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

Proceeding	85914469
Applicant	Graystone Consulting Associates, Inc.
Applied for Mark	VALUE SHOPPER
Correspondence Address	MATTHEW H SWYERS THE TRADEMARK COMPANY 344 MAPLE AVE WEST, PMB 151 VIENNA, VA 22180 UNITED STATES admin@thetrademarkcompany.com, mswyers@TheTrademarkCompany.com
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Filer's Name	Matthew H. Swyers
Filer's e-mail	mswyers@TheTrademarkCompany.com
Signature	/Matthew H. Swyers/
Date	02/02/2015

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
The Trademark Trial and Appeal Board

Serial No. 85913238 for the mark CYCLE OF EXCELLENCE
Serial No. 85913269 for the mark CYCLE OF EXCELLENCE
Serial No. 85913371 for the mark VALUE STATEMENTS
Serial No. 85913693 for the mark CREMATION SELF DIRECTED
Serial No. 85914442 for the mark INTENTIONAL CONVERSATION
Serial No. 85914457 for the mark QUALITY SHOPPER
Serial No. 85914469 for the mark VALUE SHOPPER
Serial No. 85914478 for the mark PRICE SENSITIVE SHOPPER

In re Applications of:	:	
Graystone Consulting	:	Examining Attorneys: Seth A. Rappaport
Associates, Inc.	:	W. Wendy Jun
	:	Laura Golden
	:	

MOTION TO CONSOLIDATE

COMES NOW the Applicant, Graystone Consulting Associates, Inc.(hereinafter “Applicant”), by counsel, The Trademark Company, PLLC, and pursuant to § 511 of the TBMP, hereby files the instant Motion to Consolidate in the above-captioned matters. In support thereof, Applicant states as follows:

Statement of the Case

Applicant instituted the above captioned Appeals on or about September, 2014 to Appeal the examining attorneys refusals that the specimen submitted for the above captioned matters do not function in showing the applied for trademarks in use in commerce with their applied for services.

Applicant in the above-reference matters now wishes to consolidate the same into one global action under Serial No. 85913238.

Argument

In deciding upon a motion to consolidate, the Board should weigh the savings in time, effort, and expense, which may be gained from consolidation, against any prejudice or inconvenience that may be caused thereby. TBMP § 511 (*citing World Hockey Ass'n v. Tudor Metal Products Corp.*, 185 USPQ 246 (TTAB 1975) (consolidation ordered where issues were substantially the same and consolidation would be advantageous to both parties)).

When an applicant has filed an ex parte appeal to the Board in two or more copending applications, and the cases involve common issues of law or fact, the Board, upon request by the applicant or examining attorney or upon its own initiative, may order the consolidation of the appeals for purposes of briefing, oral hearing, and/or final decision. *See, e.g., In re Anderson*, 101 USPQ2d 1912, 1915 (TTAB 2012) (Board sua sponte consolidated two appeals); *In re Country Music Association, Inc.*, 100 USPQ2d 1824, 1827 (TTAB 2011) (same); *In re America Online Inc.*, 77 USPQ2d 1618, 1618 (TTAB 2006) (Board consolidated appeals in four applications upon applicant's motion); *In re Bacardi & Co. Ltd.*, 48 USPQ2d 1031, 1033 (TTAB 1997); (Board sua sponte considered appeals in five applications together and rendered single opinion); *In re Pebble Beach Co.*, 19 USPQ2d 1687, 1687 (TTAB 1991); *In re Del E. Webb Corp.*, 16 USPQ2d 1232, 1233 (TTAB 1990) (proceedings consolidated because issue in two appeals the same); *In re Anton/Bauer Inc.*, 7 USPQ2d 1380, 1381 (TTAB 1988) (applicant requested after hearing on one appeal that appeals be consolidated; Board granted and decided appeals in single decision); *In re Weber-Stephen Products Co.*, 3 USPQ2d 1659, 1662 n.7 (TTAB 1987); *In re Petersen Manufacturing Co.*, 2 USPQ2d 2032, 2033 (TTAB 1987) (four appeals consolidated for oral hearing and decision); *In re San Diego National League Baseball Club, Inc.*, 224 USPQ 1067, 1608 (TTAB 1983) (appeals consolidated for oral hearing and decision).

Accordingly, all proceedings will involve substantially identical questions of law of as well as a significant overlap of the facts supporting the applications of the law to the matters before the Board. Specifically, whether the specimens of use submitted with each application show use of the respective services in commerce and whether the respective trademarks at issue function as trademarks within the context of the specimens so submitted.

In evaluating the instant motion, Applicant asserts that in the interests of judicial economy the requested consolidation will serve to significantly decrease both the Board's time and effort in presiding over these matters as well as the parties' respective efforts and expense in prosecuting and/or defending the same. *See World Hockey Ass'n*, 185 USPQ 246. The trial order dates are the same in both proceedings.

WHEREFORE for good cause shown it is hereby requested that the instant proceedings be consolidated under Serial No. 85913238.

Respectfully submitted this 2nd day of February, 2015

The Trademark Company, PLLC

/Matthew H. Swyers/
Matthew H. Swyers, Esq.
344 Maple Avenue West, Suite 151
Vienna, VA 22180
Tel. (800) 906-8626
Facsimile (270) 477-4574
mswyers@TheTrademarkCompany.com
Counsel for Applicant