party responds as follows: Responding Party is unable to respond to this Request to because the Request necessitates a unified response from Salvador Olvera Rios, Leopoldo Hilario Olvera Navarrete and Israel Salcedo Fragoso – who Responding Party's counsel of record hereto does not presently represent. Additionally, discovery is ongoing. As such, Responding Party reserves the right to supplement, amplify or amend its responses to this Request.

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INTERROGATORY NO. 20:

Identify all agreements concerning the Defendant's Mark by date, parties to the agreement, and the subject matter of the agreement.

RESPONSE TO INTERROGATORY NO. 20:

Objection. Responding Party incorporates by reference its Preliminary Statement as though fully set forth herein. Responding Party objects to this Request to the extent it is vague and ambiguous, including in, without limitation, its use of the terms "Defendants" and/or "Defendant's mark." Responding Party further objects to this Request to the extent it seeks information that is protected by rights of privacy, and by the attorney-client and/or attorney work product doctrine. Responding Party objects to this Request to the extent it is compound. Responding Party objects to this Request to the extent it seeks a legal conclusion. Responding Party objects to this Request to the extent it would require Responding Party to violate any common interest privilege between Responding Party and any other parties to this proceeding. Responding Party objects to this Request to the extent it is overbroad and unduly burdensome. Responding Party further objects to this Request to the extent it assumes facts not in evidence.

Subject to and without waiving the foregoing objections, Responding Party responds as follows: Responding Party is unable to respond to this Request to because the Request necessitates a unified response from Salvador Olvera Rios, Leopoldo Hilario Olvera Navarrete and Israel Salcedo Fragoso – who Responding Party's counsel of record hereto does not presently represent. Additionally, discovery is ongoing. As such, Responding Party reserves the right to supplement, amplify or amend its responses to this Request.

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INTERROGATORY NO. 21:

Identify by name and title the two of Defendant's employees residing in the United States who are most knowledgeable about use of the Defendant's Mark in the U.S.

RESPONSE TO INTERROGATORY NO. 21:

Objection. Responding Party incorporates by reference its Preliminary Statement as though fully set forth herein. Responding Party objects to this Request to the extent it is vague and ambiguous, including in, without limitation, its use of the terms "Defendants" and/or "Defendant's mark." Responding Party further objects to this Request to the extent it seeks information that is protected by rights of privacy, and by the attorney-client and/or attorney work product doctrine. Responding Party objects to this Request to the extent it is compound. Responding Party objects to this Request to the extent it seeks a legal conclusion. Responding Party objects to this Request to the extent it would require Responding Party to violate any common interest privilege between Responding Party and any other parties to this proceeding. Responding Party objects to this Request to the extent it is overbroad and unduly burdensome. Responding Party further objects to this Request to the extent it assumes facts not in evidence.

Subject to and without waiving the foregoing objections, Responding Party responds as follows: Responding Party is unable to respond to this Request to because the Request necessitates a unified response from Salvador Olvera Rios, Leopoldo Hilario Olvera Navarrete and Israel Salcedo Fragoso – who Responding Party's counsel of record hereto does not presently represent. Additionally, discovery is ongoing. As such, Responding Party reserves the right to supplement, amplify or amend its responses to this Request.

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INTERROGATORY NO. 22:

Identify all persons furnishing information for the responses to these interrogatories, designating the number of each interrogatory for which such persons furnished information.

RESPONSE TO INTERROGATORY NO. 22:

Objection. Responding Party incorporates by reference its Preliminary Statement as though fully set forth herein. Responding Party objects to this Request to the extent it is vague and ambiguous, including in, without limitation, its use of the terms “Defendants” and/or “Defendant’s mark.” Responding Party further objects to this Request to the extent it seeks information that is protected by rights of privacy, and by the attorney-client and/or attorney work product doctrine. Responding Party objects to this Request to the extent it is compound. Responding Party objects to this Request to the extent it seeks a legal conclusion. Responding Party objects to this Request to the extent it would require Responding Party to violate any common interest privilege between Responding Party and any other parties to this proceeding. Responding Party objects to this Request to the extent it is overbroad and unduly burdensome. Responding Party further objects to this Request to the extent it assumes facts not in evidence.

