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Filing date: **08/23/2013**

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

Proceeding	91212032
Party	Plaintiff Champion Roofing, Inc.
Correspondence Address	James J. Saul Faegre Baker Daniels LLP 311 South Wacker Drive Suite 4400 Chicago, IL 60606 UNITED STATES tmmpls@faegrebd.com, james.saul@faegrebd.com, marc.levy@faegrebd.com, brian.brown@faegrebd.com
Submission	Other Motions/Papers
Filer's Name	James J. Saul
Filer's e-mail	tmmpls@faegrebd.com, james.saul@faegrebd.com, marc.levy@faegrebd.com, brian.brown@faegrebd.com
Signature	/James J. Saul/
Date	08/23/2013
Attachments	Opposer's Response In Support of Applicant's Motion To Consolidate.pdf(76821 bytes)

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

In the matter of the Application Serial No. 85702939
For the mark: CHAMPION

In the matter of the Application Serial No. 85720613
For the mark: CHAMPION and design

In the matter of the Application Serial No. 85720645
For the mark: CHAMPION WINDOWS · SUN ROOMS & HOME EXTERIORS (and design)

In the matter of the Application Serial No. 85749389
For the mark: CHAMPION EXTERIOR HOME IMPROVEMENTS CERTIFIED
CONTRACTOR

In the matter of the Application Serial No. 85824612
For the mark: CHAMPION WINDOWS · SUNROOMS · ROOFS · HOME (and design)

CHAMPION ROOFING, INC.

OPPOSITION NOS.

Opposer,

91212032

91212034

v.

91212035

91212036

CHAMPION WINDOW MANUFACTURING
AND SUPPLY CO., LLC

91212038

Applicant.

**OPPOSER'S RESPONSE IN SUPPORT OF APPLICANT'S MOTION TO
CONSOLIDATE**

Opposer submits this Response in Support of Applicant's Motion to Consolidate (filed August 19, 2013). Applicant has moved to consolidate the above-referenced opposition proceedings as provided under 37 CFR § 2.10 and Trademark Trial and Appeal Board Manual of Procedure ("TBMP") § 511 (3d ed. rev.2 2013). Consolidation of these proceedings is proper and therefore Opposer joins in Applicant's motion.

Opposer recognizes that the Board typically does “not consider a motion to consolidate until an answer has been filed...in each case sought to be consolidated,” and in this instance, Applicant has not filed an Answer in any of the five pending oppositions. *See* TBMP § 511 (3d ed. rev.2 2013). Nonetheless, the Board may, in its discretion, still order cases consolidated prior to the joinder of an issue or the filing of an Answer. *Id.* In this case, however, consolidation is appropriate because the outcome of a related civil action in the United States District Court for the Northern District of Illinois likely will have bearing on all of these oppositions.

In view thereof and in the interest of economy, Opposer respectfully requests that the above-captioned cases be consolidated.

Respectfully submitted,

/S/
James J. Saul
Marc C. Levy
Brian D. Brown
Faegre BAKER & DANIELS LLP
311 South Wacker Drive
Suite 4400
Chicago, Illinois 60606
Telephone: (312) 356-5053
Fax: (312) 212-6501
Email: tmmpls@faegrebd.com
Attorneys for Opposer

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this notice is being filed with the Trademark Trial and Appeal Board, Commissioner for Trademarks, P.O. Box 1451, Alexandria, Virginia 22313-1451, by using the ESTTA electronic filing system, today August 23, 2013.

/S/
Brian D. Brown

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing "Response In Support Of Applicant's Motion To Consolidate" has been served on Applicant's Attorney, William S. Wyler, with Schwartz Manes Ruby & Slovin, 2900 Carew Tower, 441 Vine Street, Cincinnati, Ohio 45202-3090 via first class mail, today August 23, 2013.

A handwritten signature in cursive script, appearing to read "Jeanne A. Cook".

Jeanne A. Cook