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

Proceeding	92054050
Party	Plaintiff Univision Communications Inc.
Correspondence Address	JORGE ARCINEGA MCDERMOTT WILL & EMERY LLP 2049 CENTURY PARK EAST, SUITE 3800 LOS ANGELES, CA 90067-3208 UNITED STATES jarciniega@mwe.com, ehourizadeh@mwe.com
Submission	Reply in Support of Motion
Filer's Name	Ellie Hourizadeh
Filer's e-mail	ehourizadeh@mwe.com, jarciniega@mwe.com
Signature	/s/
Date	02/25/2014
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

UNIVISION COMMUNICATIONS INC.,)	
)	
Petitioner,)	
)	
v.)	Cancellation No. 92054050
)	
UNIMUNDO CORP.,)	
)	
Registrant.)	

UNIVISION’S REPLY TO OPPOSITION TO MOTION TO CONSOLIDATE

I. THE OPPOSITION IS UNTIMELY AND WITHOUT MERIT

Unimundo’s Opposition to Univision’s motion to consolidate Cancellation Nos. 92054959 and 9205799 (“Motion”) is untimely and wholly without merit. The Motion was filed on October 9, 2013. On December 6, 2013, the Board issued an order suspending further action on the Motion pending a decision about Unimundo’s default in the related proceeding, Cancellation No. 92057999. On February 18, 2014, the Board in the related proceeding issued an order giving Unimundo thirty days to show cause why a default judgment should not be entered against Unimundo based “on respondent’s apparent loss of interest in this case.” Unimundo’s response is due on March 20, 2014. No decision has been rendered by the Board in connection with Unimundo’s default in Cancellation No. 92057999. Thus, pursuant to the Board’s order of December 6, 2013, the decision on the Motion remains suspended pending the Board’s order in the related proceeding. Accordingly, the Opposition is untimely and should not be given consideration.

The untimely Opposition is also without merit. In the Opposition, Unimundo makes the same arguments that the Board has already considered and repeatedly denied. The arguments

made in the Opposition to dismiss Univision's petition to cancel have been considered and denied twice before by the Board.¹ Similarly, the argument that the Board should enter a default against Univision is also without merit. As discussed more fully in Univision's opposition to the motion for default, there are no procedural grounds for the request or the relief sought and there is no factual basis to support the request or relief sought.²

The Opposition is nothing more than another attempt by Unimundo to convince the Board of its baseless arguments. Unimundo's utter disregard for the Board's orders and the TTAB rules has caused and continues to cause unnecessary delay and allocation of resources by Univision and the Board for which Unimundo should be sanctioned.

II. THE ACTIONS SHOULD BE CONSOLIDATED

It is in the best interests of the parties and the Board for the two actions to be consolidated. Presently, the 2 actions, this action and Cancellation No. 92057999, involve the same facts, same parties and substantially the same marks. A decision in one action has a direct and meaningful impact on the other action, as demonstrated by the Board's order suspending this proceeding pending the outcome of a decision by the Board in the other proceeding (Cancellation No. 92057999). Consolidating the actions would allow the Board and the parties to efficiently pursue and determine the issues without conflicting results. Not consolidating the actions will result in unnecessary delay, duplication of work, and possibly conflicting results that will then become the subject of redetermination motions and possibly, litigation. To avoid these unnecessary results, the Board should consolidate Cancellation Nos. 92054050 and 92057999.

¹ See the Orders dated March 16, 2012 and January 31, 2013.

² Univision filed its opposition to the motion for default on February 25, 2014.

Moreover, given that the parties have not engaged in significant discovery or moved beyond the initial motion practice in either action, the best use of resources would be to consolidate the actions.

III. SERVICE WAS NOT COMPLETED ON UNIVISION UNTIL WEEKS AFTER THE OPPOSITION WAS FILED

The Opposition was filed on February 6, 2014. However, the envelope containing the Opposition was not received by Univision's counsel until February 20, 2014.³ Unimundo's deficient service of the Opposition is another example of Unimundo's failure to comply with the TTAB rules. Unimundo should be sanctioned for its repeated failure to comply with the Board's orders and the TTAB rules.

IV. CONCLUSION

Because the two cancellation proceedings involve essentially the same marks and the same parties whose services compete in the same market and for the same customers, consolidation is appropriate to avoid the significant possibility of inconsistent results, to promote efficiency and economy, to reduce the number of duplicative motions, filings, and hearings that are otherwise inevitable due to the many common questions of law and facts shared among the two matters. Accordingly, Univision requests that Cancellation Nos. 92054050 and 92057999 be consolidated and all filing and responsive deadlines be reset accordingly.

The requisite filing fee prescribed by 37 C.F.R. § 2.6(a)(17) should be charged to Deposit Account No. 501946. If there are any additional fees due in connection with this Motion to Consolidate, they should also be charged to Deposit Account No. 501946, and any excess fees should be credited to same.

³ Although the proof of service states that the Opposition was sent on February 6, 2014, the envelope was not received until February 20, 2014.

All correspondence relating to this matter should be directed to the undersigned attorneys
for Petitioner.

Respectfully submitted,
UNIVISION COMMUNICATIONS INC.

Dated: February 25, 2014

By: _____/s/_____
Ellie Hourizadeh
Attorneys for Petitioner
MCDERMOTT WILL & EMERY LLP
2049 Century Park East, 38th Floor
Los Angeles, CA 90067-3208
Telephone: (310) 551-9321
Facsimile: (310) 277-4730

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing Reply to Opposition to Motion to Consolidate upon Registrant by depositing one copy thereof via First Class Mail, in the United States mail, postage prepaid, on **February 25, 2014** addressed as follows:

**UNIMUNDO CORP.
381 Chandler Street, 20032
Worcester, MA 01602**

By: _____/s/_____
Ellie Hourizadeh
McDermott Will & Emery LLP
2049 Century Park East, Suite 3800
Los Angeles, CA 90067
Tel: (310) 551-9321
Fax: (310) 277-4730
Email: ehourizadeh@mwe.com

Attorneys for Petitioner
Univision Communications Inc.