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Filing date: **01/04/2014**

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

Proceeding	92054050
Party	Defendant Unimundo Corp dba Unimundotv
Correspondence Address	MARCU FONTAIN UNIMUNDO CORPORATION 381 CHANDLER STREET, 20032 WORCESTER, MA 01602 UNITED STATES mail@unimundotv.com, marcusfontain@gmail.com, marcus@unimundotv.com
Submission	Other Motions/Papers
Filer's Name	Marcus Fontain
Filer's e-mail	mail@unimundotv.com
Signature	/Marcus Fontain/
Date	01/04/2014
Attachments	Respondent Motion for Extension of Time to Reply to Order of Dec. 06, 2013.pdf(243887 bytes)

1 UNIMUNDO CORPORATION
381 Chandler Street, 20032
2 Worcester, MA. 01602
Tel: 800-516-1134
3 Fax: 800-516-1143
4 Direct: 424-204-2225
5 mail@unimundotv.com
6 www.unimundotv.com

7 Respondent UNIMUNDO CORPORATION by and through
8 MARCUS FONTAIN, President and CEO, in pro se

9 **UNITED STATES PATENT AND TRADEMARK OFFICE**
10 **TRADEMARK TRIAL AND APPEAL BOARD**

11 UNIMUNDO CORPORATION,) Cancellation Nos. 92054050 and 92057999
12 a Florida Corporation,)
13)
14 Respondent,) **RESPONDENT’S MOTION FOR AN**
15 vs.) **EXTENSION OF TIME TO FILE**
16 UNIVISION COMMUNICATIONS, INC.,) **A REPLY TO THE ORDER OF**
17 a California Corporation,) **DECEMBER 06, 2013 IN THE**
18) **MATTER OF CANCELLATION**
19) **NOS. 92054050 AND 92057999.**
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COMES NOW Respondent UNIMUNDO CORPORATION by and through MARCUS FONTAIN, President and CEO, in pro se and files this RESPONDENT’S MOTION FOR AN EXTENSION OF TIME TO FILE A REPLY TO THE ORDER OF DECEMBER 06, 2013, IN THE MATTER OF CANCELLATION NOS. 92054050 AND 92057999.

In support of this Motion Respondent UNIMUNDO states as follows:

1. On July 31, 2012, Respondent moved its offices from 14859 Moorpark Street, Suite 103, Sherman Oaks, California 91403 to 11437 Truro Avenue, No. D, Hawthorne, California. 90250.
2. Respondent duly filed a change of address with the U.S. Post Office.
3. Respondent also sent Change of Address Notice via first class mail postage prepaid to the Trade Commission.

1 4. Respondent further served Petitioner Univision via first class mail postage prepaid with a
2 copy of the change of address.

3 5. At all times herein mentioned Respondent continued to operate its business; maintained
4 an internet presence and continued to operate www.unimundotv.com without interruptions.

5 6. Respondent, through the UNIMUNDO website maintained the ability to be contacted by
6 any concerned party and in particular Petitioner Univision, who could have contacted Respondent
7 either via telephone and/or via email because the email addresses for UNIMUNDO never changed.

8 7. In or about October 2013, the law firm representing Univision [DIRECTLY] mailed to
9 the new UNIMUNDO address at 11437 Truro Avenue two (2) separate envelopes **which arrived**
10 **[empty]**. 8. The envelopes were addressed to 11437 Truro Avenue but they did not contain any

11 correspondence inside. In fact one of the envelopes arrived resealed after apparently having being
12 opened. The second envelope was perfectly sealed but empty as well.

13 9. Mr. Jose LaFaurie the Chairman of Unimundo immediately attempted to contact the
14 attorneys for Petitioner to no avail and left at least two (2) messages for Petitioner's counsel
15 indicating that the envelopes had arrived empty. The calls were not returned.

16 10. All other mail addressed to Respondent from others continued to arrive at the Truro
17 address pursuant to the forwarding at the U.S. Post Office and to this date UNIMUNDO continues
18 to receive correspondence at the Truro address from others.

19 11. It is important to note here that Respondent with the exception of the two empty
20 envelopes above mentioned has not **has not heard from and/or have been contacted** by the
21 attorneys for Univision or by anyone at Univision any way or form.

22 12. Due to the fact that Petitioner's attorneys never contacted anyone at UNIMUNDO to
23 conduct discovery; it was assumed by UNIMUNDO; Petitioner had abandoned the cancellation
24 proceedings.

25 13. It is also important to note here that Petitioner's counsels **did not** make any attempt to
26 conduct discovery as ordered by the Board and gave the appearance of having abandoned their
27 claim against UNIMUNDO by their failure to act and/or to contact Petitioner.

