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

Proceeding	77324270
Applicant	Navy Exchange Service Command ("NEXCOM")
Applied for Mark	USN
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Submission	Applicant's Combined Request for Oral Hearing and Motion to Consolidate Oral Hearings
Attachments	Motion Oral Argument 77324270 (9-2-2011).pdf ( 3 pages )(32957 bytes )
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Signature	/Melanie Fix/
Date	09/02/2011

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

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In re:	)
	)
Application Serial No. 77324270	)
	)
Applicant: Navy Exchange Service Command	)
	)
Filing Date: November 8, 2007	)
	)
Mark: USN (And Design)	)
	)

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**APPLICANT’S COMBINED REQUEST FOR ORAL HEARING  
AND MOTION TO CONSOLIDATE ORAL HEARINGS**

Pursuant to Trademark Rule 2.142(e)(1), 37 CFR § 2.142(e)(1), The Navy Exchange Service Command (“Applicant,” “NEXCOM,” or “Navy”), a component of the Department of the Navy, hereby requests that an oral hearing be granted in connection with the appeal filed in the above-identified application. Applicant believes a hearing is necessary to summarize and amplify the arguments and evidence of record, and to address any questions the Trademark Trial and Appeal Board may have.

Pursuant to TBMP § 1214, Applicant also respectfully requests that the Board consolidate this hearing with the hearings being requested concurrently in appeals filed in four other applications of Applicant’s. The five co-pending applications are:

Serial Numbers	IC	Description of Goods	Mark
77160754	025	uniforms, caps, blouses, trousers, parkas all sold to authorized patrons of the military exchanges pursuant to Armed Services Exchange Regulations	

77160763	025	uniforms, caps, blouses, trousers, parkas all sold to authorized patrons of the military exchanges pursuant to Armed Services Exchange Regulations	
77160783	025	uniforms, caps, blouses, trousers, parkas all sold to authorized patrons of the military exchanges pursuant to Armed Services Exchange Regulations	
77324270	024	Cotton, nylon blends, and nylon fabrics which will all be used in the manufacture of merchandise, including but not limited to clothing, to be sold to authorized patrons of the military exchanges pursuant to Armed Services Exchange Regulations	
77324266	024	Cotton, nylon blends, and nylon fabrics which will all be used in the manufacture of merchandise, including but not limited to clothing, to be sold to authorized patrons of the military exchanges pursuant to Armed Services Exchange Regulations	

The issues in each case are substantially the same. Each of the pending applications seeks registration of marks consisting of or containing the Navy's blue/grey/black digital pattern for its uniforms. All five applications have been refused registration on the asserted ground that the mark is functional as a matter of law under section 2(e)(5). Additionally, in three of the applications, Applicant appeals the Examining Attorney's requirement for an amended description of the mark. In view of the fact that the marks, facts, and issues in each appeal are identical or virtually identical, consolidation of the five separate hearings into a single hearing

will avoid piece-meal and redundant oral argument. Additionally, judicial economy favors consolidating the hearings so as not to waste the time or resources the Board.

WHEREFORE, Applicant respectfully requests an oral hearing and further moves for consolidation of the oral hearing in the five appeals referenced above.

Respectfully submitted,

/Melanie Fix/

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