

ESTTA Tracking number: **ESTTA241338**

Filing date: **10/08/2008**

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

Proceeding	91185261
Party	Plaintiff American Cigarette Company, Inc.
Correspondence Address	Robert C. Kain, Jr. Kain & Associates, Attorneys at Law, P.A. 750 Southeast Third Avenue Fort Lauderdale, FL 33316 UNITED STATES ekotler@complexip.com, rkain@complexip.com
Submission	Motion to Consolidate
Filer's Name	Robert C. Kain, Jr.
Filer's e-mail	rkain@complexip.com, dspielman@complexip.com, ekotler@complexip.com
Signature	/rck/
Date	10/08/2008
Attachments	plead-Mot-Consolidate-100708.pdf (2 pages)(12752 bytes)

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

In the matter of trademark application Serial No. 76/415,303
Published for opposition in the Official Gazette of July 15, 2008
Mark: UNION GOLD

-----)
AMERICAN CIGARETTE)
COMPANY INC.,)
Opposer,)
)
v.) Opposition No. 91185261
)
N.V. SUMATRA TOBACCO)
TRADING COMPANY)
Applicant.)
-----)

MOTION FOR CONSOLIDATION OF CASES

Opposer, American Cigarette Company, Inc. (herein ACC), files this Motion for Consolidation of the above captioned Opposition No. 91185261 and Opposition No. 91186841, 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)

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

3. Sumatra seeks to register U UNION and Design (Opposition 91186841) and UNION GOLD (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. The two cases involve common questions of law and/or fact.

6. There will be significant savings in time, effort and expense for all with the two Oppositions consolidated.

7. There is no anticipated prejudice or inconvenience that may be caused by the consolidation of the Oppositions.

WHEREFORE, ACC requests that the Board consolidate Opposition 91185261 and Opposition 91186841.

Dated: October 8, 2008

Respectfully submitted,

Fort Lauderdale, Florida

By: /Robert Kain/

Robert C. Kain, Jr. (266760)
RKain@ComplexIP.com
Kain & Associates, Attorneys at Law, P.A.
750 Southeast 3rd Avenue, Suite 100
Fort Lauderdale, Florida 33316
Telephone: (954) 768-9002
Facsimile: (954) 768-0158
Attorney for Opposer American Cigarette Company, Inc.