Subject to and without waiving the foregoing objections, Responding Party responds as follows: Responding Party is unable to respond to this Request to because the Request necessitates a unified response from Salvador Olvera Rios, Leopoldo Hilario Olvera Navarrete and Israel Salcedo Fragoso – who Responding Party’s counsel of record hereto does not presently represent. Additionally, discovery is ongoing. As such, Responding Party reserves the right to supplement, amplify or amend its responses to this Request.

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INTERROGATORY NO. 23:

Provide the details and circumstances when Defendants first used Defendant's mark for Defendant's goods or services in U.S. commerce.

RESPONSE TO INTERROGATORY NO. 23:

Objection. Responding Party incorporates by reference its Preliminary Statement as though fully set forth herein. Responding Party objects to this Request to the extent it is vague and ambiguous, including in, without limitation, its use of the terms "Defendants" and/or "Defendant's mark." Responding Party further objects to this Request to the extent it seeks information that is protected by rights of privacy, and by the attorney-client and/or attorney work product doctrine. Responding Party objects to this Request to the extent it is compound. Responding Party objects to this Request to the extent it seeks a legal conclusion. Responding Party objects to this Request to the extent it would require Responding Party to violate any common interest privilege between Responding Party and any other parties to this proceeding. Responding Party objects to this Request to the extent it is overbroad and unduly burdensome. Responding Party further objects to this Request to the extent it assumes facts not in evidence.

Subject to and without waiving the foregoing objections, Responding Party responds as follows: Responding Party is unable to respond to this Request to because the Request necessitates a unified response from Salvador Olvera Rios, Leopoldo Hilario Olvera Navarrete and Israel Salcedo Fragoso – who Responding Party's counsel of record hereto does not presently represent. Additionally, discovery is ongoing. As such, Responding Party reserves the right to supplement, amplify or amend its responses to this Request.

Dated: June 16, 2023

ALTVIEW LAW GROUP, LLP
12100 Wilshire Blvd., Ste. 800
Los Angeles, CA 90025
Telephone: (310) 230-5580
Facsimile: (310) 943-2540

Respectfully submitted,
ALTVIEW LAW GROUP, LLP

By: /s/ John M. Begakis
Attorney for Incorrectly-Named
Applicant CINDY N HINOJOSA

VERIFICATION

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

I have read the foregoing INCORRECTLY-NAMED APPLICANT HINOJOSA’S
RESPONSES TO OPPOSER’S FIRST SET OF INTERROGATORIES TO JOINED
DEFENDANTS SALVADOR OLVERO RIOS, LEOPOLDO HILARIO OLVERA
NAVARRETE AND ISRAEL SLACEDO FRAGOSO and know its contents.

X I am a party to this action. The matters stated in the foregoing document are true of my own
knowledge except as to those matters which are stated on information and belief, and as to those
matters I believe them to be true.

I am an Officer a partner of , a party to this
action, and am authorized to make this verification for and on its behalf, and I make this
verification for that reason. I am informed and believe and on that ground allege that the
matters stated in the foregoing document are true. The matters stated in the foregoing
document are true of my own knowledge, except as to those matters which are stated on
information and belief, and as to those matters I believe them to be true.

I am one of the attorneys for , a party to this
action. Such party is absent from the county of aforesaid where such attorneys have their offices,
and I make this verification for and on behalf of that party for that reason. I am informed and
believe and on that ground allege that the matters stated in the foregoing document are true.

Executed on June 16, 2023 at Los Angeles, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is
true and correct.

Cindy N Hinojosa
Type or Print Name

Cindy Hinojosa
Signature

CERTIFICATION OF SERVICE

This is to certify that a true and correct copy of the foregoing **INCORRECTLY-NAMED APPLICANT HINOJOSA’S RESPONSES TO OPPOSER’S FIRST SET OF INTERROGATORIES TO JOINED DEFENDANTS SALVADOR OLVERO RIOS, LEOPOLDO HILARIO OLVERA NAVARRETE AND ISRAEL SLACEDO FRAGOSO** was served by email upon Opposer’s attorney of record, as identified below, on this day, June 16, 2023.

Felipe Rubio
Rubio & Associates
8950 SW 74th Ct, STE 1804
Miami, FL 33156
United States
mail@rubiolaw.com
info@rubiolegal.com
frubio@rubiolegal.com
tm@rubiolaw.com

Dated: June 16, 2023

/s/ John M. Begakis
John M. Begakis, Esq.

