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Filing date: **06/03/2020**

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

Proceeding	92071995
Party	Plaintiff Hacienda Central, Inc.
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Submission	Motion to Compel Discovery or Disclosure
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Signature	/Aileen Vazquez-Jimenez/
Date	06/03/2020
Attachments	Motion to Compel Discovery.pdf(134487 bytes) Exhibi 1 -First Request for Admissions.pdf(185267 bytes) Exhibit 2 - Petitioners First Request for Documents.pdf(201147 bytes) Exhibit 3 - PETITIONERS FIRST SET OF INTERROGATORIES.pdf(219122 bytes) Exhibit 4 - Intrrogatoies Email March 18.pdf(628021 bytes) Exhibit 5 -Petitioners Second Set Request for Documents 2.pdf(210839 bytes) Exhibit 6 - Second Req for Docs April 17.pdf(632419 bytes) Exhibit 7 - Email Aril 27.pdf(85461 bytes) Exhibit 8 .pdf(140028 bytes) Exhibit 9 June 3 Email.pdf(168472 bytes) Exhibit 10- Statement AVJ.pdf(141106 bytes)

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

HACIENDA CENTRAL INC.
Petitioner

v.

PEDRO L. BONNET
Registrant

Proceeding No.: 92071995
Registration Nos.: 4988101 and
4992481
Marks: LA HACIENDA and LA
HACIENDA MEAT CENTER
Dates of Registration: June 28, 2016
and July 05, 2016

**MOTION TO COMPEL DISCOVERY RESPONSES, REQUEST TO DEEM ADMITTED
PETITIONER’S FIRST REQUEST FOR ADMISSIONS, AND FOR EXTENSION OF
DEADLINES**

TO THE HONORABLE BOARD:

COMES NOW Petitioner, Hacienda Central, Inc., through its undersigned counsel, and respectfully states, alleges and prays:

1. Petitioner (hereinafter “HCI” or “Petitioner”) moves the Board for an order compelling Registrant, Pedro L. Bonnet (hereinafter “Bonnet” or “Registrant”), to produce his responses to all the discovery requests served by HCI during the discovery process in these proceedings.

2. On March 13, 2020, HCI served on Bonnet “Petitioner’s First Request for Admissions” and “Petitioner’s First Request for Production of Documents and Things”. **Exhibits 1-2.** A few days later, on March 18, 2020, HCI served on Bonnet “Petitioner’s First Set of Interrogatories” **Exhibits 3-4.** Then, on April 17, 2020, HCI served Bonnet with “Petitioner’s Second Request for documents and Things”. **Exhibits 5-6.**

3. Accordingly, pursuant to the Rules of this Board, Bonnet was required to provide his responses to all the aforementioned discovery request **within 30 days**. Specifically, the responses to the request for admissions and the first request for documents were due on April 13, 2020; the

responses to the set of interrogatories were due on April 17, 2020; and the responses to the second request for documents were due on May 18, 2020. *See* TBMP 405.04(a), 406.04(a), 407.03(a).

4. However, to this date all of these requests are outstanding and well past due. In spite of the multiple opportunities HCI has given Bonnet, and of HCI's most diligent and good faith efforts to try and obtain Bonnet's responses without the Board's intervention, he continues to refuse to provide his answers. **Exhibits 1-10.** Given the circumstances, HCI has no other recourse but to file this motion, requesting intervention and relief from the Board.

5. Pursuant to TMBP 523.01, HCI requests the Board to compel Bonnet to produce his answers to Petitioner's First and Second Request for Production of Documents and Things, and Petitioner's First Set of Interrogatories.

6. In regard to the Requests for Admissions, HCI requests the Board to issue an order deeming them admitted. Requests for admissions are **automatically** deemed admitted **by operation of law** when a written answer or objection addressed to the matter and signed by the party or its attorney is not served on the requesting party within 30 days after being served with the requests. *See* TBMP 407.03(a). *See also*, Fed. R. Civ. P. 36(a)(3). Accordingly, Petitioner does not need to request such a ruling from the Board, because, **as a matter of fact and law**, the requests for admissions are already admitted in this case. *See* TBMP 407.03(a). However, given Bonnet's recalcitrant allegations that HCI's allegations have not merit, we request an official ruling to avoid a future objection from Bonnet.

7. Due to Bonnet's failure to cooperate and produce his answers to all the discovery requests served to him, HCI has been gravely prejudiced and impaired to move forward with the case, as all of the requests in controversy relate to evidence needed to further sustain his causes of action.

8. Nevertheless, Bonnet refuses to produce his answers thereto, claiming that he filed a motion requesting suspension of the proceedings (to which HCI timely opposed, as there are no valid bases- neither factual nor legal- to suspend the proceedings).

9. **However, to this date the proceedings have not been suspended and all of the requests were made long before the Board has made any determination regarding Bonnet's request for suspension.** Even though Bonnet requested the suspension of these proceedings, said request was made well after the due date for his response to all of the outstanding discovery requests served on him back in March 2020. **Moreover, except for Petitioner's Second Request for Documents, the rest of the requests were long past due before Bonnet's filing of his motion to suspend.** Therefore, Bonnet's claim is without merit and he has a duty to produce his answers.

10. According to the Rules of this Board, suspensions are not automatic because of the filing of any other proceeding. Pursuant to Section 510.02 of the TBMP, in those cases the suspension of the proceedings before the TTAB is solely in the discretion of the Board. In this case, the Board has not issued an order suspending the proceedings and, as such, **they remain active. Furthermore, Bonnet has not established a valid cause for his failure to comply with the applicable deadlines and/or to cooperate in the discovery proceedings.**

11. It is well settled law that the Board expects parties and their attorneys to cooperate during the discovery process and "looks with extreme disfavor those who do not". See TBMP 401.06 & 408.01. As a party in a Board proceeding, Bonnet must make a good faith effort to satisfy the discovery needs of the adversary. *See* TBMP 408.01.

12. At the very least, Bonnet could have requested HCI an extension of time (provided that an excusable neglect existed, which, evidently, there was none as Bonnet admitted having acted intentionally) to produce his answers; yet, he decided not to. Instead, in a cavalier fashion, Bonnet

opted to request the suspension of the proceedings after the due date to avoid providing his responses. Or to purposely force Petitioner to file a Motion to Compel, which would automatically suspend the proceedings, which is exactly what Bonnet wants. All of the foregoing, presumably, after noticing that they were very severely detrimental to him.

13. As it is evident from the communications exchanged by the parties (and the record of both Cancellation Proceedings between the parties), Bonnet is well aware that he has no evidence to prove that he has used the marks or that he even owns the marks, and that is why he is deliberately and desperately trying to suspend all the proceedings in the TTAB and the Puerto Rico Trademark Registry (hereinafter “PRTR”), where he is on the verge of a negative judgement against him.

14. In fact, to this date the proceedings in the are still active and the Compliant filed by Bonnet in federal court has no bearing on the issues before this Board. If anything, it is totally the opposite, since according to newly discovered evidence, Bonnet has no rights over the trademark registrations herein at issue and, thus, they must be cancelled. As the Board can see from the discovery requests, they are all directed at obtaining further proof of Bonnet’s lack of use of the marks and the false statements he has made, which amount to committing fraud in procuring the trademark registrations at issue.

15. In the proceedings before the PRTR, **after years of litigation**, HCI recently unearthed evidence, purposely hidden by Bonnet, that further proves he has not been truthful. Said evidence was discovered after HCI filed the instant Petition to Cancel. As a result, the requested evidence herein at issue is very important to HCI’s Petition to Cancel and is the reason why Bonnet filed a Complaint in Federal Court, in an effort to distract attention and avoid the cancellations of the trademarks registrations under his name.

16. HCI respectfully submits that by purposely abstaining to respond to the discovery requests claiming as basis his request for suspension, Bonnet is *de facto* attributing himself a power/authority that solely corresponds to the Board. As such, Bonnet's actions are against the law and unduly prejudicial to HCI.

