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

Proceeding	91221406
Party	Plaintiff Riverstone Ventures LLC
Correspondence Address	JOAN OPTICAN HERMAN HOVEY WILLIAMS LLP 10801 MASTIN BLVD, SUITE 1000 OVERLAND PARK, KS 66210 UNITED STATES jherman@hoveywilliams.com, cburbach@hoveywilliams.com, litigation@hoveywilliams.com
Submission	Motion to Consolidate
Filer's Name	Cheryl L. Burbach
Filer's e-mail	jherman@hoveywilliams.com, cburbach@hoveywilliams.com, litigation@hoveywilliams.com
Signature	/Cheryl L. Burbach/
Date	05/27/2015
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Riverstone Ventures LLC,	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. 91221406
	)	Re: Application Serial No. 86344607
Neat Print, Inc.,	)	
	)	
Applicant.	)	

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**COMBINED MOTION TO CONSOLIDATE PENDING INTER PARTES  
PROCEEDINGS AND SUPPORTING BRIEF**

Riverstone Ventures LLC, requests that the Board consolidate the above-captioned proceeding with presently pending Opposition Nos. 91221408, 91221407, 91221405, 91221404, 91221403, 91221319, 91221318, 91221317, 91221316, and 91221315 for purposes of pretrial and trial proceedings. Riverstone provides the following factual background and legal basis to support its Motion.

**BRIEF IN SUPPORT OF MOTION TO CONSOLIDATE**

Riverstone has timely instituted 11 oppositions against Neat Print’s applications based upon prior, continuous use of trademarks that are identical or nearly identical to the trademarks in Neat Print’s federal trademark applications for identical or nearly-identical apparel goods (collectively, “Riverstone’s Marks”). The facts and legal theories for the instant oppositions are substantially identical. In fact, Neat Print has filed its answers to each notice, which contain virtually-identical responses to the factual allegations, as well as identical affirmative defenses. Nonetheless, in email correspondence dated May 27, 2015, counsel for Neat Print stated that Neat Print declined to consent to the consolidation of these proceedings.

Under the circumstances, a consolidation of the 11 proceedings would be prudent. Pursuant to 37 C.F.R. § 2.116(a), the procedure and practice of *inter partes* trademark proceedings shall be governed by the Federal Rules of Civil Procedure wherever applicable and appropriate and except as otherwise provided. Rule 42(a) of the Federal Rules of Civil Procedure provides that when actions involving a common question of law or fact are pending before a court, that court may order the actions consolidated to avoid unnecessary costs and delay. Courts have discretion to order consolidation when two or more cases appear to be of like nature and relative to the same question. *Midwest Cmty. Council, Inc. v. Chicago Park Dist.*, 98 F.R.D. 491, 499 (N.D. Ill. 1983).

Consolidation of the present oppositions would promote judicial economy and avoid unnecessary costs and delay because all of the oppositions involve identical parties and questions of law. Riverstone's factual narrative is the same in each instance: Riverstone's Marks have been affixed to its apparel items prior to Neat Print's priority rights date and, on that basis, Riverstone opposes Neat Print's registration of those identical or nearly-identical trademarks. The oppositions against Neat Print assert the common legal grounds of likelihood of confusion. Additionally, many of the notices of opposition also allege a second count—that Neat Print's alleged trademarks fail to function as a trademark.

Neat Print's denials and admissions in their answer to the Notice of Opposition in this proceeding mirror its responses in the answers to the other notices. Additionally, Neat Print's affirmative defenses are identical in substance and order in each answer.

**CONCLUSION**

In short, the oppositions have a common nucleus of fact patterns and are of like nature. Moreover, consolidation of the Oppositions would not impose any prejudice on either party. Thus, to preserve costs and prevent unnecessary delay, the above captioned opposition and the other listed oppositions should be joined, and such request is respectfully requested.

Respectfully Submitted,

Dated: May 27, 2015

/s/Cheryl L. Burbach  
Joan Optican Herman, Patent Bar. No. 31968  
Cheryl L. Burbach  
HOVEY WILLIAMS LLP  
10801 Mastin Blvd., Suite 1000  
Overland Park, Kansas 66210  
(913) 647-9050 - Phone  
(913) 647-9057 - Fax

ATTORNEYS FOR RIVERSTONE  
RIVERSTONE VENTURES, LLC

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was deposited with the United States Postal Service as first class mail, postage prepaid, on this 27th day of May, 2015 to:

Daniel R. Frijouf, Esq.  
Frijouf, Rust & Pyle P.A.  
201 East Davis Blvd.  
Tampa, FL 33606  
Tel. (813) 254-5100

ATTORNEYS FOR APPLICANT  
NEAT PRINT INC.

s/ Cheryl L. Burbach