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

Proceeding	91214453
Party	Plaintiff Omega SA (Omega AG) (Omega Ltd.)
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Submission	Motion to Consolidate
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Date	03/26/2014
Attachments	mm - p890 motion to consolidate.pdf(171407 bytes)

ATTORNEY DOCKET NO.: P890, P891, P892, P893

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

OMEGA S.A. (OMEGA AG) (OMEGA LTD.), Opposer, v. ALPHA OMEGA EPSILON, INC., Applicant.	Mark: AΩE Opp. No.: 91214449 Serial No.: 85855823
OMEGA S.A. (OMEGA AG) (OMEGA LTD.), Opposer, v. ALPHA OMEGA EPSILON, INC., Applicant.	Mark: ALPHA OMEGA EPSILON Opp. No.: 91214454 Serial No.: 85855839
OMEGA S.A. (OMEGA AG) (OMEGA LTD.), Opposer, v. ALPHA OMEGA EPSILON, INC., Applicant.	Mark: ALPHA OMEGA EPSILON & Design Opp. No.: 91214452 Serial No.: 85857062
OMEGA S.A. (OMEGA AG) (OMEGA LTD.), Opposer, v. ALPHA OMEGA EPSILON, INC., Applicant.	Mark: ALPHA OMEGA EPSILON Opp. No.: 91214453 Serial No.: 85857065

CONSENTED MOTION TO CONSOLIDATE RELATED OPPOSITION PROCEEDINGS

Omega S.A. (Omega AG) (Omega Ltd.) (hereinafter, "Omega"), by and through its attorneys Collen IP, Intellectual Property Law, P.C., with the consent of Applicant, Alpha Omega Epsilon, Inc., hereby respectfully moves the Trademark Trial and Appeal Board (hereinafter, "TTAB") pursuant to Federal Rules of Civil Procedure 42(a) and TBMP § 511 to consolidate Opposition Proceeding Nos. 91214449, 91214452, 91214453 and 91214454. Omega respectfully submits that consolidation of these proceedings is appropriate as the proceedings involve the same parties, as well as, common questions of law and fact.

Omega respectfully requests that the proceedings be suspended pending the Trademark Trial and Appeal Board's determination of this Motion for Consolidation.

The Alpha Omega Epsilon, Inc. applications seek registration for "Jewelry" in International Class 014, "Hats; Jackets; Shirts; Sweat pants; Sweat shirts; Sweaters" in International Class 025 and "Indicating membership in a(n) professional and social collegiate sorority for student and alumna members" in U.S. Class 200. Omega alleges ownership of the marks OMEGA, Ω, and OMEGA Ω in connection with goods in a variety of International Classes of goods and services.

In Opposition No. 91214449, Omega alleges that the mark AΩE, when used in connection with the goods set forth in Serial No. 85/855,823, is confusingly similar to Omega's marks and that, therefore, registration of the mark AΩE is likely to cause confusion with Omega's rights in its various OMEGA and Ω marks. Alpha Omega Epsilon, Inc. has denied these allegations.

In Opposition No. 91214454, Omega alleges that the mark ALPHA OMEGA EPSILON, when used in connection with the goods set forth in Serial No. 85/855,839, is confusingly similar to Omega's marks and that, therefore, registration of the ALPHA OMEGA EPSILON mark is likely to cause confusion with Omega's rights in its various OMEGA and Ω marks. Alpha Omega Epsilon, Inc. has denied these allegations.

In Opposition No. 91214452, Omega alleges that the mark ALPHA OMEGA EPSILON & Design, when used in connection with the services set forth in Serial No. 85/857,062, is confusingly similar to Omega's marks and that, therefore, registration of the ALPHA OMEGA EPSILON & Design mark is likely to cause confusion with Omega's rights in its various OMEGA and Ω marks. Alpha Omega Epsilon, Inc. has denied these allegations.

In Opposition No. 91214453, Omega alleges that the mark ALPHA OMEGA EPSILON, when used in connection with the services set forth in Serial No. 85/857,065, is confusingly similar to Omega's marks and that, therefore, registration of the ALPHA OMEGA EPSILON mark is likely to cause confusion with Omega's rights in its various OMEGA and Ω marks. Alpha Omega Epsilon, Inc. has denied these allegations.

Omega initiated Opposition Nos. 91214449, 91214452, 91214453 and 91214454 by filing Notices of Oppositions on January 13, 2014. Applicant's Answers to the Notices of Opposition were filed on February 17, 2014. Therefore, the issue has joined in all four oppositions. The counts and corresponding responses in these Notices of Opposition and Answers raise common issues of law and fact.

In light of the facts and procedure involving all four of these pending Opposition Proceedings, Omega, with the consent of Alpha Omega Epsilon, Inc., submit that consolidation of

the proceedings is appropriate as it will tend to avoid unnecessary costs, delays and duplication of efforts.

Counsel for Alpha Omega Epsilon, Inc. consented to the consolidation of these proceedings during a telephone call with Opposer's counsel on March 24, 2014.

In light of the common issues of law and fact presented in the pleadings, Omega respectfully requests that Opposition Nos. 91214449, 91214452, 91214453 and 91214454 be consolidated, in accordance with TBMP § 511.

Respectfully submitted,

By: Oren Gelber

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Omega S.A. (Omega A.G.) (Omega Ltd.)

Dated: March 26, 2014

JMC/OG:mcm
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I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING FILED ELECTRONICALLY WITH THE UNITED STATE PATENT AND TRADEMARK OFFICE.

COLLEN IP, THE HOLYOKE-MANHATTAN BUILDING, 80 SOUTH HIGHLAND AVENUE, OSSINING-ON-HUDSON, NEW YORK 10562.

By: Owen Gelber

CERTIFICATE OF SERVICE AND FILING

I, Meaghan Machcinski, hereby certify that I caused a true and correct copy of the foregoing Consented Motion to Consolidate Related Proceedings to be served upon Applicant's Attorney of Record at the following addresses:

Jack A. Wheat
Stites & Harbison PLLC
400 W Market Sreet, Suite 1800
Louisville, KY 40202-3352

Via first-class mail, postage pre-paid.

Said service having taken place this 26th day of March, 2014.