

ESTTA Tracking number: **ESTTA767250**

Filing date: **08/29/2016**

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

Proceeding	91222651
Party	Plaintiff Swiss Army Brand Ltd., Wenger S.A., Victorinox AG, Victorinox Swiss Army, Inc
Correspondence Address	DAVID WEILD III LOCKE LORD LLP Church Street Station P.O. Box 1470 NEW YORK, NY 10008-1470 UNITED STATES danielle.gorman@lockelord.com, david.weild@lockelord.com, straat.tenney@lockelord.com, trademark@lockelord.com
Submission	Motion to Consolidate
Filer's Name	David Weild III
Filer's e-mail	david.weild@lockelord.com, straat.tenney@lockelord.com, danielle.gorman@lockelord.com, trademark@lockelord.com
Signature	/David Weild III/
Date	08/29/2016
Attachments	Signed Motion to Consolidate.pdf(95629 bytes)

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

Swiss Army Brand Ltd., Wenger S.A., Victorinox AG, Victorinox Swiss Army, Inc.	Opposers,	Opposition No. : 91228234 Mark : SWIZA (stylized) Serial No. : 86/517,222 Published : December 8, 2015
-v-		
Swiza S.A.,	Applicant.	
<hr/>		
Swiss Army Brand Ltd., Wenger S.A., Victorinox AG, Victorinox Swiss Army, Inc.	Opposers,	Opposition No. : 91222651 Mark : SWIZA (stylized) Serial No. : 86/423,254 Published : March 10, 2015
-v-		
Swiza S.A.,	Applicant.	

STIPULATED MOTION TO CONSOLIDATE

In accordance with Rule 42(a) of the Federal Rules of Civil Procedure and TBMP § 511, Swiss Army Brand Ltd.; Wenger S.A.; Victorinox AG; and Victorinox Swiss Army, Inc. (collectively, “Opposers”) and Swiza S.A. (“Applicant”), by and through their respective undersigned attorneys, hereby move to consolidate Opposition No. 91228234 with Opposition No. 91222651.

FACTUAL BACKGROUND

Applicant owns U.S. Trademark Application Serial Nos. 86/517,222 and 86/423,254 for the mark **SWIZA (stylized)**. Opposers opposed App. No. 86/423,254 (Opp. No. 91222651) in July 2015, and App. No. 86/517,222 in June 2016 (Opp. No. 91228234). Opposers' notice of opposition and Applicant's answer and counterclaim are nearly identical in both proceedings.

Pursuant to the parties' consented extension requests, discovery in the Opp. No. 91222651 case remains open, and is currently scheduled to close on October 10, 2016.

REMARKS

The parties ask that the Board grant this consented motion to consolidate because the oppositions involve the same parties in interest, and the factual and legal issues in the underlying oppositions are substantially the same. *See e.g., M.C.I. Foods Inc. v. Bunte*, 86 USPQ2d 1044, 1046 (TTAB 2008) (consolidating proceedings that involved identical parties, the same registrations and related issues). There will be savings in time, effort and expense gained from consolidation, and a consolidation will not result in prejudice to any party.

The parties propose to adopt the current trial schedule for Opp. No. 91228234 for the consolidated opposition, as was provided by the Board in that case on June 28, 2016.

For the foregoing reasons, the parties request that the Board grant this motion and consolidate Opposition No. 91222651 with Opposition No. 91228234.

Respectfully submitted,

LOCKE LORD LLP

Dated: August 29, 2016

By: /David Weild III/

David Weild III
H. Straat Tenney
Danielle E. Gorman

Locke Lord LLP
Church Street Station
PO Box 1470
New York, NY 10008

Attorneys for Opposers

BUCHANAN INGERSOLL &
ROONEY, PC

By: /Bryce J. Maynard/

Bryce J. Maynard
Bassam N. Ibrahim
1737 King St, Ste 500
Alexandria, VA 22314-2727

Attorney for Applicant

CERTIFICATE OF SERVICE

I hereby certify that I am over the age of 18 years, not a party to this action, and that on the 29th day of August, 2016, I caused to be served a true and correct copy of the foregoing STIPULATED MOTION TO CONSOLIDATE by first-class mail and electronic mail to the following attorney for the Applicant:

BRYCE J. MAYNARD
BASSAM N. IBRAHIM
BUCHANAN INGERSOLL & ROONEY, PC
1737 KING ST, STE 500
ALEXANDRIA, VA 22314-2727

bassam.ibrahim@bipc.com;
bryce.maynard@bipc.com

I further certify under penalty of perjury that the foregoing is true and correct.

Dated: New York, NY
August 29, 2016

By: /Danielle E. Gorman/
Danielle E. Gorman