

# UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

U.S. APPLICATION SERIAL NO. 86337786, 86337802,  
and 86354289

MARK: HOLOGIC 3D MAMMOGRAPHY, 3D  
MAMMOGRAPHY, and GENIUS 3D MAMMOGRAPHY



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**GENERAL TRADEMARK INFORMATION:**

<http://www.uspto.gov/trademarks/index.jsp>

**TTAB INFORMATION:**

<http://www.uspto.gov/trademarks/process/appeal/index.jsp>

**APPLICANT:** Hologic, Inc.

**CORRESPONDENT'S REFERENCE/DOCKET NO:**

89000.0098

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## MOTION TO CONSOLIDATE

The applicant is seeking registration on the Principal Register of three marks which have similar wording and which involve the same substantive issue, namely, whether the mark, or a portion of the mark, is merely descriptive and, thus, either not registrable on the Principal Register under Section 2(e)(1) of the Trademark Act in its entirety or not registrable on the Principal Register of the descriptive portion of two composite marks without a disclaimer of the same wording. The three applications are Serial Nos. 86337802 (3D Mammography in standard characters) which has been refused registration on the basis that the mark in its entirety is merely descriptive under Section 2(e)(1) of the Trademark Act; 86337786 (Hologic 3D Mammography in standard characters) and 86354289 (Genius 3D Mammography in standard characters). In the latter two applications, applicant was required to disclaim the wording "3D Mammography" as being merely descriptive matter. In all three applications, the identification of goods is the same, namely, mammography imaging systems.

The examining attorney notes that the legal issues involved in these cases involve a highly similar issue as to whether the wording "3D Mammography" is merely descriptive of a feature, characteristic, purpose or function of the goods and either not registrable in its entirety or without a disclaimer in the case of the two composite marks.

As the applicant has filed an *ex parte* appeal to the Board in each case and all three involve common issues of law and fact; the examining attorney requests that the Board consolidate application Serial Nos 86337802, 86337786 and 86354289 for purposes of efficiency and ease of briefing and prosecution. TBMP §1214.

Respectfully submitted,

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