28 14. Unquestionably Petitioner's counsels had more than one way to contact someone at
UNIMUNDO. If all else failed Respondent's office in Hawthorne California is approximately 10-
minutes away from the offices of Petitioner's counsels. Not to mention Petitioner is only one
telephone call away.

1 15. In or about December 01, 2013, Respondent only learned of any activity from Petitioner
2 from the telephone call by a Paralegal at the Board and soon after it was confirmed by receiving an
3 email from the Board with the Order of December 06, 2013, indication that Petitioner Univision did
4 file another Petition to Cancel No. 92057999 Re UNIMUNDO.COM only this time for the mark
5 associated with; which is the subject of this Motion for Extension of Time to respond.

6 16. Petitioner Univision **never served** Respondent with their filings; this includes any filings
7 since January 2013. Therefore, Respondent had no way of knowing of Petitioner's new filing and/or
8 any changes in the proceedings before the Board.

9 17. Any failure by Respondent to promptly respond and/or act in response to any of the
10 filings by the Petitioner Univision is very unfortunate and excusable neglect for lack for notice.

11 18. Respondent has no intentions of abandoning the cancellation proceedings or to default in
12 the proceedings; factually Respondent is actively seeking counsel.

13 19. Petitioner obviously did not want to make an effort to communicate their intentions
14 and/or plants to Respondent since January 2013.

15 20. Fortunately, in or about December 01, 2013, Marcus Fontain received a telephone call
16 from a Paralegal at the USPTO and/or the Board who indicated that Univision had filed a new
17 Petition to Cancel at which time it was requested from the Paralegal to please forward any papers to
18 Respondent via email as soon as possible.

19 21. Coincidentally, Respondent since January 2013 **has not received a single [email]** from
20 the USPTO and/or from the Board with the Exception of the Order of December 06, 2013.

21 22. On December 01, 2013, the decision was made to move Respondent's headquarters to
22 Worcester, Massachusetts.

23 23. On December 02, 2013, a new notice of change of address was then mailed to the Board,
24 signed by Marcus Fontain. Regrettably, the address for Respondent on the Notice was incorrectly
25 stated as **38 Chandler Street**, as supposed to the correct address **381 Chandler Street**; which was
26 an honest error for which Respondent apologizes to all concerned. However, despite the error the
27 notice still contains the correct email address and telephone numbers.

28 24. On the same day December 02, 2013, Marcus Fontain traveled outside of the Country
(by way of automobile) and did not return back to Worcester, Massachusetts until December 23,
2013.

1 25. On this date Respondent has filed electronically a notice correcting the address in
2 Worcester Massachusetts and a hard copy has been mailed to the USPTO as well as to Petitioner's
3 counsels.

4 26. If Petitioner's attorney's had any real intent and/or desire to contact Respondent they
5 could have very easily sent an email to Respondent or access Respondent through
6 www.unimundotv.com .

7 27. It is shocking to learn that the attorneys for Petitioner Univision after nearly one (1) year
8 of silence; having failed to conduct discovery and basically abandoning the cancellation in
9 92054050 for UNIMUNDO are now attempting to bootstrap the new Cancellation 92057999 for
10 UNIMUNDO.COM with the previous Cancellation 92054050 for UNIMUNDO and as such are
11 improperly attempting to consolidate the two cases, despite their failure to prosecute Cancellation

12 28. Respondent at this time is not in a position to address the [new] issues presented without
13 consulting with counsel.

14 29. It is also highly suspect that after failing to conduct discovery and having dropped the
15 ball for one year Petitioner now surfaces attempting to consolidate the two cancellations which
16 unquestionably Respondent categorically opposes.

17 30. The legal issues here are also very complex with broad legal ramifications, particularly
18 when now Petitioner Univision at this late date is attempting to improperly bootstrap the two
19 separate and district marks, UNIMUNDO and UNIMUNDO.COM into one proceeding.

20 31. Further, due to the Holiday Season and scheduling conflicts of counsel, it has been
21 difficult by Respondent on such short notice to meet and confer with counsel on this matter.

22 32. Petitioner's attorney's on the other hand, having failed to conduct discovery as ordered
23 by the Board, left with the distinct impression that they in fact had abandoned the cancellation
24 process.

25 33. Respondent then or now has no intentions of defaulting, abandoning and/or neglecting
26 these proceedings and furthermore, had Respondent been made aware of any filings or any activity
27 in the pending proceedings the matter would have been addressed expeditiously.

28 34. In an attempt to obtain a verbal extension of time to respond to the December 06, 2013,
Respondent on two occasions called Paralegal Amy Makowsky at 571-272-4290, however
Respondent has yet to hear from Ms. Makowsky which has prompted this filing.

