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Filing date: **04/09/2016**

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

Proceeding	91226317
Party	Defendant YOLOTech, LLC
Correspondence Address	MARK A HOFFMAN YOLOTECH LLC 7711 BAYSHORE DRIVE MARGATE CITY, NJ 08402 UNITED STATES mhoffma1@alumni.law.upenn.edu
Submission	Motion to Consolidate
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Date	04/09/2016
Attachments	Applicant's Motion to Consolidate-mMetro.com v. YOLOtech.pdf(41854 bytes)

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

MMETRO.COM LLC		:	
	Opposer	:	Opposition No. 91226317
v.		:	Serial No. 86504326
YOLOTECH, LLC		:	
	Applicant	:	
MMETRO.COM LLC		:	Opposition No. 91226808
	Opposer	:	Serial No. 86670031
v.		:	
YOLOTECH, LLC		:	
	Applicant	:	

APPLICANT YOLOTECH, LLC’S MOTION TO CONSOLIDATE

Pursuant to Fed. R. Civ. P. 42(a) and TBMP §511 (2015), YOLOtech, LLC, Applicant for the THRILLIA Mark, herein respectfully moves for consolidation of the above referenced proceedings currently pending before the Trademark Trial and Appeal Board [“TTAB”]. Consolidation is appropriate because these cases involve identical parties and present identical issues of both law and fact. Consolidation will avoid the risk of inconsistent rulings, and will save time, effort, and expense for the parties. Further, Opposer, mMetro.com LLC will not be prejudiced by consolidation. Finally, consolidation will conserve TTAB resources through the efficient and non-duplicative disposition of these matters. Accordingly, Applicant respectfully requests consolidation of these opposition proceedings pursuant to the Conference, Discovery, Disclosure and Trial Schedule issued by the TTAB on February 16, 2016 in Opposition No. 91226317/Serial No. 86504326. A Memorandum in Support, fully incorporated herein by reference, is attached hereto.

Respectfully submitted,

By: /s/ Mark A. Hoffman
MARK A. HOFFMAN, ESQUIRE
Counsel to YOLOtech, LLC

Date: April 9, 2016

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

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MMETRO.COM LLC	:	Opposition No. 91226317	
	Opposer	:	Serial No. 86504326
	:	:	
v.	:	:	
YOLOTECH, LLC	:	:	
	Applicant	:	
<hr/>			
MMETRO.COM LLC	:	Opposition No. 91226808	
	Opposer	:	Serial No. 86670031
	:	:	
v.	:	:	
YOLOTECH, LLC	:	:	
	Applicant	:	
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**MEMORANDUM IN SUPPORT OF APPLICANT,
YOLOTECH, LLC'S MOTION TO CONSOLIDATE**

BRIEF STATEMENT OF FACTS

The above referenced proceedings currently before the Trademark Trial and Appeal Board ["TTAB"] involve the opposition of mMetro.com LLC ["Opposer"], holder of the THRILLIST Mark, to the application of YOLOtech, LLC ["Applicant"] for the THRILLIA Mark. Notices of Opposition in the captions above were respectively filed by Opposer on February 16, 2016 and March 8, 2016. For the reasons set forth herein, Applicant respectfully requests consolidation of these opposition proceedings.

LEGAL ARGUMENT

Consolidation is appropriate "when actions involving a common question of law or fact are pending before the court." *Fed. R. Civ. P. 42(a); see also TBMP §511 (2015)*. In addition to ordering consolidation, a court "may make such orders concerning proceedings therein as may tend to avoid unnecessary costs or delay."

In the above-captioned proceedings, consolidation is appropriate because they involve identical parties and identical issues of both law and fact. Consolidation will avoid the risk of inconsistent rulings,

and will save time, effort, and expense for the parties. Further, Opposer, mMetro.com LLC will not be prejudiced by consolidation. Finally, consolidation will conserve TTAB resources through the efficient and non-duplicative disposition of these matters.

CONCLUSION

For the reasons set forth herein, Applicant respectfully requests consolidation of these proceedings pursuant to the Conference, Discovery, Disclosure and Trial Schedule issued by the TTAB on February 16, 2016 in Opposition No. 91226317/Serial No. 86504326.

Respectfully submitted,

By: /s/ Mark A. Hoffman
MARK A. HOFFMAN, ESQUIRE
Counsel to YOLOtech, LLC

Date: April 9, 2016

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 9th day of April, 2016, a true copy of the and correct copy of the foregoing **APPLICANT, YOLOTECH, LLC'S MOTION TO CONSOLIDATE** and **MEMORANDUM IN SUPPORT OF APPLICANT, YOLOTECH, LLC'S MOTION TO CONSOLIDATE** were served via email and First Class U.S. Mail, postage pre-paid, on the following:

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By: /s/ Mark A. Hoffman
MARK A. HOFFMAN, ESQUIRE
Counsel to YOLOtech, LLC

CERTIFICATE OF ELECTRONIC FILING

The undersigned certifies that this submission (along with any paper referred to as being attached or enclosed) is being filed with the United States Patent and Trademark Office via the Electronic System for Trademark Trials and Appeals (ESTTA) on this 9th day of April, 2016.

By: /s/ Mark A. Hoffman
MARK A. HOFFMAN, ESQUIRE
Counsel to YOLOtech, LLC