17. Moreover, it appears that Bonnet's true purpose is avoid at any cost responding to the discovery requests and/or to force HCI to file a Motion to Compel, which, for all practical purposes will automatically suspend the proceedings. As such, in addition to its duty to try and resolve the controversy before requesting the Board's intervention, HCI exhausted all available resources to try and avoid having to file this motion, as it would inevitably result in the automatic suspension of the proceedings, giving way to Bonnet's wishes. Nevertheless, having no other option to preserve its rights, HCI has been forced to seek relief from the Board.

18. We bring to the Board's attention that HCI has at all times complied with and timely responded to all discovery requests made by Bonnet.

19. Accordingly, given the foregoing exigent circumstances, HCI also requests that all upcoming deadlines in these proceedings, including Petitioner's Pre-Trial Disclosures, are set aside or extended, to allow HCI to adequately conclude the discovery process. TMBP 523.01 and 37 C.F.R. § 2.120(f).

20. HCI hereby certifies that, prior to seeking this Board's intervention with this discovery issue, its legal representative contacted and conferred in good faith on several occasions with Bonnet's counsel in an effort to obtain the requested discovery requests and resolve the issues presented herein. However, it was unable to reach an agreement.

WHEREFORE, for the aforementioned reasons, it is respectfully requested that this Honorable Board issue an order granting the following motion and all the remedies requested herein, together with any other remedy it deems adequate in accordance with the law, including the following:

- i) An order compelling Registrant Bonnet to produce his answers to Petitioner's First and Second Request for Production of Documents and Things, and Petitioner's First Set of Interrogatories;
- ii) A ruling deeming admitted Plaintiff's First Requests for Admissions;
- iii) An order setting aside or extending all upcoming deadlines in these proceedings.

RESPECTFULLY SUBMITTED

This 3rd of June 2020.

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that on this date, a true and correct copy of the foregoing "PETITIONER'S OPPOSITION TO REGISTRANT'S REQUEST FOR SUSPENSION OF PROCEEDINGS" was served by email upon Registrant's representative: Alejandro J. Cacho-Rodríguez, to the email address of record.

Dated: June 3, 2020

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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HACIENDA CENTRAL INC.

Petitioner

v.

PEDRO L. BONNET

Registrant

Cancellation No.: 92071995

Registration Nos.: 4988101 and
4992481

Marks: LA HACIENDA and LA
HACIENDA MEAT CENTER

Dates of Registration: June 28, 2016
and July 05, 2016

Petitioner's First Request for Admissions for Registrant

Pursuant to Rule 36 of the Federal Rules of Civil Procedure and Section 407.2 of the Trademark Trial and Appeal Board Manual of Procedure, Petitioner, Hacienda Central, Inc. ("Petitioner") hereby requests Registrant to admit, by an officer or director, for purposes of this proceeding, in writing, within thirty (30) days of service, the Requests for Admission set forth below.

INSTRUCTIONS AND DEFINITIONS

- A. The term "Registrant" as well as Registrant's full or abbreviated name or a pronoun referring to Registrant means Pedro L. Bonnet, (hereinafter referred to as "Registrant"). This definition is not intended to impose a discovery obligation on any person who is not a party to this proceeding.
- B. "Registered marks" means the marks subject of this Cancellation and the case at hand, namely, "LA HACIENDA MEAT CENTER", U.S. Trademark Registration No. 4992481 and "LA HACIENDA", U.S. Trademark Registration No. 4988101.
- C. "Registered Services" means the services identified in U.S. Trademark Registration Nos. 4992481 and 4988101, namely "retail deli and grocery stores".
- D. "The term "Petitioner" refers to Petitioner, Hacienda Central, Inc.
- E. The term "person" is defined as any natural person or any business, legal or governmental entity or association.
- F. Whenever the terms "documents" or "all documents" are used herein, these terms are meant to include all documents available to "Opposer" 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 “Opposer”, 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.

- G. References to the terms “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.
- H. The singular shall include the plural and the plural shall include the singular.
- I. As used herein, the term “communication” shall mean any contact, oral or written, formal or informal, at any time or place, and under any circumstance whatsoever, in which information of any nature was transmitted or received.
- J. As used herein, the terms “any” and “all” also include “each and every”.
- K. “Relating to” or “concerning” means relating to, concerning, pertaining to, referring to, describing, discussing, reflecting, evidencing, constituting, supporting contradicting or resulting from the matter specified.

The Requests for Admission are as follows:

Requests.

1. Admit that the first establishment that operated under the trademark “La Hacienda Meat Center” was a butcher shop located in Caparra, Puerto Rico.
2. Admit that the owner of the one hundred percent (100%) of the shares of the Puerto Rico limited liability company named Apolinar, LLC is “Fideicomiso Pedro Luis Bonnet E Iliana Irvine Figueroa”.
3. Admit that Registrant has never owned any **retail deli store** with the mark “LA HACIENDA” in any of the 50 states of the United States of America.
4. Admit that Registrant has never owned any **retail deli store** with the mark “LA HACIENDA MEAT CENTER” in any of the 50 states of the United States of America.

5. Admit that Registrant has never owned any **grocery store** with the mark “LA HACIENDA” in any of the 50 states of the United States of America.
6. Admit that Registrant has never owned any **grocery store** with the mark “LA HACIENDA MEAT CENTER” in any of the 50 states of the United States of America.
7. Admit that Registrant has never owned any **commercial business or establishment** of any kind with the mark “LA HACIENDA” in any of the 50 states of the United States of America.
8. Admit that Registrant has never owned any **commercial business or establishment** of any kind with the mark “LA HACIENDA MEAT CENTER” in any of the 50 states of the United States of America.

On March 11, 2020

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Attorneys for Petitioner

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that on this date, a true and correct copy of Petitioner’s First Request for Admissions was served upon the Registrant’s representative: Alejandro J. Cacho-Rodríguez, to the email address of record.

On March 11, 2020

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Attorneys for Petitioner

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PEDRO L. BONNET

Registrant

Cancellation No.: 92071995

Registration Nos.: 4988101 and
4992481

Marks: LA HACIENDA and LA
HACIENDA MEAT CENTER

Dates of Registration: June 28, 2016
and July 05, 2016

**PETITIONER'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS AND
THINGS**

Pursuant to Rule 406 of the Trademark Trial and Appeal Board Manual of Procedure and Rule 34 of the Federal Rules of Civil Procedure, Petitioner, Hacienda Central, Inc. (hereinafter "Hacienda Central" or "Petitioner"), hereby requests that Registrant, Pedro L. Bonnet ("Bonnet" or "Registrant"), answer the following requests and forward copies of the documents demanded to Applicant.

INSTRUCTIONS AND DEFINITIONS

A. The term "Registrant" as well as Registrant's full or abbreviated name or a pronoun referring to Registrant means Pedro L. Bonnet, (hereinafter referred to as "Registrant"). This definition is not intended to impose a discovery obligation on any person who is not a party to this proceeding.

B. "Registered Marks" means the marks subject of this Cancellation and the case at hand, namely, "LA HACIENDA MEAT CENTER", U.S. Trademark Registration No. 4992481 and "LA HACIENDA", U.S. Trademark Registration No. 4988101.

C. "Registered Services" means the services identified in U.S. Trademark Registration Nos. 4992481 and 4988101, namely "retail deli and grocery stores".

D. The term "Petitioner" refers to Petitioner, Hacienda Central, Inc.

E. As used herein “person” shall mean both natural persons and corporate or other business entities, whether or not in the employ of Registrant, unless otherwise specified.

F. Whenever the term “documents” or “all documents” are used herein, these terms are meant to include all documents available to Registrant 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 Registrant, 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 documents 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.

G. These requests are continuing and impose upon you the obligations stated in Rule 26 of the Federal Rules of Civil Procedure. Therefore, Petitioner hereby demands that any additional information relating in any way to these requests and to events occurring or documents existing prior to the filing of the action herein, which Registrant acquires or which becomes known to Registrant up to and including the close of the rebuttal testimony period shall be furnished to Petitioner immediately after such documents are acquired or become known.

