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41,078

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

LA TAPATIA NORCAL, INC.,)	Cancellation No. 41,078
)	
Petitioner,)	
)	
v.)	
)	
LA TAPATIA TORTILLERIA, INC.,)	
)	
Registrant.)	
_____)	

**VOLUNTARY SURRENDER OF U.S. REGISTRATION NO. 2,093,922
FOR CANCELLATION WITH CONSENT OF PETITIONER AND
WITHDRAWAL OF PETITION FOR CANCELLATION**

I. Surrender of Registration

Registrant, La Tapatia Tortilleria, Inc., hereby surrenders U.S. Registration No. 2,093,922 for cancellation. The original Certificate of Registration is attached to this document.

Dated: September 26, 2003

LA TAPATIA TORTILLERIA, INC.

By Helen Chavez-Hansen
Helen Chavez-Hansen, President

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Petitioner, La Tapatia Norcal, Inc., by its counsel, consents to Registrant's voluntary surrender of Registration No. 2,093,922.

Dated: October 7, 2003

OWEN, WICKERSHAM & ERICKSON, P.C.

By 

R. Dennis Claessens
Attorneys for Petitioner
LA TAPATIA NORCAL, INC.

II. Withdrawal of Petition for Cancellation

Petitioner La Tapatia Norcal, Inc., by its counsel, withdraws its Petition for Cancellation of Registration No. 2,093,922.

Dated: October 7, 2003

OWEN, WICKERSHAM & ERICKSON, P.C.

By 

R. Dennis Claessens
Attorneys for Petitioner
LA TAPATIA NORCAL, INC.

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The United States of America



CERTIFICATE OF REGISTRATION PRINCIPAL REGISTER

The Mark shown in this certificate has been registered in the United States Patent and Trademark Office to the named registrant.

The records of the United States Patent and Trademark Office show that an application for registration of the Mark shown in this Certificate was filed in the Office, that the application was examined and determined to be in compliance with the requirements of the law and with the regulations prescribed by the Commissioner of Patents and Trademarks, and that the Applicant is entitled to registration of the Mark under the Trademark Act of 1946, as Amended.

A copy of the Mark and pertinent data from the application are a part of this certificate.

This registration shall remain in force for TEN (10) years, unless terminated earlier as provided by law, and subject to compliance with the provisions of Section 8 of the Trademark Act of 1946, as Amended.



Bence Lehman

Commissioner of Patents and Trademarks

Int. Cl.: 30

Prior U.S. Cl.: 46

Reg. No. 2,093,922

United States Patent and Trademark Office

Registered Sep. 9, 1997

TRADEMARK
PRINCIPAL REGISTER
CONCURRENT USE



LA TAPATIA TORTILLERIA, INC. (CALIFORNIA CORPORATION)
104 E. BELMONT AVENUE
FRESNO, CA 93701

FOR: TORTILLAS AND TORTILLA CHIPS,
IN CLASS 30 (U.S. CL. 46).

FIRST USE 0-0-1944; IN COMMERCE
0-0-1944.

REGISTRATION LIMITED TO THE AREA
COMPRISING THE ENTIRE UNITED STATES,
EXCEPT FOR THE STATES OF ARIZONA
AND UTAH; THE AREA WITHIN THE STATE
OF CALIFORNIA, SOUTH AND EAST OF A
STRAIGHT LINE COMMENCING IN THE GEO-
GRAPHICAL CENTER OF BUELLTON, CALI-
FORNIA UNTIL IT REACHES THE EASTERN

BORDER OF SANTA BARBARA COUNTY,
CALIFORNIA, AND THEN EXTENDING IN A
SOUTHERLY DIRECTION ALONG THE EAST-
ERN BORDER OF SANTA BARBARA
COUNTY, CALIFORNIA UNTIL IT REACHES
THE PACIFIC OCEAN; AND THE COUNTIES
OF CLARK, NYE, LINCOLN AND ESME-
RALDA IN THE STATE OF NEVADA. CONCUR-
RENT USE PROCEEDING NO. 1069 WITH AP-
PLICATION SERIAL NOS. 74/129795; 74/129796;
74/129797; AND 74/502436.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "KEEP REFRIGERATED",
"FLOUR", "SINCE 1944", "TORTILLERIA
INC.", "TORTILLAS" AND "PRICE", APART
FROM THE MARK AS SHOWN.


CERTIFICATE OF SERVICE

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I hereby certify that a copy of the foregoing VOLUNTARY SURRENDER OF U.S. REGISTRATION NO. 2,093,922 FOR CANCELLATION WITH CONSENT OF PETITIONER AND WITHDRAWAL OF PETITION FOR CANCELLATION was sent to attorneys for Registrant by first class mail, postage prepaid, to the following address:

Mark D. Miller, Esq.
Kimble, MacMichael & Upton
Fig Garden Financial Center
5260 North Palm, Suite 221
Fresno, California 93704

DATED: October 7, 2003


B.C. Dunne

LATAP 60002

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