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

ISIDORA GLORIA POSADAS ROMANO,	)	Opposition No. 91270073
)	
Opposer,	)	Mark: GRUPO ENSAMBLE
	)	Application Serial No.: 90/165,076
v.	)	Filed: September 8, 2020
	)	Published: February 23, 2021
)	
CINDY N HINOJOSA,)	
)	
)	
Applicant.)	
)	
)	
)	
)	
)	
)	

**INCORRECTLY-NAMED APPLICANT CINDY N HINOJOSA’S RESPONSES TO
OPPOSER’S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS AND
THINGS**

Pursuant to Section 2.120(a) of the Rules of Practice in Trademark Cases and Rule 34 of the Federal Rules of Civil Procedure (“FRCP”), incorrectly-named Applicant CINDY N HINOJOSA (“Hinojosa” or “Responding Party”), hereby responds to Opposer ISIDORA GLORIA POSADAS ROMANO’s (“Opposer” or “Responding Party”) First Set of Requests for Production.

PRELIMINARY STATEMENT

Responding Party makes these responses solely for the purpose of this action. Responding Party has not fully completed its investigation of the facts relating to this case, has not completed its discovery, and has not completed its preparation for trial in this matter. Accordingly, all of the responses contained herein are based solely upon information and documents that are presently available to and specifically known to Responding Party. Further discovery and independent investigation may supply additional facts and documents which may, in turn, clarify and add

meaning to known facts as well as establish entirely new matters, all of which may lead to substantial additions to, changes in, and variations from the responses set forth herein. The following responses are given without prejudice to Responding Party's right to produce evidence of any subsequently discovered fact(s) or document(s) that later may be recalled. Accordingly, Responding Party reserves the right to produce at trial all facts, opinions, or documents, the existence of which are subsequently discovered through investigation, discovery, or otherwise, which support or tend to support its contentions at the time of trial.

Any information provided in response to the Requests is subject to any and all objections regarding competence, relevance, materiality, propriety and admissibility. Responding Party reserves these objections and any other objections not stated herein that would require the exclusion of any information, if such information is offered as evidence at any time during this action. Responding Party may interpose these objections at any time prior to and during the trial of this case. Further, attorneys' work product and/or privileged information are not referred to herein. Any disclosure of or reference herein to attorney-client privileged information or attorney work product is inadvertent and does not constitute a waiver such privilege.

No incidental or implied admissions are intended by these responses. The fact that Responding Party responds to or objects to a Request should not be taken as an admission that Responding Party accepts or admits the existence of any facts or legal conclusions assumed or presumed by the Request. The fact that Responding Party responds to part or all of a Request is not intended to be, and shall not be, construed as a waiver by Responding Party of any part of any objection to the Request.

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RESPONSES TO REQUESTS FOR PRODUCTION

REQUEST NO. 1:

Produce all documents to support your bona fide intent to use of the mark GRUPO ENSAMBLE filed under serial number 90165076 in U.S Commerce at the time of filing of the application.

RESPONSE TO REQUEST NO. 1:

Objection. Responding Party incorporates by reference its Preliminary Statement as though fully set forth herein. Responding Party objects to this Request to the extent it assumes facts not in evidence. Responding Party further objects to this Request to the extent it is overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, Responding Party responds as follows: Responding Party will comply with this Request and produce any non-privileged documents presently in Responding Party's possession, custody and/or control. As such, Responding Party reserves the right to supplement, amplify or amend its responses to this Request.

REQUEST NO. 2:

Produce all documents which record, refer to, or relate to any licenses, assignments, agreements, contracts, and/or arrangements between Defendants and any third party which relate in any manner to Defendant's Mark.

RESPONSE TO REQUEST NO. 2:

Objection. Responding Party incorporates by reference its Preliminary Statement as though fully set forth herein. Responding Party objects to this Request to the extent it is compound. Responding Party objects to this Request to the extent it is vague and ambiguous, including in, without limitation, its use of the terms "refer to", "arrangement", "any third party", and "any

manner.” Responding Party objects to this Request to the extent it seeks information that is protected by the attorney-client privilege and/or attorney work product doctrine. Responding Party further objects to this Request to the extent it is overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, Responding Party responds as follows: Responding Party will comply with this Request and produce any non-privileged documents presently in Responding Party’s possession, custody and/or control. As such, Responding Party reserves the right to supplement, amplify or amend its responses to this Request.

REQUEST NO. 3:

Produce all documents which record, refer to, or relate to Defendant’s business at the time of the assignment of the Defendant’s mark.

