

ESTTA Tracking number: **ESTTA556053**

Filing date: **08/26/2013**

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

Proceeding	91211662
Party	Defendant Derek S. T.
Correspondence Address	D. S. T. PO BOX 2273 GLEN ELLYN, IL 60138-2273 webmaster978@yahoo.com
Submission	Motion to Consolidate
Filer's Name	Derek Scott T.
Filer's e-mail	webmaster978@yahoo.com
Signature	/Derek Scott. T/
Date	08/26/2013
Attachments	Motion_to_Consolidate.pdf(168160 bytes)

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

Ninkasi Brewery, LLC)

Opposer)

v.)

Derek S. T.)

Applicant)

_____)

)

Derek S. T)

Petitioner)

v.)

Ninkasi Brewery, LLC)

Defendant)

_____)

Pr. No. 91211662

Answers, Affirmative Defenses

Counterclaim-Petition to Cancel

No: 4293378

Date: August 26, 2013

**MOTION TO CONSOLIDATE DEFENDANT’S ANSWERS,
AFFIRMATIVE DEFENSES, WITH PETITIONER’S COUNTERCLAIM /
PETITION TO CANCEL**

Timely Answers, Affirmative Defenses by the Defendant were filed concurrently with Defendant’s Counterclaim/Petition to Cancel on August 19, 2013 via USPS Express Mail. Copies of the same were mailed to the attorney for the Opposer, via Certified Mail on August 19, 2013. Receipts for both transactions are attached hereto, for the Board’s convenience.

“Generally, the Board will not consider a motion to consolidate until an answer has been filed in each case sought to be consolidated. However, the Board may, in its discretion, order cases consolidated prior to joinder of issue.” [Note 6.] TBMP Sec. 305.

Therefore, receipts of both transactions of USPS have been provided to demonstrate timeliness of filings. The appropriate fee of \$ 300, per Money Order, location no: 2353 Glen Ellyn, IL., with **notation** above location no: Referencing Petition to Cancel, the Registrant’s No. 4293378 attn: Trademark Trial and Appeal Board.

Consolidation of both cases will enhance the Board’s efficiency and will not unduly complicate the trial because of the common issues.

Whereas the Defendant (Applicant) in Opposition No: 91211662 and now Petitioner, in the Counterclaim/Petition to Cancel of # 4293378 respectfully asks the Honorable Board to grant this Motion to Consolidate.

Respectfully submitted,

/Derek Scott. T./

Date: August 26, 2013

Certificate of Service: A copy of this motion has been mailed via certified mail to Jane Yates, attorney for Plaintiff in Opposition.

P. 2. Motion to Consolidate Answers,
Affirmative Defenses with Counterclaim / Petition to Cancel # 4293378

Dispatched to Sort Facility	August 19, 2013, 5:36 pm	GL EN EL LY N, IL 601 37
Acceptance	August 19, 2013, 4:27 pm	GL EN EL LY N, IL 601 37

Proof of Service Copy to Attorney for the Opposition, Jane Yates:

#	Your Label Number	Service	Status of Your Item	Date & Time	Location	Features
Result 1	70081830000257634967 #	FIRST CLASS MAIL®	Delivered	August 21, 2013, 12:39 pm	EUGENE, OR 97401	Scheduled Delivery Day: August 22, 2013 Certified Mail™
			Depart USPS Sort Facility	August 21, 2013	EUGENE, OR 97401	
			Processed through USPS Sort Facility	August 21, 2013, 3:17 am	EUGENE, OR 97401	
			Processed through USPS Sort Facility	August 20, 2013, 2:26 pm	PORTLAND, OR 97220	

Depart USPS Sort Facility	August 20, 2013	CAR OL STR EA M, IL 6019 9
Processed at USPS Origin Sort Facility	August 19, 2013, 9:20 pm	CAR OL STR EA M, IL 6019 9
Dispatched to Sort Facility	August 19, 2013, 5:36 pm	GLE N ELL YN, IL 6013 7
Acceptanc e	August 19, 2013, 4:25 pm	GLE N ELL YN, IL 6013 7