

## MOTION TO CONSOLIDATE

The applicant is seeking registration on the Principal Register of two marks which have similar wording and which involve the same substantive issue, namely, whether applicant has a bona fide intent to use the mark lawfully in commerce and, thus, whether refusal of the marks on the Principal Register is warranted under Sections 1 and 45 of the Trademark Act. The two applications are Serial Nos. 86520135 (PHARMACANN in standard characters) and 86520138 (PHARMACANNIS in standard characters). In both applications, the identification of services is the same, namely, “Retail store services featuring medical marijuana” and “Dispensing of pharmaceuticals featuring medical marijuana.”

The examining attorney notes that the legal issues involved in these cases are identical and concern whether the services are in violation of federal law.

As the applicant has filed an *ex parte* appeal to the Board in each case and both involve common issues of law and fact; the examining attorney requests that the Board consolidate application Serial Nos 86520135 and 86520138 for purposes of efficiency and ease of briefing and prosecution. TBMP §1214.

Respectfully submitted,

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