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

Proceeding	92054050
Party	Defendant Unimundo Corp dba Unimundotv
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Submission	Motion for Default Judgment
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Date	02/05/2014
Attachments	Unimundo's Motion for Default Judgment for Failure to Conduct Discovery, Univision.pdf(199363 bytes )

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Registrant Unimundo Corporation by and through  
Marcus Fontain, President and CEO, in pro se

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

UNIMUNDO CORPORATION, a Florida Corporation,	)	Cancellation No. 92054050
	)	Registration No. 3,889,485
Registrant,	)	Serial No. 85-003,668
vs.	)	
	)	
UNIVISION COMMUNICATIONS, INC., a California Corporation,	)	MOTION FOR DEFAULT JUDGMENT
	)	PURSUANT TO 37 C.F.R. 2.120(g)
Petitioner.	)	
	)	
	)	
	)	
	)	

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COMES NOW, Registrant Unimundo Corporation ("Unimundo"), pursuant to 37 C.F.R. 2.120(g), hereby moves for default judgment against Petitioner Univision Communications, Inc., ("Univision") for failure to respond to an order of the Board compelling discovery.

In Support of this Motion, Unimundo sets forth the following:

**I**

**BACKGROUND**

1. On January 31, 2013 the Board ordered Univision to conduct Discovery. To this date Univision has not conducted the discovery and did fail to conduct discovery as ordered.

The Discovery schedule was ordered to be completed as follows:

Deadline for Discovery Conference **3/1/2013**  
Discovery Opens **3/1/2013**  
Initial Disclosures Due **3/31/2013**  
Expert Disclosures Due **7/29/2013**  
Discovery Closes **8/28/2013**  
Plaintiff's Pretrial Disclosures **10/12/2013**  
Plaintiff's 30-day Trial Period Ends **11/26/2013**  
Defendant's Pretrial Disclosures **12/11/2013**  
Defendant's 30-day Trial Period Ends **1/25/2014**  
Plaintiff's Rebuttal Disclosures **2/9/2014**

## II

### ARGUMENT

2. If a party fails to comply with an order of the Board, "the board may make any appropriate order, including any of the orders provided in Rule 37(b)(2) of the federal Rules of Civil Procedure[.]" 37 C.F.R. Section 2.120(g)(1). One such order, particularly appropriate for the failure to obey a discovery order is rendering of default judgment against the disobedient party. Fed.R.Civ.P. Rule 37(b)(2)(A)(vi).

3. While the entry of default judgment is a harsh remedy, such remedy is appropriate in situations like this where the party has ignored for more than one year the discovery order of the Board compelling such discovery. See, e.g., *MHV Ltd. V. Simex, Aussenhandelsgesellschaft Salvetsberg KG*, 59 USPQ. 2d 1477 (TTAB 2000).

4. In fact, the present situation is not unlike *MHW Ltd.*, where one party failed to respond to the other party's request for discovery and disregarded the Board's order to compel. *Id.*, at 1477. In response, the Board granted a Motion for Default Judgment and dismissed the opposition with prejudice. *Id.*, at 1479.

5. Because Univision has blatantly disregarded the Order of the Board for nearly one year and caused an unnecessary protracted proceeding, any prejudice that Univision may experience from a default judgment been entered is self-inflicted and more than warranted.

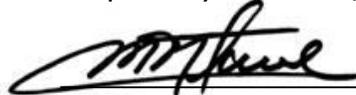
**III**

**PRAYER FOR RELIEF**

6. WHEREFORE, Unimundo Corporation prays that the Board issue an order entering a default judgment against Univision Communications, Inc., dismissing the Cancellation Petition.

Executed on February 05, 2014

Respectfully submitted,



Unimundo Corporation  
By and through  
Marcus Fontain, J.D.  
President and CEO, in pro se

PROOF OF SERVICE

I Marcus Fontain, on this date have delivered via U.S. mail a copy of this MOTION FOR DEFAULT JUDGMENT PURSUANT TO 37 C.F.R. 2.120(g), addressed to:

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February 05, 2014



Marcus Fontain, J.D.