H. References to the terms “and” and “or” shall be interpreted in their broadest sense and shall include both the disjunctive and the conjunctive.

I. As used herein, the terms “any” and “all” also include “each and every.”

J. The singular shall include the plural and the plural shall include the singular.

K. "Relating to" or "concerning" means relating to, concerning, pertaining to, referring to, describing, discussing, reflecting, evidencing, constituting, supporting, contradicting or resulting from the matter specified.

L. If any request cannot be answered in full, respond to the extent possible, specifying the reasons for the inability to respond to the remainder of the request, and state whatever information or knowledge is available concerning the unanswered portion.

M. If you object to fully answering any interrogatory, in whole or in part, on the basis of a claim of privilege, work product, or other authority, state the complete factual and legal basis for your claim, and each person with knowledge of any portion of the factual basis of your claim.

N. If, in answering these requests, you claim any ambiguity in interpreting a request, such claim shall not be used as a basis for refusing to respond. Rather, you shall set forth any portion of the request you deem ambiguous, and the interpretation you use in responding to the request.

O. If any document herein requested has been lost, discarded, deleted, destroyed or otherwise disposed of, identify such document as fully as possible, providing the following information:

- a. The type of document;
- b. The date or approximate date of its creation;
- c. The date or approximate date it was lost, discarded, deleted or destroyed;
- d. The circumstances and the manner in which it was lost, discarded, deleted or destroyed;
- e. The reasons for disposing of, discarding, deleting, or destroying the document;
- f. The identity of all the persons who have knowledge of the circumstances relevant to the destruction or disposal of the document or thing; and
- g. The identity of all the persons who have knowledge of the contents of document.

P. Except as otherwise provided in a confidentiality or protective agreement between the parties in this case, should Registrant deem to be privileged any document concerning information which is requested by any of the following interrogatories, Registrant shall list such documents and shall indicate that they claim privilege therefore, briefly state the nature of the document, the sender, the author, 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 Registrant 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.

REQUESTS

Request No. 1

Produce all documents sufficient to prove Registrant's First Affirmative Defense.

Request No. 2

Produce all documents sufficient to prove Registrant's Second Affirmative Defense.

Request No. 3

Produce all documents sufficient to prove Registrant's Third Affirmative Defense.

Request No. 4

Produce all documents sufficient to show that Registrant began using the Registered Mark "LA HACIENDA MEAT CENTER" in the United States Commerce in the year 1979 to identify "retail deli and grocery stores".

Request No. 5

Produce all documents sufficient to show that Registrant has made continuous use of the Registered Mark "LA HACIENDA MEAT CENTER" in the United States Commerce since the year 1979 to the present, to identify "retail deli and grocery stores".

Request No. 6

Produce all documents sufficient to show the number of establishments that currently operate under the Registered Mark "LA HACIENDA MEAT CENTER" and their physical addresses.

Request No. 7

Produce all documents sufficient to show that Registrant began using the Registered Mark "LA HACIENDA" in the United States Commerce in the year 1979 to identify "retail deli and grocery stores".

Request No. 8

Produce all documents sufficient to show that Registrant has made continuous use of the Registered Mark “LA HACIENDA” in the United States Commerce since the year 1979 to the present, to identify “retail deli and grocery stores”.

Request No. 9

Produce all documents sufficient to show the number of establishments that currently operate under the Registered Mark “LA HACIENDA” and their physical addresses.

Request No. 10

Produce all documents that Registrant may use as evidence in support of its allegations during the trial in the instant proceedings, regardless if it has made a final determination about it.

Request No. 7

If any of Petitioner’s First Request of Admissions sent to Registrant were denied, produce all documents in support of such denials.

Request No. 8

Produce all documents that have not been expressly requested in the preceding requests for documents and things, and that relate to, or refer to, or evidence, or support Registrant’s allegations in the instant proceedings.

Request No. 9

Produce all documents that have not been expressly requested in the preceding requests for documents and things, and that relate to, or refer to, or evidence, or support Registrant’s defenses in the instant proceedings.

On March 13, 2020

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Attorneys for Petitioner

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that on this date, a true and correct copy of Petitioner's First Set of Request for Production of Documents to Registrant was served upon the Registrant's representative: Alejandro J. Cacho-Rodríguez, to the email address of record.

On March 13, 2020

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Dates of Registration: June 28, 2016
and July 05, 2016

PETITIONER'S FIRST SET OF INTERROGATORIES TO REGISTRANT

Pursuant to Rule 2.120 of the Trademark Rules of Practice of the Patent and Trademark Office and Rule 33 of the Federal Rules of Civil Procedure, Petitioner, Hacienda Central, Inc. (hereinafter "Petitioner"), hereby requests that Registrant, Pedro L. Bonnet, (hereinafter referred to as "Registrant"), answer the following interrogatories under oath and forward copies of the document demanded to Registrant.

INSTRUCTIONS AND DEFINITIONS

- A. The term "Registrant" as well as Registrant's full or abbreviated name, the terms "you" and "your", or a pronoun referring to Registrant means Pedro L. Bonnet, (hereinafter referred to as "Registrant"). This definition is not intended to impose a discovery obligation on any person who is not a party to this proceeding.
- B. "Registered Marks" means the marks subject of this Cancellation and the case at hand, namely, "LA HACIENDA MEAT CENTER", U.S. Trademark Registration No. 4992481 and "LA HACIENDA", U.S. Trademark Registration No. 4988101
- C. "Registered Services" means the services identified in U.S. Trademark Registration Nos. 4992481 and 4988101, namely "retail deli and grocery stores".
- D. The term "Petitioner" refers to Petitioner, Hacienda Central, Inc.
- E. Wherever in the following interrogatories Registrant is asked to identify documents, it is requested that the documents be identified by stating:

1. General type of document, i.e., letter, memorandum, report, miscellaneous, notes, etc.;
2. Date;
3. Author;
4. Organization, if any, with which author was connected;
5. Addressee or recipient;
6. Other distributees;
7. Organization, if any, with which addressee or recipient, or distributees were connected;
8. Its dates and manner of distribution and publication, if any;
9. Identity of persons who can identify it;
10. Present location of such document and each copy thereof known to Petitioner, including the title, index number and location, if any, of the file in which the document is kept or the file from which such document was removed, if removed for the purposes of this case, and the identity of all persons responsible for the filing or other disposition of the document.

F. Wherever in the following interrogatories Registrant is asked to identify persons, it is requested that the persons be identified by stating:

1. Their full name, home and business addresses, if known;
2. Their employment, job title or description; and
3. If employed by Registrant, their dates and regular places of employment and general duties.

G. Wherever in the following interrogatories Registrant is asked to identify an entity, or the response to an interrogatory would require the identification of an entity, including but not limited to a corporation, partnership, association or trust, or division thereof, it is requested that the entity be identified by stating:

1. The full name of the entity;
2. A description of the type of entity (e.g., corporation, sole proprietorship, partnership, etc.);
3. A brief description of the general nature of its business;
4. Its state or place of incorporation;
5. The address and telephone number of its principal place of business;
6. Nature of business;
7. Relation, if any, to Registrant or to Registrant's goods or products; and
8. The identity of the officers or other person having knowledge of the matter with respect to which the company has been identified.

