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

Proceeding	91211530
Party	Defendant Odonnell, William
Correspondence Address	WILLIAM ODONNELL 7873 1/2 MYRTLE AVE EUREKA, CA 95503-9516 billjr@odonnell.ws
Submission	Motion to Consolidate
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Date	07/23/2013
Attachments	motion to consolidate.pdf(136984 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
The Trademark Trial and Appeal Board**

Serial No. 85/785,996
For the mark ADVENTURES OF SHADOW,

Registration No. 3,682,041
For the mark ADVENTURES OF SHADOW,

J-Lynn Entertainment, LLC,	:	
	:	
Opposer/Petitioner,	:	Opposition No.: 91211530
	:	
	:	
vs.	:	
	:	
	:	Cancellation No.: 92056491
William T. Odonnell,	:	
	:	
Applicant/Registrant.	:	

MOTION CONSOLIDATE

COMES NOW the Applicant/Registrant, William T. Odonnell, Applicant in above Opposition Proceeding No. 91211530 and Registrant in above Cancellation Proceeding No. 92056491 (hereinafter "Odonnell"), by counsel, The Trademark Company, PLLC, and pursuant to § 511 of the TBMP, hereby files the instant Motion to Consolidate in the above-captioned matters. In support thereof, Odonnell states as follows:

Statement of the Case

Opposer, J-Lynn Entertainment, LLC, instituted Opposition Proceeding No. 91211530 on or about July 12, 2013 against Odonnell's Federal Trademark Application Serial No. 85/785,996 for the mark ADVENTURES OF SHADOW.

Petitioner, J-Lynn Entertainment, LLC, instituted Cancellation Proceeding No. 92056491 on or about November 27, 2012 against Odonnell's Federal Trademark Registration No. 3,682,041 for the mark ADVENTURES OF SHADOW.

Odonnell, as Applicant/Registrant in the above-reference matters, now wishes to consolidate the same into one global action under Cancellation No. 92056491.

Argument

In deciding upon a motion to consolidate, the Board should weigh the savings in time, effort, and expense, which may be gained from consolidation, against any prejudice or inconvenience that may be caused thereby. TBMP § 511 (*citing World Hockey Ass'n v. Tudor Metal Products Corp.*, 185 USPQ 246 (TTAB 1975) (consolidation ordered where issues were substantially the same and consolidation would be advantageous to both parties).

Although consolidation is discretionary by the Board, it may be ordered upon a motion granted by the Board or upon a stipulation of the parties approved by the Board. TBMP § 511.

When matters are consolidated, the oldest of the consolidated cases will be treated as the "parent" case and the Board should reset the trial and discovery dates for the consolidated proceeding by adopting the trial dates set in the most recently instituted of the cases being consolidated. TBMP § 511.

Accordingly, all proceedings will involve the same parties and substantially identical questions of law of as well as a significant overlap of the facts supporting the applications of the law to the matters before the Board.

In evaluating the instant motion, Odonnell asserts that in the interests of judicial economy the requested consolidation will serve to significantly decrease both the Board's time and effort

in presiding over these matters as well as the parties' respective efforts and expense in prosecuting and/or defending the same. *See World Hockey Ass'n*, 185 USPQ 246.

WHEREFORE for good cause shown it is hereby requested that the instant proceedings be consolidated under the oldest matter, Cancellation No. 92056491, and that trial dates be rescheduled for the new consolidated matter consistent with the most recently instituted matter consolidated Opposition No. 91211530.

Respectfully submitted this 23rd day of July, 2013.

The Trademark Company, PLLC

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