RESPONSE TO REQUEST NO. 3:

Objection. Responding Party incorporates by reference its Preliminary Statement as though fully set forth herein. Responding Party objects to this Request to the extent it assumes facts not in evidence. Responding Party objects to this Request to the extent it is compound. Responding Party objects to this Request to the extent it is overbroad and unduly burdensome. Responding Party objects to this Request to the extent it is irrelevant and is not reasonably calculated to lead to the discovery of relevant information. Responding Party objects to this Request to the extent it is vague and ambiguous, including in, without limitation, its use of the terms “refer to”, “Defendant’s business” and “mark.” Responding Party further objects to this Request to the extent it seeks information that is protected by certain rights of privacy.

REQUEST NO. 4:

Produce all documents which record, refer to, or relate to the assignment of Defendant’s Mark.

RESPONSE TO REQUEST NO. 4:

Objection. Responding Party incorporates by reference its Preliminary Statement as though fully set forth herein. Responding Party objects to this Request to the extent it is compound. Responding Party objects to this Request to the extent it is vague and ambiguous, including in, without limitation, its use of the terms “refer to” and “the assignment.” Responding Party objects to this Request to the extent it seeks information that is protected by certain rights of privacy, or by the attorney-client privilege and/or attorney work product doctrine. Responding Party further objects to this Request to the extent it is overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, Responding Party responds as follows: Responding Party will comply with this Request and produce any non-privileged documents presently in Responding Party’s possession, custody and/or control. As such, Responding Party reserves the right to supplement, amplify or amend its responses to this Request.

REQUEST NO. 5:

Produce all communications which record, refer to, or relate to the assignment of Defendant’s Mark.

RESPONSE TO REQUEST NO. 5:

Objection. Responding Party incorporates by reference its Preliminary Statement as though fully set forth herein. Responding Party objects to this Request to the extent it is compound. Responding Party objects to this Request to the extent it is vague and ambiguous, including in, without limitation, its use of the terms “communications”, “refer to” and “the assignment.” Responding Party objects to this Request to the extent it seeks information that is protected by certain rights of privacy, or by the attorney-client privilege and/or attorney work product doctrine.

Responding Party further objects to this Request to the extent it is overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, Responding Party responds as follows: Responding Party will comply with this Request and produce any non-privileged documents presently in Responding Party's possession, custody and/or control. As such, Responding Party reserves the right to supplement, amplify or amend its responses to this Request.

REQUEST NO. 6:

Produce all documents relating to your offering of services related to entertainment in the nature of live visual and audio performances by a musical band.

RESPONSE TO REQUEST NO. 6:

Objection. Responding Party incorporates by reference its Preliminary Statement as though fully set forth herein. Responding Party objects to this Request to the extent it assumes facts not in evidence. Responding Party objects to this Request to the extent it is compound. Responding Party objects to this Request to the extent it is overbroad and unduly burdensome. Responding Party objects to this Request to the extent it is irrelevant and is not reasonably calculated to lead to the discovery of relevant information. Responding Party objects to this Request to the extent it is vague and ambiguous, including in, without limitation, its use of the terms "your" and "services related to entertainment in the nature of live visual and audio performances by a musical band." Responding Party objects to this Request to the extent it seeks a legal conclusion. Responding Party further objects to this Request to the extent it seeks information protected by certain rights of privacy, or by the attorney-client privilege and/or attorney work product doctrine.

Dated: June 16, 2023

ALTVIEW LAW GROUP, LLP
12100 Wilshire Blvd., Ste. 800
Los Angeles, CA 90025
Telephone: (310) 230-5580
Facsimile: (310) 943-2540

Respectfully submitted,
ALTVIEW LAW GROUP, LLP

By: /s/ John M. Begakis
Attorney for Incorrectly-Named
Applicant CINDY N HINOJOSA

VERIFICATION

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

I have read the foregoing **INCORRECTLY-NAMED APPLICANT CINDY N HINOJOSA’S RESPONSES TO OPPOSER’S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS** and know its contents.

 X I am a party to this action. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

_____ I am _____ an Officer _____ a partner of _____, a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason. _____ I am informed and believe and on that ground allege that the matters stated in the foregoing document are true. _____ The matters stated in the foregoing document are true of my own knowledge, except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

_____ I am one of the attorneys for _____, a party to this action. Such party is absent from the county of aforesaid where such attorneys have their offices, and I make this verification for and on behalf of that party for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true.

