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

Proceeding	91185261
Party	Defendant N.V. SUMATRA TOBACCO TRADING COMPANY
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Submission	Motion to Consolidate
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of application Serial No. 76/415,303 and 76/415,305  
Mark: "UNION GOLD" and "U-UNION and Design"

American Cigarette Company, Inc.  
Opposer/Plaintiff,

Opposition Nos. 91185261  
91186841

v.

N.V. Sumatra Tobacco Trading Company  
Applicant/Defendant.

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**CONSENTED MOTION FOR CONSOLIDATION OF CASES**

Registrant/Opposer, American Cigarette Company, Inc. (herein ACC), files this Motion for Consolidation of the above captioned Opposition No.91185261 and Cancellation No. 92052621, and in support thereof states as follows:

1. The TBMP, citing to Fed. R. Civ. P. 42(a), states "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 the proceedings therein as may tend to avoid unnecessary costs or delay." (TBMP §511) (See also Nabisco Brands Inc. v. Keebler Co., 28 USPQ2d 1237, 1238 n.2 (TTAB 1993) (combined opposition and cancellation)(TBMP §305).

2. Petitioner/Applicant, N.V. Sumatra Tobacco Trading Company ("Sumatra") is the same party for both proceedings and ACC is the same Registrant for both proceedings.

3. Sumatra seeks to register U UNION and Design and UNION GOLD (Consolidated Opposition 91185261). UNION is the predominant aspect of Sumatra's marks. Both marks are in Class 34, and list cigarettes as one of the classifications.

4. Opposer, ACC is the owner/assignee of the trademark UNION, reg. No. 2,972,594, for "cigarettes" in Class 34.

5. Sumatra now seeks to cancel ACC's UNION mark, based upon arguments that are directly related to arguments contained in the Opposition proceedings. (Cancel No. 92052621)

6. The two cases involve common questions of law and/or fact.

7. There will be significant savings in time, effort and expense for all with the Opposition and Cancellation consolidated.

8. There is no anticipated prejudice or inconvenience that may be caused by the consolidation of the Opposition and Cancellation proceedings.

9. This Motion is filed concurrently in the Cancellation and Opposition proceedings.

10. Counsel for Petitioner was contacted prior to filing this Motion and Petitioner N.V. Sumatra consents to this Motion.

WHEREFORE, ACC requests that the Board consolidate Cancellation No. 92052621 and Opposition No.91185261.

Dated: August 3, 2010

Fort Lauderdale, Florida

Respectfully submitted,

By: s/Robert Kain/

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