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

Proceeding	91164500
Party	Plaintiff Puppuccino, Inc. ,
Correspondence Address	Leslie C. Adams The Intellect Law Group 2400 SE Federal Highway, Suite 340 Stuart, FL 34994
Submission	Motion to Consolidate
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Date	06/28/2005
Attachments	MotionToConsolidate.PDF (3 pages)

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

In the Matter of Application Serial Nos. 78/324,909; 78/324,924; 78/315,477
Marks: CATPUCCINO; CHIRPPUCCINO; PUPPUCCINO

-----X		
PUPPUCCINO, INC.,	:	
	:	
Opposer,	:	
	:	Opposition Nos. 91164500; 91164705
- against -	:	
	:	
LYNETTE M. THORLAKSON,	:	
	:	
Applicant.	:	
-----X		

**OPPOSER'S MOTION TO CONSOLIDATE OPPOSITION PROCEEDING
NOS. 91164500 AND 91164705 AND BRIEF IN SUPPORT THEREOF**

The Opposer Puppuccino, Inc., by and through its undersigned counsel, hereby files this Motion to Consolidate Opposition Proceeding Nos. 91164500 and 91164705 and in support states as follows:

Pursuant to Fed. R. Civ. P. 42(a) and TMBP §511, "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 and all matters in issue in the action; 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."

The Board's decision to consolidate opposition proceeding is discretionary. TMBP §511. The Board generally does not consider motions to consolidate until after an answer has been filed. *Id.* In deciding whether to consolidate proceedings, the Board weighs "the savings in time, effort, and expense, which may be gained from

consolidation, against any prejudice or inconvenience that may be caused thereby.” *Id.*

The Board may also consider the identity of the parties as a factor in deciding whether to consolidate proceedings. *Id.*

In the present proceedings, answers have been filed in both proceedings, and the parties have engaged in discovery. The parties have both served and responded to single interrogatory requests directed to all three marks involved in the separate proceedings. The proceedings both involve the same parties as Opposer and Applicant, and each party is represented by the same counsel of record in both proceedings. Further, both proceedings involve the same questions of law and fact, specifically whether there is a likelihood of confusion between Opposer’s PUPPUCCINO mark and Applicant’s PUPPUCCINO, CATPUCCINO and CHIRPPUCCINO marks.

Opposer argues that consolidating the opposition proceedings will save time, effort, and expense because the parties will be able to present their cases on the same record and brief, and the parties will not have to engage in two separate testimony periods. Opposer is not aware of any inconvenience or prejudice caused to the Applicant.

WHEREFORE, Opposer respectfully requests that the Board grant Opposer’s motion to consolidate opposition proceeding nos. 91164500 and 91164705 and reset trial dates for the consolidated proceeding.

Dated: Stuart, Florida
 June 28, 2005

Respectfully submitted,

THE INTELLECT LAW GROUP

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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Motion to Consolidate has been served on Mr. Richard Alaniz, Esq. by mailing said copy on this 28th day of June 2005, via First Class Mail, postage prepaid to:

Mr. Richard Alaniz, Esq.
Black Lowe & Graham
701 Fifth Ave, Suite 4800
Seattle, Washington 98104

By: /lca/
Leslie C. Adams