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

Proceeding	91210506
Party	Plaintiff Ovation LLC
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Submission	Motion to Consolidate
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Date	08/21/2014
Attachments	Ovation Motion to Consolidate.pdf(64022 bytes)

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

Ovation LLC,	Opposition No. 91-210506 Application No. 85/569,798
Opposer,	POP OF CULTURE
v.	Opposition No. 91-217286 Application No. 85/937,423
E! Entertainment Television, LLC,	E POP OF CULTURE
Applicant.	Opposition No. 91-217287 Application No. 85/937,399
	E POP OF CULTURE
	MOTION TO CONSOLIDATE PROCEEDINGS

Commissioner for Trademarks
ATTN: Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Dear Commissioner:

Pursuant to TBMP § 511 and the cases cited therein, Opposer Ovation LLC (“Opposer”) hereby moves the Board to consolidate three opposition proceedings, all of which were filed by Opposer. The proceedings sought to be consolidated (the “Oppositions”) are:

- *Ovation LLC v. E! Entertainment Television, LLC*, Opposition No. 91-210506;
- *Ovation LLC v. E! Entertainment Television, LLC*, Opposition No. 91-217286; and
- *Ovation LLC v. E! Entertainment Television, LLC*, Opposition No. 91-217287.

The above-identified proceedings are directed to applications for the marks POP OF CULTURE and E POP OF CULTURE, which were filed by Applicant E! Entertainment Television, LLC (“Applicant”). In all three of Opposer’s proceedings against Applicant, Opposer relies on its rights in the mark CULTUREPOP, and alleges likelihood of confusion and priority. The Notices of Opposition in all three Oppositions are substantially the same, with the mark in each of the opposed applications being either identical or substantially similar. Opposer asserted the same registration¹ of its alleged mark in each Opposition. Because the allegations in the Oppositions are substantially the same, there are common questions of law or fact and law. In short, the grounds for the Oppositions are essentially the same. In addition, the parties and their counsel are identical, and the Oppositions are both in substantially the same early stages of the proceedings as one another.

Given these facts, consolidation would save time, effort, and expense for all involved. In view of the similarity of issues and identity of parties in the Oppositions and in the interest of judicial economy, Opposer respectfully requests that the Board consolidate Opposition Nos. 91-210506, 91-217286, and 91-217287 pursuant to TBMP § 511, and reset the trial and pre-trial dates in the resulting parent opposition.

Respectfully submitted,

Dated: August 21, 2014

/Jill M. Pietrini/
Jill M. Pietrini
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¹ In Opposition No. 91-210506, Opposer’s application to register CULTUREPOP was still pending.

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being transmitted electronically to Commissioner of Trademarks, Attn: Trademark Trial and Appeal Board through ESTTA pursuant to 37 C.F.R. §2.195(a), on this 21st day of August, 2014.

/LaTrina Martin/
LaTrina Martin

CERTIFICATE OF SERVICE

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Monique Cheng Joe
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Michael J. McCue
Lewis Roca Rothgerber LLP
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on this 21st day of August, 2014.

/LaTrina Martin/
LaTrina Martin

SMRH:430828326.1