H. Wherever in the following interrogatories Registrant is asked to identify, or the response to an interrogatory would require the identification of a trademark or trademark application or registration, it is requested that such trademarks or trademarks applications or registrations be identified by stating:

1. The country or state, registration number, and application number;
 2. Its date of first use in that country or state and the goods on which used;
 3. Identity of trademark owner;
 4. Identity of any U.S. counterpart application of registration;
 5. Date of first use in the U.S. and the goods on which used.
- I. Wherever in the following interrogatories Registrant is asked to identify, or the response to an interrogatory would require the identification of a product, device or goods, it is requested that such products, devices or goods be identified by stating:
1. The catalog, stock, model or like number or designation;
 2. The trademark, name, type, grade, and any other designation customarily used by the party concerned and the trade to designate such product, device or goods and to distinguish it from others made or sold by the same or a different producer or vendor.
- J. Except as otherwise provided in a confidentiality or protective agreement between the parties in this case, should Registrant deem to be privileged any document concerning information which is requested by any of the following interrogatories, Registrant shall list such documents and shall indicate that they claim privilege therefore, briefly state the nature of the document, the sender, the author, 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 Registrant 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.
- K. Whenever the terms "documents" or "all documents" are used herein, these terms are meant to include all documents available to Registrant 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 Registrant, 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.

- L. Each of the separate interrogatories herein is deemed to seek separate answers and responses as of the date hereof and these interrogatories shall be deemed to be continuing and any additional information relating in any way to these interrogatories and to events occurring or documents existing prior to the filing of the action herein which Registrant acquires or which becomes known to Registrant up to and including the close of the rebuttal testimony period shall be furnished to Petitioner immediately after such information is acquired or becomes known.
- M. References to the terms “and” and “or” shall be interpreted in their broadest sense and shall include both the disjunctive and the conjunctive.
- N. The singular shall include the plural and the plural shall include the singular.
- O. “Relating to” or “concerning” means relating to, concerning, pertaining to, referring to, describing, discussing, reflecting, evidencing, constituting, supporting contradicting or resulting from the matter specified.
- P. “Petition” means the “Petition for Cancellation” filed by Hacienda Central, Inc. on August 9, 2019, object of these proceedings.
- Q. These interrogatories and requests are continuing and impose upon you the obligations stated in Rule 26 of the Federal Rules of Civil Procedure.
- R. If any interrogatory cannot be answered in full, respond to the extent possible, specifying the reasons for the inability to respond to the remainder of the interrogatory, and state whatever information or knowledge is available concerning the unanswered portion.
- S. As used herein, the term “communication” shall mean any contact, oral or written, formal or informal, at any time or place, and under any circumstance whatsoever, in which information of any nature was transmitted or received.
- T. As used herein, the terms “any” and “all” also include “each and every”.
- U. If you object to fully answering any interrogatory, in whole or in part, on the basis of a claim of privilege, work product, or other authority, state the complete factual and legal basis for your claim, and each person with knowledge of any portion of the factual basis of your claim.

- V. If, in answering these interrogatories, you claim any ambiguity in interpreting an Interrogatory; such claim shall not be used as a basis for refusing to respond. Rather, you shall set forth any portion of the interrogatory you deem ambiguous, and the interpretation you use in responding to the interrogatory.
- W. These interrogatories are continuing in nature and Petitioner hereby demands that any information coming into the possession of Registrant or its counsel that would change or alter Registrant's answers in any way be promptly furnished to Petitioner's counsel.
- X. As used herein "person" shall mean both natural persons and corporate or other business entities, whether or not in the employ of Registrant, unless otherwise specified.

INTERROGATORIES

Interrogatory No. 1:

In relation to Registrant's answer to paragraph 7 of the Petition, provide a detail explanation as to why Registrant denied such allegation. Provide all documents sufficient to support your response to this Interrogatory.

Interrogatory No. 2:

In relation to Registrant's answer to paragraph 8 of the Petition, provide a detail explanation as to why Registrant denied such allegation. Provide all documents sufficient to support your response to this Interrogatory.

Interrogatory No. 3:

In relation to Registrant's answer to paragraph 11 of the Petition, provide a detail explanation as to why you denied such allegation. Provide all documents sufficient to support your response to this Interrogatory.

Interrogatory No. 4

In relation to Registrant's answer to paragraph 12 of the Petition, provide a detail explanation as to why Registrant denied such allegation. Provide all documents sufficient to support your response to this Interrogatory.

Interrogatory No. 5

In relation to Registrant's answer to paragraph 14 of the Petition, provide a detail explanation as to why Registrant denied part of such allegation. Provide all documents sufficient to support your response to this Interrogatory.

Interrogatory No. 6

In relation to Registrant's answer to paragraph 16 of the Petition, provide a detail explanation as to why Registrant denied part of such allegation. Provide all documents sufficient to support your response to this Interrogatory.

Interrogatory No. 7

In relation to Registrant's answer to paragraph 18 of the Petition, provide a detail explanation as to why Registrant denied such allegation. Provide all documents sufficient to support your response to this Interrogatory.

Interrogatory No. 8

In relation to Registrant's answer to paragraph 20 of the Petition, provide a detail explanation as to why Registrant denied such allegation. Provide all documents sufficient to support your response to this Interrogatory.

Interrogatory No. 9

In relation to Registrant's answer to paragraph 22 of the Petition, provide a detail explanation as to why Registrant denied such allegation. Provide all documents sufficient to support your response to this Interrogatory.

Interrogatory No. 10

In relation to Registrant's answer to paragraph 23 of the Petition, provide a detail explanation as to why Registrant denied part of such allegation. Provide all documents sufficient to support your response to this Interrogatory.

Interrogatory No. 11

In relation to Registrant's answer to paragraph 26 of the Petition, provide a detail explanation as to why Registrant denied such allegation. Provide all documents sufficient to support your response to this Interrogatory.

Interrogatory No. 12

In relation to Registrant's answer to paragraph 27 of the Petition, provide a detail explanation as to why Registrant denied such allegation. Provide all documents sufficient to support your response to this Interrogatory.

Interrogatory No. 13

In relation to Registrant's answer to paragraph 36 of the Petition, provide a detail explanation as to why Registrant denied such allegation. Provide all documents sufficient to support your response to this Interrogatory.

Interrogatory No. 14

In relation to Registrant's answer to paragraph 37 of the Petition, provide a detail explanation as to why Registrant denied such allegation. Provide all documents sufficient to support your response to this Interrogatory.

Interrogatory No. 15

In relation to Registrant's answer to paragraph 38 of the Petition, provide a detail explanation as to why Registrant denied such allegation. Provide all documents sufficient to support your response to this Interrogatory.

Interrogatory No. 16

In relation to Registrant's answer to paragraph 39 of the Petition, provide a detail explanation as to why Registrant denied such allegation. Provide all documents sufficient to support your response to this Interrogatory.

Interrogatory No. 17

In relation to Registrant's answer to paragraph 44 of the Petition, provide a detail explanation as to why Registrant denied such allegation. Provide all documents sufficient to support your response to this Interrogatory

Interrogatory No. 18

In relation to Registrant's answer to paragraph 45 of the Petition, provide a detail explanation as to why Registrant denied such allegation. Provide all documents sufficient to support your response to this Interrogatory.

Interrogatory No. 19

In relation to Registrant's answer to paragraph 46 of the Petition, provide a detail explanation as to why Registrant denied such allegation. Provide all documents sufficient to support your response to this Interrogatory.

Interrogatory No. 20

In relation to Registrant's answer to paragraph 47 of the Petition, provide a detail explanation as to why Registrant denied such allegation. Provide all documents sufficient to support your response to this Interrogatory.

Interrogatory No. 21

In relation to Registrant's answer to paragraph 48 of the Petition, provide a detail explanation as to why Registrant denied such allegation. Provide all documents sufficient to support your response to this Interrogatory.

Interrogatory No. 22

In relation to Registrant's answer to paragraph 49 of the Petition, provide a detail explanation as to why Registrant denied such allegation. Provide all documents sufficient to support your response to this Interrogatory.

Interrogatory No. 23

In relation to Registrant's answer to paragraph 50 of the Petition, provide a detail explanation as to why Registrant denied such allegation. Provide all documents sufficient to support your response to this Interrogatory.

Interrogatory No. 24

In relation to Registrant's answer to paragraph 51 of the Petition, provide a detail explanation as to why Registrant denied such allegation. Provide all documents sufficient to support your response to this Interrogatory.

