

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

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Mailed: April 14, 2014

Cancellation No. 92054050

Univision Communications
Inc.

v.

Unimundo Corp dba Unimundotv

Elizabeth A. Dunn, Attorney (571-272-4267):

On April 10, 2014, the Board held a conference with the parties. The participants were Ellie Hourizadeh, attorney for petitioner, Marco Fontain, President and CEO of respondent, acting pro se, and Elizabeth Dunn, attorney for the Board.

STIPULATION OF EMAIL SERVICE

During the conference the parties agreed that email service would be acceptable.

ALL FILINGS MUST INCLUDE PROOF OF SERVICE

As discussed, a confidential document is one blocked from public view, and it is not an exception to service requirements. Petitioner must be served with all Board filings, and each filing must include proof of service.

Cancellation No. 92054050

Respondent is urged to review the Board's standard protective agreement for the exchange of confidential information, which is in effect for all Board proceedings and is available from the TTAB page on the USPTO website.

RESPONDENT'S PROOF OF ASSIGNMENT DUE JUNE 14, 2014

Respondent's motion to extend its time to respond to the Board's queries regarding related corporate entities is granted to the extent that the Board accepted respondent's explanation during the conference.

In Cancellation No. 92054050, the owner of subject Registration No. 3889485 (UNIMUNDO) is listed as Unimundo Corp dba Unimundotv, a Delaware corporation, and in Cancellation No. 92057999, the owner of subject Registration No. 4077714 (UNIMUNDO.COM) is listed as Unimundo Corporation dba Unimundo.com, a Florida corporation. Both entities have the same mailing address (14859 MOORPARK ST SUITE 103 SHERMAN OAKS, CALIFORNIA 91403), and the applications underlying the two registrations were signed by Marcus Fontain as President and CEO.

During the conference, Mr. Fontain explained that the two different corporate designations reflect the same entity, and that the three people (Fontain, Chairman of Board Jose Lafaure, and Vice President Norma Fontain) who comprised Unimundo Corp dba Unimundotv, a Delaware corporation, now comprise Unimundo Corporation dba Unimundo.com, a Florida corporation, and that Unimundo Corp dba Unimundotv has dissolved.

Mr. Fontain also said that the current address of record for the remaining entity Unimundo Corporation dba Unimundo.com is incorrect.

Only the owner of a registration has the authority to defend it in a cancellation proceeding. If the original registrant Unimundo Corp dba Unimundotv no longer exists, the current owner of Registration No. 3889485 must submit proof of assignment so that the current owner may be joined or substituted as defendant in this proceeding. Recordation in the Assignment Services Division of the USPTO is advisable because it will aid the assignee in its effort to prove ownership of the application or registration at trial.

Respondent is allowed until JUNE 30, 2014 to submit proof of the assignment of Registration No. 3889485 (UNIMUNDO).

RESPONDENT MUST CEASE ACCUSATIONS OF MISCONDUCT

Respondent's supplement to its motion to extend makes unfounded accusations of misconduct against counsel for petitioner. Respondent is ordered to refrain from alleging attorney misconduct in this proceeding except in support of a motion for Fed. R. Civ. P. 11 sanctions. If respondent makes allegations of attorney misconduct in other papers filed with the Board, the Board will cease consideration of that paper.

Fed. R. Civ. P. 11(b) states:

By presenting to the court a pleading, written motion, or other paper — whether by signing, filing, submitting, or later advocating it — an attorney or unrepresented party certifies that to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances:

(1) it is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation;

(2) the claims, defenses, and other legal contentions are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law;

(3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and

(4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on belief or a lack of information.

Respondent is advised that Fed. R. Civ. P. 11 certification standards apply to parties as well as attorneys. See *Business Guides, Inc. v. Chromatic Communications Enterprises, Inc.*, 498 U.S. 533, 547, 111 S. Ct. 922, 112 L.Ed.2d 1140 (1991) and *Central Manufacturing Inc. v. Third Millennium Technology Inc.*, 61 USPQ2d 1210, 1213 (TTAB 2001)(authority to sanction pro se party "is manifestly clear."). If the Board finds that a motion for Fed. R. Civ. P. 11(c) sanctions itself violates the provisions of Fed. R. Civ. P. 11(b), an appropriate Fed. R. Civ. P. 11(c) sanction may be entered against the party that filed the motion.

CONSOLIDATION DEFERRED UNTIL DISCOVERY CLOSES

The issues in Cancellation Nos. 92054050 and 92057999 are highly similar and should be decided in one proceeding. However, the two cancellations are presently in different postures inasmuch as discovery has closed in Cancellation No 92054050, but no answer has been filed in

Cancellation No. 92054050

Cancellation No. 92057999. If notice of default is discharged in Cancellation No. 92057999 and respondent's answer accepted, the case will go forward and Cancellation No 92054050 will be suspended until discovery closes in Cancellation No. 92057999. When discovery is closed in both proceedings, they will be consolidated for the purposes of trial and briefing.

Proceedings herein remain suspended pending respondent's response to this order..