Executed on June 16, 2023 at Los Angeles, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Cindy N. Hinojosa
Type or Print Name

Cindy Hinojosa
Signature

CERTIFICATION OF SERVICE

This is to certify that a true and correct copy of the foregoing **INCORRECTLY-NAMED APPLICANT CINDY N HINOJOSA’S RESPONSES TO OPPOSER’S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS** was served by email upon Opposer’s attorney of record, as identified below, on this day, June 16, 2023.

Felipe Rubio
Rubio & Associates
8950 SW 74th Ct, STE 1804
Miami, FL 33156
United States
mail@rubiolaw.com
info@rubiolegal.com
frubio@rubiolegal.com
tm@rubiolaw.com

Dated: June 16, 2023

/s/ John M. Begakis
John M. Begakis, Esq.

EXHIBIT C

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

In the matter of Trademark Application No. 90165076
For the mark: GRUPO ENSAMBLE

**ISIDORA GLORIA
POSADAS ROMANO,**

Opposition No. 91270073

Opposer,

v.

**CINDY N HINOJOSA,
SALVADOR OLVERA
RIOS,
LEOPOLDO HILARIO OLVERA
NAVARRETE AND
ISRAEL SALCEDO FRAGOSO,**

Applicant.
_____ /

**DECLARATION OF FELIPE RUBIO IN
SUPPORT OF PETITIONER'S MOTION TO COMPEL**

I, Felipe Rubio, declare as follows:

1. I am an attorney licensed to practice in the State of Florida. I am counsel for ISIDORA GLORIA POSADAS ROMANO in the above-identified Opposition Proceeding. I have personal knowledge of the facts set forth below. If called upon and sworn as a witness, I could and would competently testify as set forth below.

2. I am providing this declaration in support of Petitioner's Motion to Compel (the "Motion to Compel").

3. Attached to the Motion to Compel as Exhibit A is a true and correct copy of the email by which I served Opposer's Discovery Requests ("Opposer's Requests").

4. Over the past months, I have repeatedly attempted to communicate with Respondent's counsel at least six (6) emails with Respondent's counsel regarding the incomplete discovery.

5. Attached as Exhibits D are e-mails to registrant regarding addressing the discovery issues.

6. Respondent's counsel refused to meet and confer.

7. I reached out to Applicant's counsel by phone but was unable to reach Applicant's counsel.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 9th day of August 2023.

Dated: August 9, 2023

/Felipe Rubio /
Felipe Rubio

EXHIBIT D

Rubio & Associates

From: John Begakis <john@altviewlawgroup.com>
Sent: Thursday, July 6, 2023 1:05 PM
To: Rubio & Associates
Cc: Sheena Tehrani; Miguel Urquijo Certain; Rubio & Associates
Subject: Re: Romano v. Hinojosa, et al. (Opposition No. 91270073) - Service of Discovery Responses

Great, then we will file a Motion to Reopen.

On Thu, Jul 6, 2023 at 10:03 AM Rubio & Associates <mail@rubiolaw.com> wrote:

Counsel:

No, our client objects to the reopening of discovery.

Saludos,

Felipe RUBIO

RUBIO & ASSOCIATES

Intellectual Property

8950 SW 74th Ct, Suite 1804

Miami, Florida 33156

Tel: (305) 670-0323

Fax: (305) 670-0322

E-mail: frubio@rubiolawyers.com

Web: www.rubiolawyers.com

From: John Begakis <john@altviewlawgroup.com>

Sent: Thursday, July 6, 2023 1:02 PM

To: Rubio & Associates <mail@rubiolaw.com>

Cc: Sheena Tehrani <sheena@altviewlawgroup.com>; Miguel Urquijo Certain <murquijocertain@rubiolaw.com>; Rubio & Associates <tm@rubiolaw.com>

Subject: Re: Romano v. Hinojosa, et al. (Opposition No. 91270073) - Service of Discovery Responses

Great - so your client will agree to reopen discovery for 30 days?

On Thu, Jul 6, 2023 at 9:56 AM Rubio & Associates <mail@rubiolaw.com> wrote:

Counsel:

We have already provided you with our position regarding the late served discovery. There is no obligation for our client to serve answers to untimely served discovery requests. We have no problem addressing this particular issue with the board as our client is not open to granting any extensions at this time. Furthermore, there is no requirement under the rules to reopen discovery for untimely served discovery requests.

