

ESTTA Tracking number: **ESTTA626189**

Filing date: **09/09/2014**

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

Proceeding	91217706
Party	Defendant Summit Entertainment, LLC
Correspondence Address	JILL M PIETRINI SHEPPARD MULLIN RICHTER & HAMPTON, LLP 1901 AVENUE OF THE STARS , SUITE 1600 LOS ANGELES, CA 90067-6055 UNITED STATES
Submission	Motion to Consolidate
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Date	09/09/2014
Attachments	Motion to Consolidate Proceedings.pdf(57526 bytes)

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

TBL Licensing LLC,

 Opposer,

 v.

Summit Entertainment, LLC,

 Applicant.

Opposition No. 91-217666

Application Nos. 86/071,242, 86/071,245 and
86/071,247



Opposition No. 91-217706

Application Nos. 86/071,240, 86/071,241,
86/071,243, 86/071,244, 86/071,246,
86/071,248 and 86/071,249



**APPLICANT’S MOTION TO
CONSOLIDATE PROCEEDINGS**

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

Dear Commissioner:

Pursuant to TBMP § 511 and the cases cited therein, Applicant Summit Entertainment, LLC (“Applicant”) hereby moves the Board to consolidate two opposition proceedings, both of which were filed by Opposer TBL Licensing LLC (“Opposer”). The proceedings sought to be consolidated (the “Oppositions”) are:

- *TBL Licensing LLC v. Summit Entertainment, LLC*, Opposition No. 91-217666; and
- *TBL Licensing LLC v. Summit Entertainment, LLC*, Opposition No. 91-217706.

The above-identified proceedings are directed to ten applications for the same mark , all of which were filed by Applicant. In both of Opposer’s proceedings against Applicant, Opposer relies on its purported rights in the mark , and alleges priority, likelihood of

confusion, and dilution. The Notices of Opposition in both 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 mark in both Oppositions. Because the allegations in the Oppositions are substantially the same, there are common questions of law or fact and law. In short, the grounds for the Oppositions are essentially the same. In addition, the parties and their counsel are identical, and the Oppositions are both in substantially the same early stages of the proceedings as one another.

Given these facts, consolidation would save time, effort, and expense for all involved. In view of 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. 91-217666 and 91-217706 pursuant to TBMP § 511, and reset the trial and pre-trial dates in the resulting parent opposition.

Respectfully submitted,

Dated: September 9, 2014

/Jill M. Pietrini/
Jill M. Pietrini
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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 9th day of September, 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:

Larry C Jones
Alston & Bird LLP
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000

on this 9th day of September, 2014.

/LaTrina Martin/
LaTrina Martin

SMRH:432215248.1