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

Proceeding	79124238
Applicant	VULCANIC
Applied for Mark	VULCANIC
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Submission	Motion to Consolidate Ex Parte Appeals
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIALS AND APPEALS BOARD**

Applicant	Vulcanic
Serial Nos. 79/124238 79/124239	Filing Date: November 8, 2012
Trademark	VULCANIC 
Law Office: 109	Trademark Attorney: Lobo

MOTION TO CONSOLIDATE EX PARTE APPEALS

Pursuant to TMBP § 1214, Applicant, Vulcanic., moves the Trademark Trial and Appeal Board (“Board”) to consolidate the above-captioned Ex Parte Appeals regarding U.S. Trademark Application Serial Nos. 79/124238 and 79/124239.

These cases concern refusals to register under Section 2(d) of the Lanham Act. U.S. Trademark Application Serial Nos. 79/124238 and 79/124239 have been refused registration in view of the same registrations. The marks at issue in each pending application and the basis for refusal present substantially similar issues.

The Board may consolidate ex parte appeals regarding co-pending applications where the appeals involve common questions of law or fact. TMBP § 1214. Consolidation is appropriate here because the two pending proceedings share identical questions of law and fact. The only issue before the Board is the likelihood of confusion under Section 2(d) with respect to the same cited registrations. The only difference between the cases is the design element in one of Applicant’s pending applications.

Consolidation of the proceedings into a single matter will allow simplify the

briefing for Applicant, the examining attorney, and the Board and promotes judicial economy and efficiency without prejudicing any interested party.

WHEREFORE, Applicant requests that the Board issue an order consolidating the ex parte appeals for U.S. Trademark Application Serial Nos. 79/124238 and 79/124239.

Respectfully submitted,

A handwritten signature in cursive script that reads "Andy Corea" followed by a horizontal line.

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