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

Proceeding	91188973
Party	Plaintiff Gapardis Health and Beauty, Inc.
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Submission	Other Motions/Papers
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Date	09/30/2010
Attachments	Response to motion to consolidate 093010.pdf (2 pages)(13633 bytes)

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

GAPARDIS HEALTH AND BEAUTY, INC. and XAVIER P. TANCOGNE,)	
)	Opposition No. 91188973
)	Serial No. 77248780
Opposers,)	
)	
v.)	
)	
GULAM NASSER,)	
)	
Applicant.)	

OPPOSERS' RESPONSE TO APPLICANT'S MOTION TO CONSOLIDATE

In this Opposition proceeding, Applicant filed a motion to amend his answer and to add a counterclaim. (Docket entry 20). The proposed counterclaim sought cancellation of one of the three registrations asserted by Opposers, but the counterclaim was disallowed by the Board for Applicant's failure to pay the proper fee. Subsequently, Applicant filed a separate cancellation proceeding, No. 92052226, which asserts essentially the same cancellation claim as that asserted in the proposed counterclaim and asserts cancellation claims against the Opposers' other two registrations.

In light of the Board's September 23, 2010, order in this proceeding permitting the counterclaim (Docket entry 28), Opposers do not oppose the motion to consolidate, provided, however, that the schedule set in the September 23 order is maintained and made applicable to the consolidated opposition and cancellation proceeding.

Respectfully submitted,

/s/**David M. Rogero**/
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Response was served upon Applicant's counsel at the address below by U.S. Mail on the 30th day of September, 2010:

Michael F. Campillo
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