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

DUNN

Mailed: July 28, 2014

Cancellation No. 92054050

Univision Communications Inc.

v.

Unimundo Corporation, by assignment from Unimundo Corp dba Unimundotv

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

This case comes up on Respondent's motion, filed June 30, 2014, to extend its time to respond to the Board's April 14, 2014 order. The motion is contested.

The Board has previously noted with disapproval the many delays to this proceeding caused by Respondent's actions, to the point of informing Respondent in its March 27, 2014 order that judgment would be entered against it if it failed to appear for a required conference. On April 14, 2014, the Board cited Respondent's statement that it had retained counsel but needed to acquire additional funds before counsel could prepare Respondent's response, and allowed Respondent until June 30, 2014 to file proof of the

assignment of its mark. The Board otherwise suspended proceedings pending the close of discovery in related Cancellation No. 92057999. On June 30, 2014, counsel for Respondent made an appearance, and requested that all deadlines be extended for sixty days in order to allow counsel to review the case. In opposition, Petitioner notes that the July retention of counsel contradicts Respondent's prior statement that counsel was retained in April. On July 11, 2014, eleven days after the due date, Respondent filed the proof of the assignment of its mark.

The standard for allowing an extension of a prescribed period prior to the expiration of that period is "good cause." See Fed. R. Cir. P. 6(b). "[T]he Board is liberal in granting extensions of time before the period to act has elapsed so long as the moving party has not been guilty of negligence or bad faith and the privilege of extension is not abused." *National Football League v. DNH Management LLC*, 85 USPQ2d 1852, 1854 (TTAB 2008). The Board agrees with Petitioner that Respondent, while acting pro se, has abused the privilege of extensions. Respondent is advised that, from this point forward, it will be expected to exercise more than ordinary diligence in meeting deadlines, because the Board is unlikely to grant extensions under ordinary circumstances. However, the Board disagrees that the retention of counsel in July proves that Respondent made a misrepresentation to the Board in April. Moreover, it is in the interest of the Board and Petitioner to have the

clarification of the proper party to this proceeding. Accordingly, the Board grants the extension to the extent that Respondent's late filing is accepted.

In view of this filing, and Respondent's earlier statement that the former owner and original registrant has dissolved and is no longer in existence, the Board substitutes Unimundo Corporation, a Florida corporation, as party defendant. Respondent, now represented by counsel, filed a nunc pro tunc assignment executed July 3, 2014 of subject Registration No. 3889485 to Unimundo Corporation effective December 15, 2010. Accordingly, substitution of the present owner of the registration is appropriate. *See Information Resources Inc. v. X*Press Information Services*, 6 USPQ2d 1034, 1035 n.2 (TTAB 1988) (survivor of merger substituted at final decision). Respondent is advised that recordation in the Assignment Recordation Branch of the USPTO is advisable because it will aid the assignee in its effort to prove ownership of the registration at trial.

Proceedings herein are resumed.

Inasmuch as default judgment has been entered in related Cancellation No. 92057999, Petitioner's motion filed October 9, 2013 to consolidate this proceeding with Cancellation No. 92057999 is DENIED.

Pursuant to the Board's January 31, 2013 order, discovery closed on August 28, 2013. Remaining dates are reset below:

Discovery	**CLOSED**
Plaintiff's Pretrial Disclosures	**9/11/2014**
Plaintiff's 30-day Trial Period Ends	**10/26/2014**
Defendant's Pretrial Disclosures	**11/10/2014**
Defendant's 30-day Trial Period Ends	**12/25/2014**

Plaintiff's Rebuttal Disclosures	**1/9/2015**
Plaintiff's 15-day Rebuttal Period Ends	**2/8/2015**

In each instance, a copy of the transcript of testimony together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.l25.

Briefs shall be filed in accordance with Trademark Rules 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.l29.