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

Proceeding	91217294
Party	Plaintiff NVIDIA Corporation
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**IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of
Trademark Application Serial No. 86042441 for GTS in Class 9
and Trademark Application Serial No. 86042419 for GTX in Class 9

NVIDIA Corporation,)	
Opposer,)	
vs.)	Opposition No. 91217294 and
Hardware Labs Performance Systems, Inc.,)	Opposition No. 91217371
Applicant.)	
)	

STIPULATED MOTION TO CONSOLIDATE CASES

Opposer, NVIDIA Corporation, by and through its attorneys, hereby moves the Trademark Trial and Appeal Board for an order that consolidates the above-referenced oppositions. Counsel for Applicant, Hardware Labs Performance Systems, Inc., stipulated and agreed to this request during the Discovery Conference with the undersigned counsel on September 17, 2014. Please note that this motion is being filed concurrently in Opposition Nos. 991217294 and 91217371.

This request is made in good faith and for the purpose of saving time, effort and expense. Oppositions to different applications owned by the same party may be joined in a consolidated opposition when appropriate. 37 C.F.R. § 2.104(b). The Board may order consolidation of pending cases involving common questions of law or fact. TBMP § 511. In this case, both of the oppositions share: 1) identical parties; 2) substantially similar and identical witnesses; 3) the same mark asserted by the Opposer; and 4) substantially similar and identical allegations regarding confusion between Opposer and Applicant's marks.

Consolidation of the proceedings is further appropriate as it will benefit both parties by resulting in less duplication of effort – saving the parties time, effort and expense. No prejudice or inconvenience will be caused by consolidation of the proceedings. Both proceedings are in their initial stages and only five days apart in their schedules. Accordingly, pursuant to TBMP § 511, Opposer requests that the Board follow its standard procedure that “upon consolidation, the Board will reset dates for the consolidated proceeding, usually by adopting the dates as set in the most recently instituted of the cases being consolidated.”

Based on the foregoing, Opposer hereby respectfully requests that the Board issue an order that grants this Motion to Consolidate Opposition Nos. 91217294 and 91217371. Opposer further respectfully requests that the Board issue an order resetting the schedule for Opposition No. 91217294 so that it is consistent with the more recently instituted Opposition No. 91217371.

Date: October 16, 2014

Respectfully submitted,

/majansen/
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PROOF OF SERVICE

I declare that:

I am employed in the County of Santa Clara, California.

I am over the age of eighteen years and not a party to the within cause; my business address is Silicon Valley Center, 801 California Street, Mountain View, California 94041. On the date indicated below, I served the within STIPULATED MOTION TO CONSOLIDATE, on the interested parties in said cause, by placing a true copy thereof as indicated below, addressed as follows:

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- BY US MAIL:** by placing the document(s) listed above in a sealed envelope for collection and mailing following our ordinary business practices. I am readily familiar with our ordinary business practices for collecting and processing mail for the United States Postal Service, and mail that I place for collection and processing is regularly deposited with the United States Postal Service that same day with postage prepaid.
- BY E-MAIL:** by mutual agreement between the parties, causing to be transmitted via e-mail the document(s) listed above to the addressee(s) at the e-mail address(es) listed above.
- BY PERSONAL DELIVERY:** by causing to be personally delivered the document(s) listed above to the addressee(s) at the address(es) set forth above.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed at Mountain View, California, this 16th day of October 2014.

Victoria Bocek
Victoria Bocek