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

Proceeding	92051037
Party	Defendant CASA LATINO LICENSING LLC
Correspondence Address	Daniel E. Bruso Cantor Colburn LLP 20 Church Street, 22nd Floor Hartford, CT 06103-3207 UNITED STATES DBruso@cantorcolburn.com, DMayhew@cantorcolburn.com
Submission	Motion for Sanctions
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Date	01/11/2010
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of United States Trademark Registration No.	3488702
Filed:	April 24, 2006
Mark:	CASA LATINO
Published for Opposition	June 3, 2008

CASA LATINO REAL ESTATE CORP..

Petitioner,

v.

CASA LATINO LICENSING LLC

Registrant.

Cancellation No: 92051037

CASA LATINO LICENSING LLC'S MOTION FOR ENTRY OF JUDGMENT

Registrant Casa Latino Licensing LLC ("Casa Latino") moves for entry of judgment against Petitioner Casa Latino real Estate Corp. ("Petitioner") as a sanction for Petitioner's failure to comply with the Board's December 7, 2009, Order allowing Casa Latino's Motion to Compel. In support thereof, Casa Latino relies upon the pleadings filed to date and states as follows.

By way of review, Petitioner commenced this cancellation proceeding on June 1, 2009. Petitioner seeks to cancel Casa Latino's CASA LATINO trademark, United States Trademark Registration Serial No. 3488702, for CASA LATINO covering "Real estate agencies; Real estate brokerage" in International Class 36.

On or about October 9, 2009, Casa Latino moved to compel Petitioner to serve its Initial Disclosures and to respond to Casa Latino's previously served Interrogatories and Requests for Production of Documents (the "Motion to Compel").

On or about October 21, 2009, the Board suspended the instant proceeding pending disposition of Casa Latino's Motion to Compel.

Petitioner never responded to the Motion to Compel. Accordingly, on December 7, 2009, the Board allowed Casa Latino's Motion to Compel. The Board ordered Petitioner to:

serve no later than **THIRTY DAYS** from the mailing date of this order its initial disclosures required under Trademark Rule 2.120(a) and its responses, without objection, to respondent's first set of interrogatories and first set of requests for production of documents. *See Bison Corp. v. Perfecta Chemie B.V.*, 4 USPQ2d 1718 (TTAB 1987).

See the Board's December 7, 2009, Order, p. 1 (emphasis and underlining in original).

In its December 7, 2009, Order, the Board also held that:

[i]n the event petitioner fails to serve its initial disclosures or to respond to respondent's discovery requests as ordered herein, respondent's remedy lies in a motion for sanctions pursuant to Trademark Rule 2.120(g), 37 C.F.R. § 2.120(g).

Id. at pp. 1 – 2.

Petitioner's response to the Board's December 7, 2009, Order was due no later than January 6, 2010. However, as of the date of the instant Motion, Petitioner has not complied. More particularly, Petitioner has not served initial disclosures or responded to Casa Latino's first set of interrogatories or its first set of requests for production of documents.

Based on the foregoing, Casa Latino seeks entry of judgment in its favor, all pursuant to the terms of the Board's October 8, 2009, Order. In support of the instant Motion, CASA

LATINO avers that, as of the date of the instant Motion, Petitioner has not served initial disclosures or provided Casa Latino with any discovery responses.

Casa Latino seeks the relief requested herein pursuant to 37 C.F.R. § 2.120(g), which provides that “(1) [i]f a party fails to comply with an order of the Trademark Trial and Appeal Board relating to discovery, including a protective order, the Board may make any appropriate order, including any of the orders provided in Rule 37(b)(2) of the Federal Rules of Civil Procedure....” TBMP § 527.01(a), which incorporates 37 C.F.R. § 2.120(g), further provides that “[t]he sanctions which may be entered by the Board include, *inter alia*, striking all or part of the pleadings of the disobedient party; refusing to allow the disobedient party to support or oppose designated claims or defenses; prohibiting the disobedient party from introducing designated matters in evidence; and entering judgment against the disobedient party....” *Id.*

Casa Latino respectfully avers that it is entirely appropriate for the Board to enter judgment in Casa Latino’s favor based upon Petitioner’s failure to comply with the Board’s December 7, 2009, Order. In particular, by, the Board should recognize that Petitioner is flaunting the Board’s authority by deliberately refusing to comply with its discovery obligations. Petitioner’s behavior is particularly egregious since Petitioner brought this proceeding against Casa Latino, yet has utterly failed to provide Casa Latino with a meaningful opportunity to explore the bases for Petitioner’s claims. Accordingly, Casa Latino respectfully avers that the conditions of 37 C.F.R. § 2.120(g) and TBMP § 527.01(a) have been satisfied and that the Board should allow the instant Motion on its terms by entering judgment in Casa Latino’s favor and dismissing Petitioner’s claims.

WHEREFORE,. Registrant Casa Latino Licensing LLC respectfully requests that the Board allow the instant Motion on its terms, enter judgment in its favor, dismiss the instant proceeding and grant such other relief as it deems just and appropriate.

RESPECTFULLY SUBMITTED,
THE REGISTRANT
CASA LATINOLICENSING LLC

Dated: January 11, 2010

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CERTIFICATE OF SERVICE

I, Daniel E. Bruso, Esq., counsel to Registrant Casa Latino Licensing LLC in Cancellation Proceeding No. 92051037, certify that, on the 11th day of January 2010, I served a copy of CASA LATINO LICENSING LLC'S MOTION FOR ENTRY OF JUDGMENT, via first class mail, postage prepaid, upon:

Mitchell P. Novick, Esq.
Law Offices of Mitchell P. Novick
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/Daniel E. Bruso/
Daniel E. Bruso