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

Proceeding	92063674
Party	Defendant June Francis Rono, Ashley Kirsten C. Rono, and Justin Christian C. Rono
Correspondence Address	JAMES CAI SAC ATTORNEYS LLP 1754 Technology Dr., SUITE 122 SAN JOSE, CA 95110 UNITED STATES jcai@sacattorneys.com, mguedenet@sacattorneys.com, sgonza- lez@sacattorneys.com
Submission	Other Motions/Papers
Filer's Name	James Cai
Filer's e-mail	jcai@sacattorneys.com
Signature	/S/ James Cai
Date	05/08/2017
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

CONSUELO ONGPAUCO-CAUTON,

Petitioner,

v.

JUNE FRANCIS RONO, ASHLEY KRISTEN
C. RONO, AND JUSTIN CHRISTIAN C.
RONO,

Registrants.

Cancellation No. 92063674

In the Matter of Registration No. 4,034,365
Mark: BARRIO FIESTA EXPRESS
Date Issued: October 4, 2011

**REGISTRANTS' REQUEST FOR ENTRY OF DEFAULT FOR PETITIONER'S
FAILURE TO PROSECUTE HER CLAIM**

Pursuant to the Board's Notice and Trial Date Sent; Answer Due (which is entered as Docket # 2) in this cancellation proceeding, petitioner had until April 14, 2017 (the date on which Plaintiff's 30-day Trial Period Ends) to put on evidence in support of her cancellation action. Petitioner has failed to do so. Assumingly, Petitioner failed to put on her case in reliance of 37 CFR 2.127(d), which allows the suspension of all matters not germane to the dispositive motion. However, a suspension of proceedings pursuant to that rule is not automatic and the parties must continue to comply with the Board's proceedings and obligations until the Board formally suspends the proceeding, which, in this particular instance, the Board has issued no such order.

"[T]he mere filing of a motion for summary judgment (or another motion which is potentially dispositive of a case) does not, however, automatically suspend a proceeding... Rather, only an order of the Board formally suspending proceedings has such effect." *Super Bakery, Incorporated v. Ward E. Benedict*, 96 USPQ2d 1134 (TTAB 2010).

As a result of Petitioner's failure to prosecute its claim, Registrants hereby request a default as to Petitioner and a Judgment in their favor.

Date: May 8, 2017

SAC Attorneys, LLP

/S/JAMES CAI
James Cai, Esq.
Attorney for Registrants

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing REGISTRANTS' REQUEST FOR ENTRY OF DEFAULT FOR PETITIONER'S FAILURE TO PROSECUTE HER CLAIM was served on counsel for Petitioner on May 8, 2017, by sending the same via EMAIL and US MAIL, to:

mel@avanzadolaw.com
Melvin N.A. Avanzado
THE AVANZADO LAW FIRM
1880 Century Park East, Suite 1100
Los Angeles, CA 90067

/S/ DANNY BAEZ
Danny Baez