

ESTTA Tracking number: **ESTTA391564**

Filing date: **02/03/2011**

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

Proceeding	91195136
Party	Plaintiff University of Kentucky
Correspondence Address	MICHAEL S HARGIS KING & SCHICKLI, PLLC 247 N BROADWAY LEXINGTON, KY 40507-1058 UNITED STATES michael@iplaw1.net, elise@iplaw1.net
Submission	Other Motions/Papers
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Date	02/03/2011
Attachments	Motion to Consolidate.pdf (3 pages)(1612761 bytes)

In the Matter of Registration Application Serial No. 77/787,590
Filed July 23, 2009
For the mark BIG RED VS. BIG BLUE
Published in the *Official Gazette* on February 2, 2010

UNIVERSITY OF KENTUCKY,	:	
	:	
Opposer,	:	
v.	:	OPPOSITION NO. 91195136
	:	
North American Beverages, LLC,	:	
	:	
Applicant.	:	

OPPOSER’S MOTION TO CONSOLIDATE PROCEEDINGS

Pursuant to Fed. R. Civ. P. 42(a), Opposer University of Kentucky (“Opposer”), hereby moves to consolidate the subject opposition with cancellation proceeding No. 92053354 in the interest of judicial and pecuniary economy. The proceedings involve the same parties, similar marks, and common issues of fact and law. For example, Applicant’s/Registrant’s marks include BIG RED VS. BIG BLUE and BIG BLUE, respectively, each used to identify soda and related goods. Opposer owns a family of BIG BLUE marks used to identify a plethora of goods and services including bottled water. Even more, Opposer’s claims for opposition and cancellation are very similar, e.g., false suggestion of a connection under Section 2(a) and likelihood of confusion under Section 2(d) of the Trademark Act. . Neither Answer includes any defenses or counterclaims.

Inssofar as consolidation of the cases does not result in the cases losing their separate

identities, any remaining issues unique to each proceeding may still be addressed and separate judgements entered for each case. Therefore, Opposer respectfully requests an Order granting consolidation of the proceedings.

No fees are believed due. Please apply any charges or credits to Deposit Account 11-0978.

Dated: February 3, 2011

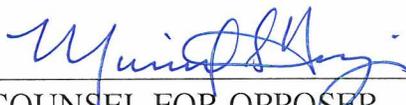
Respectfully submitted,

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UNIVERSITY OF KENTUCKY

CERTIFICATE OF SERVICE

I hereby certify that on this the 3rd day of February, 2011, a true and correct copy of the foregoing was served via U.S. Mail, First Class, postage prepaid and via electronic mail on:

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