

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

DUNN

Mailed: September 23, 2014

Cancellation No. 92054050

Univision Communications  
Inc.

v.

Unimundo Corp dba Unimundotv

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

This case comes up on Petitioner's request for reconsideration of the trial schedule in the Board's order of July 28, 2014, which noted that discovery had closed, and reset Petitioner's time to serve pretrial disclosures.

More specifically, Petitioner seeks to reset all dates, beginning with the discovery conference, and contends "The July order seeks to grant Unimundo a 60 day extension to the dates set out in the Board's January 31, 2013 order." This is incorrect as to both the date from which suspension began and resumption would be recalculated, and as to the extension granted.

This case has been pending since 2011, and on January 31, 2013, the Board denied Respondent's motion to dismiss the petition to cancel, noted

that the answer had been filed, and reset dates, with discovery set to close August 28, 2013. On October 9, 2013, Petitioner moved to consolidate this proceeding with Cancellation No 92057999. The proceeding was not suspended. On December 6, 2013, the Board deferred action on the motion to consolidate and suspended proceedings, except the Board required Respondent to clarify its corporate entity. For the purposes of resuming proceedings, the December 6, 2013 date of suspension, which fell after the close of discovery, is the operative date.

The Board issued orders on March 27, 2014 and April 14, 2014 addressing Respondent's failure to provide clarification and continued the suspension of the proceeding. The Board's April 14, 2014 order stated:

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. 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.

On July 28, 2014 order, the Board noted the request of Respondent to extend 'all deadlines' for sixty days to allow newly appointed counsel to review the case. The Board granted the extension "to the extent that Respondent's late filing is accepted", a reference to the required clarification being filed on July 11, 2014 instead of June 30, 2014. The Board then noted that default

judgment was entered in Cancellation No 92057999, denied the motion to consolidate, and reset dates, beginning with the deadline for Petitioner's pretrial disclosures.

In sum, discovery in this proceeding ran from March 1, 2013 to August 28, 2013. For the purpose of resuming proceedings, the Board referred to the status of the case on December 6, 2013 when proceedings were suspended, and at that point discovery had long been closed. The Board did not grant Respondent a 60 day extension, but accepted Respondent's filing 11 days late. Accordingly, Petitioner's request for reconsideration of the trial schedule is denied.

The parties are ordered to obtain permission from Board attorney Elizabeth Dunn before filing any unconsented motions.

To the extent that Petitioner's deadline for serving its pretrial disclosures passed while the request for reconsideration was pending, the Board resets dates below.

Plaintiff's Pretrial Disclosures	<b>10/10/2014</b>
Plaintiff's 30-day Trial Period Ends	<b>11/24/2014</b>
Defendant's Pretrial Disclosures	<b>12/9/2014</b>
Defendant's 30-day Trial Period Ends	<b>1/23/2015</b>
Plaintiff's Rebuttal Disclosures	<b>2/7/2015</b>
Plaintiff's 15-day Rebuttal Period Ends	<b>3/9/2015</b>

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 2.125.

Cancellation No. 92054050

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 2.129.