Interrogatory No. 22

In relation to Registrant's answer to paragraph 52 of the Petition, provide a detail explanation as to why Registrant denied such allegation. Provide all documents sufficient to support your response to this Interrogatory.

Interrogatory No. 23

In relation to Registrant's answer to paragraph 47 of the Petition, provide a detail explanation as to why Registrant denied such allegation. Provide all documents sufficient to support your response to this Interrogatory.

Interrogatory No. 24

Identify each commercial establishment that currently operates in connection with the registered mark "LA HACIENDA MEAT CENTER". For each establishment, provide the physical address and date in which it began to operate.

Interrogatory No. 25

Identify each commercial establishment that currently operates in connection with the registered mark “LA HACIENDA”. For each establishment, provide the physical address and date in which it began to operate.

On March 18, 2020

Hoglund & Pamias, P.S.C.
256 Eleanor Roosevelt Street
San Juan, Puerto Rico 00918
Telephone: 787-772-9200 / 787-772-9834
Fax: 787-772-9533

s/Samuel F. Pamias-Portalatín
Samuel F. Pamias-Portalatín
E-mail: samuel@hhoglund.com

s/Aileen Vázquez Jiménez
Aileen Vázquez Jiménez
E-mail: aileen@hhoglund.com

Attorneys for Petitioner

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that on this date, a true and correct copy of PETITIONER’S FIRST SET OF INTERROGATORIES TO REGISTRANT was served upon the Registrant’s representative: Alejandro J. Cacho-Rodríguez, to the email address of record.


On March 18, 2020

Hoglund & Pamias, P.S.C.
256 Eleanor Roosevelt Street
San Juan, Puerto Rico 00918
Telephone: 787-772-9200 / 787-772-9834
Fax: 787-772-9533

s/Samuel F. Pamias-Portalatín
Samuel F. Pamias-Portalatín
E-mail: samuel@hhoglund.com

s/Aileen Vázquez Jiménez
Aileen Vázquez Jiménez
E-mail: aileen@hhoglund.com

Attorneys for Petitioner

From: adriana@hhoglund.com 
Subject: Hacienda Central Inc. v. Pedro L. Bonnet, Cancellation No. 92071995
Date: March 18, 2020 at 2:29 PM
To: cacho@cacholaw.com
Cc: Aileen Vazquez aileen@hhoglund.com, luis@hhoglund.com, Samuel Pamias Portalatín samuel@hhoglund.com

Dear Counsel:

Attached please find Petitioner's First Set of Interrogatories to Registrant in the referenced proceeding.

Should you have any questions, please do not hesitate to contact us.

Sincerely,



ADRIANA T. AMADEO-VISSEPÓ
ATTORNEY AT LAW AND NOTARY
HOGLUND & PAMIAS, PSC
OFFICE 787-772-9834 / 9200
FAX: 787-772-9533
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HOGLUND & PAMIAS, P.S.C.
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PETITIONER'S
FIRST...rev.pdf

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

HACIENDA CENTRAL INC.

Petitioner

v.

PEDRO L. BONNET

Registrant

Cancellation No.: 92071995

Registration Nos.: 4988101 and
4992481

Marks: LA HACIENDA and LA
HACIENDA MEAT CENTER

Dates of Registration: June 28, 2016
and July 05, 2016

**PETITIONER'S SECOND REQUEST FOR PRODUCTION OF DOCUMENTS AND
THINGS**

Pursuant to Rule 406 of the Trademark Trial and Appeal Board Manual of Procedure and Rule 34 of the Federal Rules of Civil Procedure, Petitioner, Hacienda Central, Inc. (hereinafter "Hacienda Central" or "Petitioner"), hereby requests that Registrant, Pedro L. Bonnet ("Bonnet" or "Registrant"), answer the following requests and forward copies of the documents demanded to Applicant.

INSTRUCTIONS AND DEFINITIONS

A. The term "Registrant" as well as Registrant's full or abbreviated name or a pronoun referring to Registrant, means Pedro L. Bonnet, (hereinafter referred to as "Registrant"). This definition is not intended to impose a discovery obligation on any person who is not a party to this proceeding.

B. "Registered Marks" means the marks subject of this Cancellation and the case at hand, namely, "LA HACIENDA MEAT CENTER", U.S. Trademark Registration No. 4992481 and "LA HACIENDA", U.S. Trademark Registration No. 4988101.

C. "Registered Services" means the services identified in U.S. Trademark Registration Nos. 4992481 and 4988101, namely "retail deli and grocery stores".

D. The term "Petitioner" refers to Petitioner, Hacienda Central, Inc.

E. As used herein “person” shall mean both natural persons and corporate or other business entities, whether or not in the employ of Registrant, unless otherwise specified.

F. Whenever the term “documents” or “all documents” are used herein, these terms are meant to include all documents available to Registrant 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 Registrant, 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 documents 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.

G. These requests are continuing and impose upon you the obligations stated in Rule 26 of the Federal Rules of Civil Procedure. Therefore, Petitioner hereby demands that any additional information relating in any way to these requests and to events occurring or documents existing prior to the filing of the action herein, which Registrant acquires or which becomes known to Registrant up to and including the close of the rebuttal testimony period shall be furnished to Petitioner immediately after such documents are acquired or become known.

H. References to the terms “and” and “or” shall be interpreted in their broadest sense and shall include both the disjunctive and the conjunctive.

I. As used herein, the terms “any” and “all” also include “each and every.”

J. The singular shall include the plural and the plural shall include the singular.

K. "Relating to" or "concerning" means relating to, concerning, pertaining to, referring to, describing, discussing, reflecting, evidencing, constituting, supporting, contradicting or resulting from the matter specified.

L. If any request cannot be answered in full, respond to the extent possible, specifying the reasons for the inability to respond to the remainder of the request, and state whatever information or knowledge is available concerning the unanswered portion.

M. If you object to fully answering any interrogatory, in whole or in part, on the basis of a claim of privilege, work product, or other authority, state the complete factual and legal basis for your claim, and each person with knowledge of any portion of the factual basis of your claim.

N. If, in answering these requests, you claim any ambiguity in interpreting a request, such claim shall not be used as a basis for refusing to respond. Rather, you shall set forth any portion of the request you deem ambiguous, and the interpretation you use in responding to the request.

O. If any document herein requested has been lost, discarded, deleted, destroyed or otherwise disposed of, identify such document as fully as possible, providing the following information:

- a. The type of document;
- b. The date or approximate date of its creation;
- c. The date or approximate date it was lost, discarded, deleted or destroyed;
- d. The circumstances and the manner in which it was lost, discarded, deleted or destroyed;
- e. The reasons for disposing of, discarding, deleting, or destroying the document;
- f. The identity of all the persons who have knowledge of the circumstances relevant to the destruction or disposal of the document or thing; and
- g. The identity of all the persons who have knowledge of the contents of document.

P. Except as otherwise provided in a confidentiality or protective agreement between the parties in this case, should Registrant deem to be privileged any document concerning information which is requested by any of the following interrogatories, Registrant shall list such documents and shall indicate that they claim privilege therefore, briefly state the nature of the document, the sender, the author, 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 Registrant 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.

REQUESTS

Request No. 1

Produce all documents sufficient to show all steps taken by Registrant before and after filing the applications for U.S. Registration No. 4992481 and 4988101, towards the offering, providing, and conducting of retail deli and grocery stores services under or in connection with the LA HACIENDA and LA HACIENDA MEAT CENTER Marks in the United States interstate commerce..

Request No. 2

Produce all documents sufficient to show all plans Registrant had before or at the time of filing the applications for U.S. Registration No. 4992481 and 4988101 to conduct retail deli and grocery stores services under or in connection with the LA HACIENDA and LA HACIENDA MEAT CENTER Marks in the United States interstate commerce.

Request No. 3

Produce all documents sufficient to show all geographic locations in which **Registrant** is authorized by the corresponding governmental authority to conduct retail deli and grocery stores services in connection with the LA HACIENDA and LA HACIENDA MEAT CENTER Marks. Documents herein requested must be issued by a government agency, department or authority in Registrant's name.

