

ESTTA Tracking number: **ESTTA703252**

Filing date: **10/20/2015**

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

Proceeding	91223750
Party	Defendant Guadalupe Gonzales
Correspondence Address	MICHAEL W SCHROEDER PATEL & ALMEIDA PC 16830 VENTURA BLVD, SUITE 360 ENCINO, CA 91436 UNITED STATES michael@paiplaw.com, inbox@paiplaw.com, nikki@paiplaw.com
Submission	Motion to Consolidate
Filer's Name	Michael W. Schroeder
Filer's e-mail	michael@paiplaw.com
Signature	/Michael W. Schroeder/
Date	10/20/2015
Attachments	Stipulated Motion to Consolidate _ Chachi Gonazles Brands v. Guadalupe Gonzales _ 91223750.pdf(20741 bytes )

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

Olivia Gonzales and Chachi Gonzales Brands, LLC,	)	
	)	Opposition No. 91223750
Opposer,	)	Ser. Nos. 86/490,522
	)	Marks: CHACHI
	)	
v.	)	Opposition No. 91223751
	)	Ser. Nos. 86/490,519; 86/490,858;
	)	86/490,548; 86/490,857
Guadalupe Gonzales dba Chachimomma,	)	Marks: CHACHI; CHACHI MOMMA;
	)	CHACHI; CHACHI MOMMA
	)	
Applicant.	)	Cancellation No. 92061870
	)	Reg. No. 4220215
	)	Mark: CHACHI MOMMA
	)	
	)	
	)	

---

**MOTION ON CONSENT FOR CONSOLIDATION OF PROCEEDINGS**

The parties have agreed to consolidate the related opposition and cancellation proceedings in this matter. Opposer, Olivia Gonzales and Chachi Gonzales Brands, LLC ("Opposer") and Applicant, Guadalupe Gonzales dba Chachimomma ("Applicant"), by and through their respective attorneys, hereby move the Trademark Trial and Appeal Board ("Board") for an order consolidating the related opposition and cancellation proceedings - Opposition No. 91223751 and 91223750, as well as Cancellation No. 92061870. Please note, that this motion is being filed concurrently in Opposition No. 91223751, Opposition No. 91223750 and Cancellation No. 91223751

The Board may order consolidation of pending cases involving common questions of law or fact. Fed. R. Civ. P. 42(a); TBMP § 511. Here, the above-captioned opposition and cancellation proceedings share: (1) identical parties; (2) substantially similar and identical witnesses; (3) the

same mark asserted by the Opposer/Petitioner; (4) substantially similar marks at issue; and (5) substantially similar and identical allegations regarding confusion, false suggestion of a connection between Opposer's/Petitioner's alleged marks and Applicant's/Respondent's marks, and fraud. Thus, as identical and common questions of fact and law will need to be addressed in each proceeding, consolidation is appropriate. See *M.C.I. Foods Inc. v. Bunte*, 86 USPQ2d 1044, 1046 (TTAB 2008) (proceeding involved identical parties, identical registrations and related issues); *World Hockey Ass'n v. Tudor Metal Products Corp.*, 185 USPQ 246, 248 (TTAB 1975) (consolidation ordered where issues were substantially the same and consolidation would be advantageous to both parties). Further, consolidation is appropriate if it will benefit both parties by resulting in saving time, effort, and expense. TBMP § 511. Here, no prejudice or inconvenience will be caused by consolidation of the proceedings as both proceedings are only approximately two months apart in their schedules, and although Cancellation No. 92061870 has entered discovery, neither party has served any discovery requests or notices of deposition on the other side. As both oppositions and the cancellation will require substantially identical discovery and witnesses, both parties will be benefited by consolidation of the proceedings at this point, prior to the service of discovery requests. Accordingly, pursuant to TBMP § 511, Applicant and Opposer request that the Board follow its standard procedure and, upon consolidation, reset the dates for the consolidated proceeding by adopting the dates as set in the most recently instituted of the cases being consolidated. Based on the above, Applicant and Opposer respectfully request that the Board issue an order granting this Motion to Consolidate Proceedings, wherein the consolidated schedule is consistent with the more recently instituted Opposition No. 91223751.

Dated: October 20, 2015

Respectfully submitted,

PATEL & ALMEIDA, P.C.

MICHELMAN & ROBINSON LLP

By:     /s/Michael W. Schroeder/    

Michael W. Schroeder  
16830 Ventura Blvd., Suite 360  
Encino, CA 91436  
Email: michael@paiplaw.com

*Attorney for Applicant*

By:     /s/Victor K. Sapphire/    

Victor K. Sapphire  
MICHELMAN & ROBINSON LLP  
10880 WILSHIRE BLVD., 19TH FLOOR  
LOS ANGELES, CA 90024

Email:  
*Attorney for Opposer*

**PROOF OF SERVICE**

I hereby certify that a true and complete copy of the foregoing **MOTION ON CONSENT FOR CONSOLIDATION OF PROCEEDINGS** has been served on Victor K. Sapphire, counsel for Petitioner, on October 20, 2015, via First Class U.S. Mail, postage prepaid to:

VICTOR K. SAPHIRE, ESQ.  
MICHELMAN & ROBINSON LLP  
10880 WILSHIRE BLVD., 19TH FLOOR  
LOS ANGELES, CA 90024

By: /Michael W. Schroeder/  
Michael W. Schroeder