That said, I do not believe its proper for you to make yourself available **only** if we agree to reopen discovery. You are still required to address the issues raised in our June 27th correspondence. If you are not going to make yourself available and do not want to try to resolve (or narrow down the issues) then please advise accordingly so that we do not waste our time. I would prefer that we try to resolve this without board intervention.

In particular, I find it very troubling that you have failed to address the issue of your alleged “non-representation” of certain defendants in the action when you are still counsel of record of all defendants. Also, the discovery responses and objections are also very troubling.

Regards,

Felipe RUBIO

RUBIO & ASSOCIATES

Intellectual Property

8950 SW 74th Ct, Suite 1804

Miami, Florida 33156

Tel: (305) 670-0323

Fax: (305) 670-0322

E-mail: frubio@rubiolawyers.com

Web: www.rubiolawyers.com

From: John Begakis <john@altviewlawgroup.com>

Sent: Thursday, July 6, 2023 12:44 PM

To: Rubio & Associates <mail@rubiolaw.com>

Cc: Sheena Tehrani <sheena@altviewlawgroup.com>; Miguel Urquijo Certain <murquijocertain@rubiolaw.com>; Rubio & Associates <tm@rubiolaw.com>

Subject: Re: Romano v. Hinojosa, et al. (Opposition No. 91270073) - Service of Discovery Responses

Counsel:

We will gladly meet and confer with you regarding your perceived deficiencies with our discovery responses once we get confirmation that discovery can be reopened so that our requests can be substantively answered.

Best,

John

On Thu, Jul 6, 2023 at 9:39 AM Rubio & Associates <mail@rubiolaw.com> wrote:

Counsel:

This is a follow up to our June 27th email and subsequent reminders. We have not heard from you. As you know, the board requires for the parties to meet and confer and try to avoid issues without board intervention. However, your failure to answer our e-mail will force us to file a motion with the board.

Please provide us with a substantive response and let us know your availability to meet and confer to see if we can narrow the discovery issues.

Regards,

Felipe RUBIO

RUBIO & ASSOCIATES

Intellectual Property

8950 SW 74th Ct, Suite 1804

Miami, Florida 33156

Tel: (305) 670-0323

Fax: (305) 670-0322

E-mail: frubio@rubiolawyers.com

Web: www.rubiolawyers.com

From: Rubio & Associates

Sent: Tuesday, July 4, 2023 7:26 AM

To: John Begakis <john@altviewlawgroup.com>

Cc: Sheena Tehrani <sheena@altviewlawgroup.com>; Miguel Urquijo Certain <murquijocertain@rubiolaw.com>; Rubio & Associates <tm@rubiolaw.com>

Subject: RE: Romano v. Hinojosa, et al. (Opposition No. 91270073) - Service of Discovery Responses

Counsel:

We are following up on our request to meet and confer regarding your client's deficient responses and lack of production of any documents.

Regards,

Felipe RUBIO

RUBIO & ASSOCIATES

Intellectual Property

8950 SW 74th Ct, Suite 1804

Miami, Florida 33156

Tel: (305) 670-0323

Fax: (305) 670-0322

E-mail: frubio@rubiolawyers.com

Web: www.rubiolawyers.com

From: Rubio & Associates

Sent: Friday, June 30, 2023 4:25 PM

To: John Begakis <john@altviewlawgroup.com>

Cc: Sheena Tehrani <sheena@altviewlawgroup.com>; Miguel Urquijo Certain <murquijocertain@rubiolaw.com>; Rubio & Associates <tm@rubiolaw.com>

Subject: RE: Romano v. Hinojosa, et al. (Opposition No. 91270073) - Service of Discovery Responses

Counsel:

We are still awaiting your substantive response to our discovery requests. Please advise on your availability to meet and confer regarding the same.

Regards,

Felipe RUBIO

RUBIO & ASSOCIATES

Intellectual Property

8950 SW 74th Ct, Suite 1804

Miami, Florida 33156

Tel: (305) 670-0323

Fax: (305) 670-0322

E-mail: frubio@rubiolawyers.com

Web: www.rubiolawyers.com

From: Rubio & Associates

Sent: Thursday, June 29, 2023 5:38 PM

To: John Begakis <john@altviewlawgroup.com>

Cc: Sheena Tehrani <sheena@altviewlawgroup.com>; Miguel Urquijo Certain <murquijocertain@rubiolaw.com>;

Rubio & Associates <tm@rubiolaw.com>

Subject: RE: Romano v. Hinojosa, et al. (Opposition No. 91270073) - Service of Discovery Responses

Counsel:

We will consult with our client and will get back to you regarding your request to reopen discovery. We ask that you address the other issues of our email.

