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

Proceeding	91221038
Party	Plaintiff Abercrombie & Fitch Trading Co.
Correspondence Address	SUSAN M KAYSER JONES DAY 51 LOUISIANA AVENUE NW WASHINGTON, DC 20001-2113 UNITED STATES skayser@jonesday.com, hlance@jonesday.com, kbaird@jonesday.com, nytef@jonesday.com, jbradley@jonesday.com, aprevatt@jonesday.com
Submission	Motion to Consolidate
Filer's Name	Susan M. Kayser
Filer's e-mail	skayser@jonesday.com, jbradley@jonesday.com, kbaird@jonesday.com, nytef@jonesday.com, aprevatt@jonesday.com
Signature	/Susan M. Kayser/
Date	04/28/2016
Attachments	Joint Stipulation to Consolidate.pdf(112168 bytes )

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

Abercrombie & Fitch Trading Co.,	)	
	)	
Petitioner,	)	
	)	Opposition No. 91221038
v.	)	Cancellation No. 92062831
	)	Cancellation No. 92063595
Western Rise, LLC,	)	
	)	
Registrant.	)	
	)	
	)	

**JOINT STIPULATION TO CONSOLIDATE**

Pursuant to TBMP § 511 and Fed. R. Civ. P. 42(a), Petitioner, Abercrombie & Fitch Trading Co. (hereinafter “A&F” or “Petitioner”), and Registrant Western Rise, LLC (“Western Rise”) (collectively “Parties”), jointly agree to consolidate Cancellation No. 92063595 with the previously consolidated proceedings in Opposition No. 91221038 and Cancellation No. 92062831. As grounds for the stipulation the Parties’ states as follows:

1. On March 22, 2016, the Board granted the Parties’ stipulated motion to consolidation Opposition No. 91221038 and Cancellation No. 92062831 finding that the parties to these proceedings are identical, and the issues are similar or related.

2. The Board’s March 22, 2016 order directed that “[t]he parties should promptly inform the Board of any other Board proceedings or related cases within the meaning of Fed. R. Civ. P. 42, so that the Board can consider whether further consolidation is appropriate.” (17 TTABVUE 2 n. 1.)

3. On April 19, 2016 A&F filed a petition to cancel Western Rise's 4,918,786 covering an image of a moose design and the words WESTERN RISE in connection with "on-line retail store services featuring clothing" in International Class 35.

4. Consolidation of Cancellation No. 92063595 with Opposition No. 91221038 and Cancellation No. 92062831 is appropriate because the proceedings involve common questions of law and fact given that A&F has asserted the same claims of (i) priority and likelihood of confusion and (ii) dilution against Western Rise's applications or registrations for marks containing a moose design in each proceeding. Additionally, the parties are identical, and there will be savings in time, effort, and expense in consolidating the proceedings, without prejudice or inconvenience to the parties or the Board.

Accordingly, the parties request that the Board approve their stipulation to consolidate Cancellation No. 92063595 with the previously consolidated proceedings in Opposition No. 91221038 and Cancellation No. 92062831.

Respectfully submitted,

Abercrombie & Fitch Trading Co.

April 28, 2016

By: /Susan M. Kayser/  
Susan M. Kayser  
Jessica D. Bradley  
JONES DAY  
51 Louisiana Avenue, N.W.  
Washington, D.C. 20001-2113  
202.879.3939  
skayser@jonesday.com  
jbradley@jonesday.com

Attorneys for Petitioner

Western Rise, LLC

April 28, 2016

By: /J. Tucker Barr/

Scott E. Taylor

J. Tucker Barr

Arnall Golden Gregory LLP

171 17th Street, NW

Suite 2100

Atlanta, GA 30363

(404) 873-8500

(404) 873-8501 (Fax)

Attorneys for Registrant

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing Joint Stipulation To Consolidate has been served on has been served on Western Rise, LLC's counsel, by mailing said copy via overnight courier on April 28, 2016 to the below listed correspondence address of record:

J. Tucker Barr, Esq.  
Arnall Golden Gregory LLP  
171 17<sup>th</sup> St. NW, Suite 2100  
Atlanta, GA 30363-1031

/ Allison E. Prevatt/  
Attorney for Petitioner