Request No. 4

Produce copy of all the Merchant Certificates of the Puerto Rico Treasury Department ("Registros de Comerciante del Departamento de Hacienda de Puerto Rico") for each establishment providing services under the name LA HACIENDA and LA HACIENDA MEAT CENTER.

Request No. 5

For each establishment providing services under the name LA HACIENDA and LA HACIENDA MEAT CENTER, produce all documents issued by the corresponding governmental authority(ies) authorizing the operations of each such establishment.

Request No. 6

Produce all documents sufficient to show all tax returns filed for each establishment operating under or in connection with the name LA HACIENDA and LA HACIENDA MEAT CENTER.

Request No. 7

Produce all documents that tend to show or disprove that the representation made on October 27, 2015, namely that July 7, 1979 was the date of first use of the mark LA HACIENDA MEAT CENTER in connection with “retail deli and grocery stores” in U.S. Commerce, was true.

Request No. 8

All Documents that tend to show or disprove that the representation made on October 27, 2015, namely that July 7, 1979 was the date of first use of the mark LA HACIENDA in connection with “retail deli and grocery stores” in U.S. Commerce, was true.

Request No. 9

All Documents concerning steps you took to verify the truth of the representations made, namely that July 7, 1979 was the date of first use of the marks LA HACIENDA and LA HACIENDA MEAT CENTER in connection with “retail deli and grocery stores” in U.S. Commerce, before or at the time it was made and all Documents concerning findings and conclusions derived by you as a result of such steps.

Request No. 10

If at any time after you made the representation, namely that July 7, 1979 was the date of first use of the marks LA HACIENDA and LA HACIENDA MEAT CENTER in connection with “retail deli and grocery stores” in U.S. Commerce, you learned that the said representation was false, all Documents concerning steps taken by you to address the falsity of the said representation.

On April 17, 2020

Hoglund & Pamiás, P.S.C.

256 Eleanor Roosevelt Street
San Juan, Puerto Rico 00918
Telephone: 787-772-9200 / 787-772-9834
Fax: 787-772-9533

s/Samuel F. Pamiás-Portalatín
Samuel F. Pamiás-Portalatín
E-mail: samuel@hhoglund.com

s/Aileen Vázquez Jiménez
Aileen Vázquez Jiménez
E-mail: aileen@hhoglund.com

Attorneys for Petitioner

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that on this date, a true and correct copy of Petitioner's Second Set of Request for Production of Documents to Registrant was served upon the Registrant's representative: Alejandro J. Cacho-Rodríguez, to the email address of record.


On April 17, 2020

Hoglund & Pamias, P.S.C.
256 Eleanor Roosevelt Street
San Juan, Puerto Rico 00918
Telephone: 787-772-9200 / 787-772-9834
Fax: 787-772-9533

s/Samuel F. Pamias-Portalatín
Samuel F. Pamias-Portalatín
E-mail: samuel@hhoglund.com

s/Aileen Vázquez Jiménez
Aileen Vázquez Jiménez
E-mail: aileen@hhoglund.com

Attorneys for Petitioner

From: adriana@hhoglund.com 
Subject: RE: Hacienda Central Inc. v. Pedro L. Bonnet, Cancellation No. 92071995
Date: April 17, 2020 at 2:23 PM
To: cacho@cacholaw.com
Cc: Aileen Vazquez aileen@hhoglund.com, luis@hhoglund.com, Samuel Pamias Portalatín samuel@hhoglund.com

Dear Counsel:

Further to my email below, attached please find Petitioner's Second Set of Request for Production of Documents and Things in the referenced proceeding.

Should you have any questions, please do not hesitate to contact us.

Sincerely,



ADRIANA T. AMADEO-VISSEPÓ
ATTORNEY AT LAW AND NOTARY
HOGLUND & PAMIAS, PSC
OFFICE 787-772-9834 / 9200
FAX: 787-772-9533
256 ELEANOR ROOSEVELT
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HOGLUND & PAMIAS, P.S.C.
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From: adriana@hhoglund.com <adriana@hhoglund.com>
Sent: Wednesday, March 18, 2020 2:29 PM
To: cacho@cacholaw.com
Cc: 'Aileen Vazquez' <aileen@hhoglund.com>; luis@hhoglund.com; 'Samuel Pamas Portalatín' <samuel@hhoglund.com>
Subject: Hacienda Central Inc. v. Pedro L. Bonnet, Cancellation No. 92071995

Dear Counsel:

Attached please find Petitioner's First Set of Interrogatories to Registrant in the referenced proceeding.

Should you have any questions, please do not hesitate to contact us.

Sincerely,



ADRIANA T. AMADEO-VISSEPÓ
ATTORNEY AT LAW AND NOTARY
HOGLUND & PAMIAS, PSC
OFFICE 787-772-9834 / 9200
FAX: 787-772-9533
256 ELEANOR ROOSEVELT
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Petitioner's
Secon...s 2.pdf

From: adriana@hhoglund.com 
Subject: RE: Hacienda Central Inc. v. Pedro L. Bonnet, Cancellation No. 92071995
Date: April 27, 2020 at 11:50 AM
To: cacho@cacholaw.com
Cc: Aileen Vazquez aileen@hhoglund.com, luis@hhoglund.com, Samuel Pamias Portalatín samuel@hhoglund.com

Dear Counsel:

Please note that the due dates to send the answers to the discovery requests sent by Petitioner have passed and to this date we have not received the answers or requests for an extension of time.

As you know, the proceedings before the TTAB have not been suspended and as such, we request that you provide us with the answers to the Interrogatories and Requests for Production of documents at your earliest convenience. As to the Requests for Admissions, since we did not receive the answers or an extension of time to answer the same, the requests are deemed admitted by operation of law.

Should you have any questions regarding this matter, please do not hesitate to contact us. We look forward to receiving the requested answers.

Sincerely,



ADRIANA T. AMADEO-VISSEPÓ
ATTORNEY AT LAW AND NOTARY
HOGLUND & PAMIAS, PSC
OFFICE 787-772-9834 / 9200
FAX: 787-772-9533
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From: adriana@hhoglund.com <adriana@hhoglund.com>

Sent: Wednesday, March 18, 2020 2:29 PM

To: cacho@cacholaw.com

Cc: 'Aileen Vazquez' <aileen@hhoglund.com>; luis@hhoglund.com; 'Samuel Pamiás Portalatín' <samuel@hhoglund.com>

Subject: Hacienda Central Inc. v. Pedro L. Bonnet, Cancellation No. 92071995

Dear Counsel:

Attached please find Petitioner's First Set of Interrogatories to Registrant in the referenced proceeding.

Should you have any questions, please do not hesitate to contact us.

Sincerely,



ADRIANA T. AMADEO-VISSEPÓ
ATTORNEY AT LAW AND NOTARY
HOGLUND & PAMIAS, PSC
OFFICE 787-772-9834 / 9200
FAX. 787-772-9533
256 ELEANOR ROOSEVELT
SAN JUAN PR. 00918
WWW.HOGLUNDPAMIAS.COM

HOGLUND & PAMIAS, P.S.C.

HELPING TO PROTECT INNOVATION IN A GLOBAL ECONOMY

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From: Aileen Vazquez aevazquez2@me.com
Subject: Re: Hacienda Central Inc. v. Pedro L. Bonnet, Cancellation No. 92071995
Date: April 30, 2020 at 9:29 PM
To: Alejandro Cacho cacho@cacholaw.com
Cc: Sammy samuel@hhoglund.com, Adriana Amadeo adriana@hhoglund.com

Dear brother counsel:

We acknowledge receipt of your email. However, we strongly disagree with your response as it is completely devoid of any valid factual or legal basis. We invite you to reconsider your position and avoid forcing the parties to incur in further unnecessary expenses. Also, please include Mr. Pamias and myself in further communications regarding this matter.

