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Filing date: **11/20/2014**

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

Proceeding	79122365
Applicant	Booking.com B.V.
Applied for Mark	BOOKING.COM
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Submission	Motion to Consolidate
Attachments	MOTION TO CONSOLIDATE EX PARTE APPEALS_11-20-2014.pdf(880728 bytes)
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Signature	/Jonathan E. Moskin/
Date	11/20/2014

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

In re

, Serial No. 85/485,097
Applicant: Booking.com B.V.
Filed: December 1, 2011
Examiner: Caitlin Watts-Fitzgerald, Law Office 111

In re **BOOKING.COM, Serial No. 79/114,998**
Applicant: Booking.com B.V.
Filed: June 5, 2012
Examiner: Sharon A. Meier, Law Office 112

In re

, Serial No. 79/122366
Applicant: Booking.com B.V.
Filed: November 7, 2012
Examiner: Nelson B. Snyder III, Law Office 107

In re

Serial No. 79/122365
Applicant: Booking.com B.V.
Filed: November 7, 2012
Examiner: Nelson B. Snyder III, Law Office 107

MOTION TO CONSOLIDATE EX PARTE APPEALS

On August 19, 2014, the Trademark Trial and Appeal Board granted the consolidation of Applicant's *ex parte* appeals in **Serial No. 85/485,097** and **Serial No. 79/114,998.**

On October 20, 2014, upon Applicant's request, the consolidated appeal was suspended pending review of Applicant's Requests for Reconsideration filed in **Serial No. 79/122,366** and **Serial No. 79/122,365.** Applicant's Requests for Reconsideration in **Serial No. 79/122366** and **Serial No. 79/122365** have been denied, and Applicant now seeks to consolidate the *ex parte* appeals for its four pending "BOOKING.COM" applications.

Pursuant to Trademark Board Manual of Procedure §1214, Applicant hereby requests that its *ex parte* appeals in **Serial No. 85/485,097**, **Serial No. 79/114,998, Serial No. 79/122,366,** and **Serial No. 79/122,365** be consolidated for purposes of briefing, oral hearing and final decision.

The appeals in these co-pending applications involve common issues of law and fact. In all four cases, the Examining Attorneys have argued that "BOOKING.COM" lacks the capacity to distinguish Applicant's services from those of others and that, even if the wording is capable of functioning as a mark, Applicant has not proven acquired distinctiveness. Applicant strenuously disputes both positions and contemplates raising very similar issues of law and fact as to each refusal.

Applicant has not yet filed its Appeal Brief in any of the cases, thus the appeals are in the same procedural position.

Consolidation is in the interest of both Applicant and the Trademark Trial and Appeal Board. It will eliminate duplicative filings with the Board and will conserve the Board's judicial resources. Applicant requests that, if this motion is granted and the four appeals are consolidated, the Board issue a single new scheduling order governing all four appeals as one consolidated appeal.

Respectfully submitted,

Dated: November 20, 2014

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