Regards,

Felipe RUBIO

RUBIO & ASSOCIATES

Intellectual Property

8950 SW 74th Ct, Suite 1804

Miami, Florida 33156

Tel: (305) 670-0323

Fax: (305) 670-0322

E-mail: frubio@rubiolawyers.com

Web: www.rubiolawyers.com

From: John Begakis <john@altviewlawgroup.com>

Sent: Thursday, June 29, 2023 5:31 PM

To: Rubio & Associates <mail@rubiolaw.com>

Cc: Sheena Tehrani <sheena@altviewlawgroup.com>; Miguel Urquijo Certain <murquijocertain@rubiolaw.com>; Rubio & Associates <tm@rubiolaw.com>

Subject: Re: Romano v. Hinojosa, et al. (Opposition No. 91270073) - Service of Discovery Responses

Counsel:

With respect to your purported lack of any obligation to respond to our discovery requests, you are correct that responses were due by June 22nd. However, June 22nd is only one day beyond the discovery cut-off date, and we

are more than confident that the Board will allow us to reopen discovery for at least an additional 30 days to force your side to provide responses. Alternatively, we can agree to extend the discovery period by enough time to allow you to respond, and, in exchange, we will agree to meet and confer with you regarding your perceived issues with our discovery responses (and suspend proceedings if need be to work through those issues).

Best,

John

On Wed, Jun 28, 2023 at 8:31 AM Rubio & Associates <mail@rubiolaw.com> wrote:

Dear Counsel:

This is a reminder. Please provide a response to our below e-mail and/or availability to meet and confer. Also, we would suggest that we suspend proceedings for at least 30 days as we try to resolve the below issues.

Regards,

Felipe RUBIO

RUBIO & ASSOCIATES

Intellectual Property

8950 SW 74th Ct, Suite 1804

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Tel: (305) 670-0323

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E-mail: frubio@rubiolawyers.com

Web: www.rubiolawyers.com

From: Rubio & Associates

Sent: Tuesday, June 27, 2023 1:24 AM

To: John Begakis <john@altviewlawgroup.com>; frubio@rubiolegal.com; Rubio & Associates <tm@rubiolaw.com>

Cc: Sheena Tehrani <sheena@altviewlawgroup.com>; info@rubiolegal.com

Subject: RE: Romano v. Hinojosa, et al. (Opposition No. 91270073) - Service of Discovery Responses

Importance: High

Dear Counsel:

We have reviewed your responses to our client's discovery requests and request that you make yourself available for a meet and confer regarding the incomplete and evasive responses.

From a general standpoint, we are confused by your definition of Mrs. Hinojosa as "Incorrectly-named Applicant". We would be grateful for your clarification in this respect. As you are well aware, in the November 4, 2022 order, the Board stated that based on "Ms. Hinojosa's role in filing the subject application, and the common goal of Ms. Hinojosa and Assignees to defend against the opposition, Assignees are **joined** as party-defendants to facilitate discovery." Because the board joined the Assignees as opposed to substituting the parties, Ms. Hinojosa is a properly named Applicant and/or Defendant.

Furthermore, we would also like to bring to your attention the fact that the board, in its November 2, 2022 order stated that based on your representation to the board, the board was assuming that your firm was representing the collective interests of all the Defendant's in this action and that if this was "not accurate, it is incumbent upon counsel to clarify and, if known, specify the status of Assignees' legal representation, if any, within TWENTY DAYS of the mailing date of this order." The fact that you did not advise the board twenty days after the board issued its order and because you have not filed a request of withdrawal and the board has not granted any request for withdrawal, you are and continue to be the attorney of record for **all** of the Defendant's including the assignees in this action.