First, even though Registrant (hereinafter "Bonnet" or "Registrant") requested the suspension of these proceedings, said request was made well after the due date for Registrant's response to all of the outstanding discovery requests we notified you back in March 2020. In fact, **to this date the proceedings are still active and the Compliant filed by Bonnet in the federal court has no bearing on the issues before this Board.** If any, is totally the opposite, since Bonnet has no rights over the trademark registrations herein, they must be cancelled.

By purposely abstaining to respond to the discovery requests claiming as basis that your client requested suspension of the proceedings, Bonnet is *de facto* attributing himself a power/authority that corresponds solely to the Trademark Trial and Appeal Board (hereinafter "Board" or "TTAB"). As such, Bonnet's actions are against the law and unfair to our client. Moreover, as further discussed below, it appears that Bonnet's true purpose is avoid at any cost responding to the discovery requests made by the Petitioner and/or to force Petitioner to file a Motion to Compel to effectively suspend the proceedings.

Even if the Board *eventually* issues an order suspending the proceedings, all of the discovery requests that were served and due to Registrant **before** the suspension takes place must be answered by the Registrant. The Board has specific rules regarding the terms for answering discovery requests and Registrant must abide them. Evidently, Mr. Bonnet is intentionally avoiding complying with the rules, which, among other things, impose on him a duty to cooperate during the discovery process. This is even more evident from Mr. Bonnet's reply in your email of April 27, 2020, which is completely devoid of any legal basis and which acknowledges that he has no evidence to survive these proceedings.

As you know, suspensions before the Board are not automatic because of the filing of any other proceeding. Pursuant to Section 510.02 of the TBMP, in those cases the suspension of the proceedings before the TTAB is solely in the discretion of the Board. In this case, the Board has not issued an order suspending the proceedings and, as such, **they remain active.** Furthermore, Bonnet has not established a valid cause for his failure to comply with the applicable deadlines and/or to cooperate in the discovery proceedings.

Even considering the request for suspension filed by Registrant, both the Requests for Admissions and the Answers to the Requests for Production of Documents were due on April 13, 2020. However, Registrant filed the Request for Suspension of the Proceedings with the Board on April 14, 2020. Therefore, the discovery responses were due **before** the Request for Suspension was filed and, therefore, **Mr. Bonnet had and still has a duty to produce his responses.**

Furthermore, and as previously stated, the Requests for Admissions are **automatically** deemed admitted **by operation of law** when a written answer or objection addressed to the matter and signed by the party or its attorney is not served on the requesting party within 30 days after being served with the requests. *See* TBMP 407.03(a). *See also*, Fed. R. Civ. P. 36(a)(3). Accordingly, Petitioner does not need to request such a ruling from the Board: **as a matter of fact and law**, the requests for admissions are already admitted in this case. *See* TBMP 407.03(a). **Nevertheless, as to the other outstanding discovery requests, including the interrogatories and requests for documents, Bonnet is still obligated to serve his responses thereto.**

At the very least, Bonnet could have requested us an extension of time (provided that an excusable neglect existed, which, evidently, there was none as Bonnet admitted to act intentionally) to produce his answers to the discovery requests, including the requests for admissions; yet, he decided not to. Instead, in a cavalier fashion, Bonnet opted to request the suspension of the proceedings after their due date to avoid providing his responses. Or to purposely force Petitioner to file a Motion to Compel, which would automatically suspend the proceedings, which is exactly what Bonnet wants. All of the foregoing, presumably, after noticing that they were very severely detrimental to him, including having to admit once again that he has never used the marks anywhere. As it is evident from your email (and the record of both Cancellation Proceedings between the parties), Bonnet is well aware that he has no evidence to prove that he has used the marks or that he even owns the marks, and that is why he is desperately trying to suspend all the proceedings in the TTAB and the Puerto Rico Trademark Registry, where he is on the verge of a negative judgement against him.

As you know, the Board expects parties and their attorneys to cooperate during the discovery process and "looks with extreme disfavor those who do not". *See* TBMP 401.06 & 408.01. As a party in a Board proceeding, Bonnet must make a good faith effort to satisfy the discovery needs of the adversary. *See* TBMP 408.01.

At this moment, in compliance with the rules of the Board, we are making a good faith effort to try and resolve this matter amicably with the Registrant, prior to filing a Motion to Compel before the TTAB. However, it is evident that Registrant does not wish to cooperate in this case, which is why instead of providing the requested evidence, he went along a filed a civil proceeding with the intention to suspend the cancellation proceeding before the Board. As such, in the event that we do not receive Bonnet's answers on or before next Thursday, May 7, 2020, our client will be forced to seek the corresponding relief in due course, including, among others, a request for sanctions. Again, we invite Mr. Bonnet to reconsider his position.

Should you have any questions regarding this matter, please do not hesitate to contact us.

Sincerely,

Aileen Vázquez-Jiménez
Senior Trademark Attorney
Hoglund & Pamias, PSC
Office 787-772-9834 / 9200
Fax. 787-772-9533
www.hoglundpamias.com

On Apr 27, 2020, at 1:40 PM, Adriana Amadeo <adriana@hhoglund.com> wrote:

----- Forwarded message -----

From: **Alejandro J. Cacho** <cacho@cacholaw.com>
Date: Mon, Apr 27, 2020 at 1:38 PM
Subject: RE: Hacienda Central Inc. v. Pedro L. Bonnet, Cancellation No. 92071995
To: <adriana@hhoglund.com>
CC: <lugotoro@jjlugotoro.com>

Dear Ms. Amadeo,

Reference is made to your email of April 27, 2020.

Please be advised that our client will not be producing your discovery requests until after the TTAB enters a decision. In addition, our client takes issue as to the alleged admissions of your client's request for admissions. As we both know, we did file a timely motion for suspension of proceedings given the filing of a civil action with the U.S. District Court for the District of Puerto Rico given your client's acts of infringement. The infringement action supersedes the administrative action and said proceeding in our client's opinion must not move forward, including discovery.

Likewise, your client should reconsider its legal bases for filing the cancellation actions against our client's trademarks as they appear to be based on a myopic interpretation of what use in commerce consists of. Additionally, even if our client fails to show use of his mark LA HACIENDA dating back to 1979 it is undeniable that the use thereof predates your client's use of the mark H PRODUCTOS LA HACIENDA and the complaint includes a cause of action under common law rights.

Thank you for your attention.

Cordially,

Alejandro J. Cacho Law Offices

54 Resolucion Street, Suite 303

San Juan, Puerto Rico 00920

Tel (787) 722-2242

Fax (787) 722-2243

Email: cacho@cacholaw.com

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From: adriana@hhoglund.com <adriana@hhoglund.com>

Sent: Monday, April 27, 2020 11:51 AM

To: cacho@cacholaw.com

Cc: 'Aileen Vazquez' <aileen@hhoglund.com>; luis@hhoglund.com; 'Samuel Pamias Portalafin' <samuel@hhoglund.com>

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Subject: RE: Hacienda Central Inc. v. Pedro L. Bonnet, Cancellation No. 92071995

Dear Counsel:

Please note that the due dates to send the answers to the discovery requests sent by Petitioner have passed and to this date we have not received the answers or requests for an extension of time.

As you know, the proceedings before the TTAB have not been suspended and as such, we request that you provide us with the answers to the Interrogatories and Requests for Production of documents at your earliest convenience. As to the Requests for Admissions, since we did not receive the answers or an extension of time to answer the same, the requests are deemed admitted by operation of law.

Should you have any questions regarding this matter, please do not hesitate to contact us. We look forward to receiving the requested answers.

