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

Proceeding	91212519
Party	Defendant Sunrise Apparel Group, LLC
Correspondence Address	JILL M PIETRINI SHEPPARD MULLIN ET AL 1901 AVE OF THE STARS, SUITE 1600 LOS ANGELES, CA 90067-6055 UNITED STATES jpietrini@sheppardmullin.com, shwang@sheppardmullin.com, mdanner@sheppardmullin.com, rwalsh@sheppardmullin.com, lmartin@sheppardmullin.com
Submission	Motion to Consolidate
Filer's Name	Jill M. Pietrini
Filer's e-mail	jpietrini@smrh.com, shwang@smrh.com, mdanner@smrh.com, rwalsh@smrh.com, lmartin@smrh.com
Signature	/Jill M. Pietrini/
Date	06/27/2014
Attachments	Motion to Consolidate.pdf(73820 bytes)

Docket No. 30GL-192270

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

Hint Incorporated, Opposer, v. Sunrise Apparel Group, LLC, Applicant.	**Opposition No. 91-215672** Application No. 85/587,633 Class 6 **Opposition No. 91-215674** Application No. 85/587,638 Class 16 **Opposition No. 91-215677** Application No. 85/587,641 Class 20 **Opposition Nos. 91-212519 (parent)** 91-212521 91-212522 **APPLICANT'S MOTION TO CONSOLIDATE PROCEEDINGS**

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

Dear Commissioner:

Pursuant to TBMP § 511 and the cases cited therein, Applicant Sunrise Apparel Group, LLC ("Applicant") moves the Board to consolidate three opposition proceedings, all of which were filed by Opposer Hint Incorporated ("Opposer"). The proceedings sought to be consolidated (the "Oppositions") are:

- *Hint Incorporated v. Sunrise Apparel Group, LLC*, Opposition No. 91-215672;
- *Hint Incorporated v. Sunrise Apparel Group, LLC*, Opposition No. 91-215674; and
- *Hint Incorporated v. Sunrise Apparel Group, LLC*, Opposition No. 91-215677.

Applicant seeks to consolidate the Oppositions with the already consolidated proceeding involving three other applications to register HINT filed by Applicant and opposed by Opposer. The parent number in the consolidated proceeding is Opposition No. 91-212519 (the "Consolidated Proceeding.") The Board entered its order consolidating the oppositions to Applicant's other HINT applications in the Consolidated Proceeding on February 3, 2014.

The above-identified proceedings are all directed to six applications for the mark HINT, all of which we filed by Applicant. In each of Opposer's proceedings against Applicant, Opposer relies on its purported rights in the marks HINT, HINTTV, HINT FIZZ, and HINT DRINK WATER NOT SUGAR, and alleges priority, likelihood of confusion, and dilution. The Notices of Opposition in each of the Oppositions are substantially the same, with only the class and identification of goods in each of the opposed applications being different. Opposer asserted the same registrations of its alleged marks in each Opposition and in the Consolidated Proceeding. As a result, Applicant will defend each new Opposition in substantially the same manner and will assert the same or similar affirmative defenses in each answer filed in the Opposition. Applicant will also renew its motions to amend its applications in the Consolidated Proceeding to restrict its identification of goods[1]. Because the allegations and defenses in the Oppositions and the Consolidated Proceeding are predominantly the same, there are common questions of law or fact and law. In short, the grounds for the Oppositions and the Consolidated Proceeding and the defenses thereto are essentially the same or similar. In addition, the parties and their counsel are identical. Finally, the Oppositions are all in substantially the same early stages of the proceedings as one another and the Consolidated Proceeding.

Given these facts, consolidation would save time, effort, and expense for all involved and will allow for the orderly prosecution and defense of all subject oppositions. In view of

[1] The Board denied Applicant's motions to amend filed in the consolidated proceeding without prejudice. If a resolution of this dispute is not reached with Opposer, Applicant intends to filerenewed motions to amend its applications and answers in the Consolidated Proceeding.

the similarity of issues and identity of parties in the Oppositions and in the interest of judicial economy, Applicant respectfully requests that the Board consolidate Opposition Nos. 91-215672, 91-215674, and 91-215677 with the Consolidated Proceeding pursuant to TBMP § 511, and reset the trial and pre-trial dates in the parent opposition in the Consolidated Proceeding.

Respectfully submitted,

Dated: June 27, 2014

/Jill M. Pietrini/
Jill M. Pietrini
Susan Hwang
SHEPPARD MULLIN RICHTER & HAMPTON LLP
1901 Avenue of the Stars, Suite 1600
Los Angeles, California 90067-6017
(310) 228-3700

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 27th day of June, 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:

Lori S. Kozak
Blakely Sokoloff Taylor & Zafman
12400 Wilshire Blvd., 7th Floor
Los Angeles, CA 90025 1040

on this 27th day of June, 2014.

/LaTrina Martin/
LaTrina Martin

SMRH:426011252.1