

ESTTA Tracking number: **ESTTA29322**

Filing date: **03/29/2005**

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

<b>Proceeding</b>	91163331
<b>Party</b>	Plaintiff SARMAR , L.L.C. ,
<b>Correspondence Address</b>	ARTHUR J.DEBAUGH SARAMAR, L.L.C. 1000 E. HANES MILL ROAD WINSTON-SALEM, NC 27105
<b>Submission</b>	Motion to Consolidate
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<b>Signature</b>	/Joshua S. Bish/
<b>Date</b>	03/29/2005
<b>Attachments</b>	saramotconsolidate.pdf ( 3 pages )

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

SARAMAR, L.L.C.,	)	
	)	
Opposer,	)	Opposition No.: 91163307
	)	Mark: X SCENT [and design]
v.	)	
	)	Opposition No.: 91163331
ARCTICSHIELD, INC.,	)	Mark: X SCENT
	)	
Applicant.	)	

**OPPOSER SARAMAR'S MOTION TO CONSOLIDATE**

Opposer Saramar, LLC ("Opposer"), pursuant to Fed. R. Civ. P. 42(a), hereby moves the Board for consolidation of related Opposition Nos. 91163307 and 91163331. As grounds for its Motion, Opposer states the following:

1. Opposition Nos. 91163307 and 91163331 are virtually identical with respect to both factual and legal issues. Specifically, Opposition No. 91163307 concerns Applicant ArcticShield, Inc.'s ("Applicant") trademark application for the mark "X SCENT and design", while Opposition No. 91163331 concerns Applicant's trademark application for the word mark "X SCENT". Applicant filed both applications as intent-to-use applications on April 25, 2003.
2. Both opposition proceedings have the same Opposer and same Applicant.
3. Both opposition proceedings are based upon Opposer's U.S. Trademark Registration 2,913,784 for the mark "EX-SCENT".
4. Both opposition proceedings are therefore likely to involve the same discovery, the same witnesses, and the same questions of law and fact.

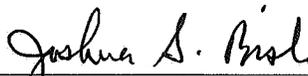
5. Fed. R. Civ. P. 42(a) provides:

“When actions involving a common question of law or fact are pending before the court, it may order a joint hearing or trial of any or all the matters in issue in the actions; it may order all the actions consolidated; and it may make such orders concerning proceedings therein as may tend to avoid unnecessary costs or delay.”

6. Based on the foregoing, Opposer respectfully submits that it would be in the Board’s and the parties’ best interest to consolidate the two opposition proceedings to promote efficiency and to avoid unnecessary costs or delay. Opposer also submits that there would be no prejudice to either party as a result of consolidation.

WHEREFORE, Opposer respectfully requests that its Motion to Consolidate be granted and that the Board consolidate Opposition Nos. 91163307 and 91163331.

Respectfully submitted,

  
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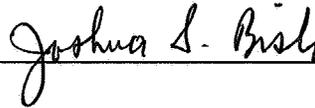
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that he caused the foregoing **OPPOSER SARAMAR'S MOTION TO CONSOLIDATE** to be served on counsel for Applicant on March 29, 2005, by first-class mail, postage prepaid, at the following address:

Frank J. Catalano, Esq.  
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A handwritten signature in cursive script, reading "Joshua S. Bishop", is written over a solid horizontal line.