Sincerely,

<image001.png>

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To: cacho@cacholaw.com

Cc: 'Aileen Vazquez' <aileen@hhoglund.com>; luis@hhoglund.com; 'Samuel Pamas Portalafin' <samuel@hhoglund.com>

Subject: Hacienda Central Inc. v. Pedro L. Bonnet, Cancellation No. 92071995

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<image001.jpg>

From: Aileen Vázquez aileen@hhoglund.com 
Subject: Re: Hacienda Central Inc. v. Pedro L. Bonnet, Cancellation No. 92071995
Date: June 3, 2020 at 1:23 PM
To: Alejandro Cacho cacho@cacholaw.com
Cc: Sammy samuel@hhoglund.com, Adriana Amadeo adriana@hhoglund.com

Dear brother counsel,

Thank you for your time to hold a telephone call earlier today to discuss this matter. As per our discussion, since all the discoveries requests sent to Registrant (Petitioner's First Request for Admissions, Petitioner's First Set of Interrogatories, and Petitioner's First and Second Request for Documents) are still outstanding and well past due, and Registrant reaffirms his position that he will not produce his corresponding responses thereto, we are forced to file a Motion to Compel with the Board. We will prepare and file the motion and notify copy thereof later today.

Sincerely,

Aileen Vázquez-Jiménez
Senior Trademark Attorney - Notary
Hoglund & Pamas, PSC
Office 787-772-9834 / 9200
Fax. 787-772-9533
www.hoglundpamas.com



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On Apr 30, 2020, at 9:29 PM, Aileen Vazquez <aevazquez2@me.com> wrote:

Dear brother counsel:

We acknowledge receipt of your email. However, we strongly disagree with your response as it is completely devoid of any valid factual or legal basis. We invite you to reconsider your position and avoid forcing the parties to incur in further unnecessary expenses. Also, please include Mr. Pamas and myself in further communications regarding this matter.

First, even though Registrant (hereinafter "Bonnet" or "Registrant") requested the suspension of these proceedings, said request was made well after the due date for Registrant's response to all of the outstanding discovery requests we notified you back in March 2020. In fact, **to this date the proceedings are still active and the Compliant filed by Bonnet in the federal court has no bearing on the issues before this Board.** If any, is totally the opposite, since Bonnet has no rights over the trademark registrations herein, they must be cancelled.

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Moreover, as further discussed below, it appears that Bonnet's true purpose is avoid at any cost responding to the discovery requests made by the Petitioner and/or to force Petitioner to file a Motion to Compel to effectively suspend the proceedings.

Even if the Board *eventually* issues an order suspending the proceedings, all of the discovery requests that were served and due to Registrant **before** the suspension takes place must be answered by the Registrant. The Board has specific rules regarding the terms for answering discovery requests and Registrant must abide them. Evidently, Mr. Bonnet is intentionally avoiding complying with the rules, which, among other things, impose on him a duty to cooperate during the discovery process. This is even more evident from Mr. Bonnet's reply in your email of April 27, 2020, which is completely devoid of any legal basis and which acknowledges that he has no evidence to survive these proceedings.

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Sincerely,

Aileen Vázquez-Jiménez
Senior Trademark Attorney
Hoglund & Pamas, PSC
Office 787-772-9834 / 9200
Fax. 787-772-9533
www.hoglundpamas.com

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To: <adriana@hoglund.com>

CC: <ljugotoro@jjlugotoro.com>

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Thank you for your attention.

Cordially,

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Tel (787) 722-2242

Fax (787) 722-2243

Email: cacho@cacholaw.com

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Dear Counsel:

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Subject: Hacienda Central Inc. v. Pedro L. Bonnet, Cancellation No. 92071995

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

HACIENDA CENTRAL INC.

Petitioner

v.

PEDRO L. BONNET

Registrant

Proceeding No.: 92071995

Registration Nos.: 4988101 and
4992481

Marks: LA HACIENDA and LA
HACIENDA MEAT CENTER

Dates of Registration: June 28, 2016
and July 05, 2016

**STATEMENT IN SUPPORT OF
PETITIONER’S “MOTION TO COMPEL DISCOVERY RESPONSES, REQUEST TO
DEEM ADMITTED PETITIONER’S FIRST REQUEST FOR ADMISSIONS, AND FOR
EXTENSION OF DEADLINES”**

I, Aileen E. Vázquez-Jiménez, attorney of record for Petitioner in the instant proceedings, declare as follows:

1. I make this statement based on my personal knowledge and in support of Petitioner’s “Motion to Compel Discovery Responses, Request to Deem Admitted Petitioner’s First Request for Admissions, and for Extension of Deadlines” (hereinafter “Motion to Compel”) to show the good faith efforts undertaken prior to filing said motion this June 3, 2020.
2. The Exhibits enclosed herein are true and exact copies of the relevant written communications exchanged between the parties’ attorneys in the course of this proceeding.
3. On March 13, 2020, Petitioner, Hacienda Central, Inc. (hereinafter “HCI” or “Petitioner”) served on Registrant, Pedro L. Bonnet (hereinafter “Bonnet” or “Registrant”), “Petitioner’s First Request for Admissions” and “Petitioner’s First Request for Production of Documents and Things”. **Exhibits 1-2.**
4. A few days later, on March 18, 2020, HCI served on Bonnet “Petitioner’s First Set of Interrogatories” **Exhibits 3-4.** Then, on April 17, 2020, HCI served Bonnet with “Petitioner’s Second Request for documents and Things”. **Exhibits 5-6.**
5. Accordingly, pursuant to the Rules of this Board, Bonnet was required to provide his responses to all the aforementioned discovery request **within 30 days**. Specifically, the responses to the request for admissions and the first request for documents were due on April 13, 2020; the responses to the set of interrogatories were due on April 17, 2020; and the responses to the second request for documents were due on May 18, 2020. *See* TBMP 405.04(a), 406.04(a), 407.03(a).
6. However, to this date all of these requests are outstanding and well past due. In spite of the multiple opportunities HCI has given Bonnet, and of HCI’s most diligent and good faith

efforts to try and obtain Bonnet's responses without the Board's intervention, he continues to refuse to provide his answers. **Exhibits 1-9.**

7. As part of said efforts, HCI's legal representatives sent an email to Bonnet's attorney on April 27, 2020, requesting the productions of the outstanding discovery requests. The request was made towards the interrogatories and requests for documents, since the requests for admissions were deemed automatically admitted by operation of law, due to Bonnet's failure to provide his response by the corresponding deadline, pursuant to TBMP 407.03(a) and Fed. R. Civ. P. 36(a)(3). **Exhibits 7-9.**

8. However, Bonnet's representative responded on that same date, informing HCI's representative that Bonnet would not be producing the discovery requests **until after the TTAB enters a decision** on his "Request to Suspend Proceedings". At the same time, Bonnet "took issue" as to the HCI's request for admissions being admitted, claiming that he filed a motion to suspend the proceedings with the Board and a complaint in federal court against HCI. According to Bonnet, the complaint in federal court supersedes the administrative action in the TTAB. It is important to point out that said email was completely devoid of any valid factual or legal basis in support of such claims. **Exhibits 8-9.**

9. Consequently, on April 30, 2020, HCI (through its counsel), responded to the from Bonnet's attorney via email, addressing each and every allegation made by Bonnet (through its counsel), citing specific and valid legal citations, and making reference to the applicable factual background. **Exhibits 8-9.**

10. In said email, Bonnet was advised, among many things, of his duty to cooperate with the discovery process and that his actions were illegal as he was intentionally avoiding to answer the discovery requests; the factual and legal basis pursuant to which the proceedings were still active; the factual and legal basis pursuant to which the requests for admissions were already automatically admitted; and inviting him to reconsider his position and produce his responses to the discovery requests. *Id.*

11. Subsequently, on June 3, the undersigned and Bonnet's attorney held a telephone regarding this matter, yet, the parties were unable to reach an agreement. **Exhibit 9.**

12. Therefore, as detailed herein, the parties have not been able to resolve the discovery controversies after several efforts made to that regard and thus, HCI now moves the Board to compel Bonnet to produce his answers to the discoveries requested in HCI's Motion to Compel.

13. I HEREBY CERTIFY that the foregoing statements are true and correct.

Dated: June 3, 2020



Aileen E. Vázquez-Jiménez, Esq.