That said, we would like to address your deficient responses as follows:

Deficiencies Common to All Discovery Responses

Applicant incorporates inappropriate, boilerplate general objections into its discovery responses. As you know, in responding to discovery, general objections are improper; "the responding party may not rely on conclusory statements when objecting on these bases, but rather must state specifically the underlying basis for the objection." *Hewlett Packard Enter. Dev. LP v. Arroware Indus.*, 2019 TTAB LEXIS 109, at *12 (TTAB May 2, 2019); *Amazon Technologies, Inc. v. Wax*, 93 USPQ2d 1702, 1704 (TTAB 2009) (objections to

interrogatories must be made with particularity); see also TBMP § 405.04(b). Both Federal Rules of Civil Procedure 33 and 34 plainly state that objections and responses to interrogatories and requests for production must be made on an individual basis and must state the grounds for objecting with particularity or specificity.

Deficiencies to the Interrogatories served on Mrs. Hinojosa

- The boilerplate objections to interrogatories 1-13 are unacceptable and not well taken.
- Your client's response to all 13 interrogatories consists of the same boilerplate objections and then answer as follows: *"Responding Party filed for the GRUPO ENSAMBLE mark on behalf of the assignees thereof. Additionally, discovery is ongoing. As such, Responding Party reserves the right to supplement, amplify or amend its responses to this Request."*
- You must withdraw the improper objections and answer the question in a proper fashion.

Deficiencies to the Requests for Admissions served on Mrs. Hinojosa

- The boilerplate objections to the requests for Admission's 1 through 9 served on your client, Mrs. Hinojosa, do not comply with the board rules. As such, you must remit proper objections or withdraw them.
- You have failed to respond to requests number 1, 3, 4, 5, 6 and 8 under the claim that they are ambiguous. However, you have failed to articulate why they are ambiguous. Also, your objection to the term You is not well taken as the term has been defined clearly and unambiguously. Also, your objection as to the term GRUPO ENSAMBLE mark as being ambiguous is disingenuous. Finally, please clarify your objection regarding the requests "assume facts not in evidence". This is an improper objection.

Requests for Production to Mrs. Hinojosa

- Your boilerplate general objections to all of the requests are improper as they lack specificity.
- To date, you have not provided any documents related to this action. Please specify when you will provide documents.

Requests for Interrogatories to Salvador Olvera Rios, Leopoldo Hilario, Olvera Navarrete, And Israel Salcedo Fragoso

- You have provided a response to the request for interrogatories but have objected stating that you no longer represent these defendants. That is an improper objection as you have not filed and the board has not granted a withdrawal. You are therefore still counsel of record for the named Defendant's.
- In addition to above, the boilerplate objections are improper.

Requests for Producton to Salvador Olvera Rios, Leopoldo Hilario, Olvera Navarrete, And Israel Salcedo Fragoso

- You have failed to provide responses to requests for production to Assignees. Since you are still the attorney of record for all Defendants in this action, you must provide for a response.

Finally, regarding your untimely Discovery requests served on Opposer, please note that our client objects and is not required to provide a response to such requests. As you know, Trademark Rule 2.120 requires that “[i]nterrogatories, requests for production of documents and things, and requests for admission must be served early enough in the discovery period, as originally set or as may have been reset by the Board, so that responses will be due no later than the close of discovery.” Trademark Rule 2.120(a)(3), 37 CFR § 2.120(a)(3); TBMP § 403.02.

Your service of discovery requests on May 23, 2023 was untimely because it would require response on June 22, 2021 which was after the discovery cutoff.

Please promptly confirm that Respondent will satisfy all of the issues addressed above or provide your earliest availability for a meet-and-confer telephone conference to address any remaining issues. I am available on Wednesday, Thursday and Friday of this week to discuss this matter.

Regards,

Felipe RUBIO

RUBIO & ASSOCIATES

Intellectual Property

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From: Sheena Tehrani <sheena@altviewlawgroup.com>

Sent: Friday, June 16, 2023 8:08 PM

To: Rubio & Associates <mail@rubiolaw.com>; info@rubiolegal.com; frubio@rubiolegal.com; Rubio & Associates <tm@rubiolaw.com>

Cc: John Begakis <john@altviewlawgroup.com>

Subject: Romano v. Hinojosa, et al. (Opposition No. 91270073) - Service of Discovery Responses

Counsel:

Please see the responses to Opposer's discovery requests attached, which are hereby served on your office.

Please let us know if you have any trouble accessing the files.

Thank you,

-Sheena Tehrani

--

John M. Begakis, Esq. | Partner

AltView Law Group, LLP

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Website: www.altviewlawgroup.com/



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