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

Proceeding	92052435
Party	Plaintiff The Saul Zaentz Company
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Date	08/05/2010
Attachments	cancellation.pdf ( 3 pages )(116929 bytes )



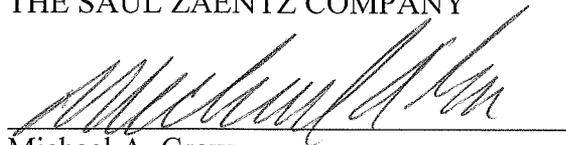
cancel is the same mark which is the subject of SZC's Opposition. Thus, both proceedings involve the same parties and the same marks. *See* TBMP § 511 ("identity of the parties is another factor considered by the Board in determining whether consolidation should be ordered"). The issues are also identical. Both the Opposition and the Cancellation are based on the grounds of likelihood of confusion, false suggestion of connection, deception, and dilution. Thus, both proceedings involve substantially identical legal and factual issues. *See, e.g., World Hockey Ass'n v. Tudor Metal Products Corp.*, 185 USPQ 246 (TTAB 1975) (consolidation ordered where issues were substantially the same and consolidation was advantageous to both parties). Moreover, both proceedings are in the same procedural posture, in that both are at the beginning of the discovery period and have very close discovery deadlines. Therefore, consolidation is necessary to ensure consistent judgments.

Accordingly, SZC respectfully submits that consolidation would result in a savings of time, effort and expense, as well as judicial economy, without prejudicing any party.

In view of the foregoing, it is respectfully requested that the Motion to Consolidate be granted.

Respectfully submitted,

THE SAUL ZAENTZ COMPANY



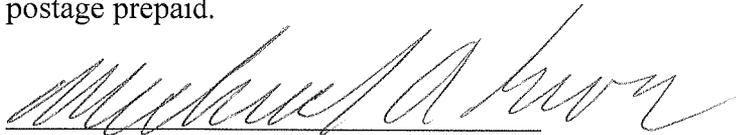
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Dated: 8-5-10

Attorney for The Saul Zaentz Company

**CERTIFICATE OF SERVICE**

It is hereby certified that a copy of the foregoing MOTION TO CONSOLIDATE PROCEEDINGS has been served upon Arwin Bio-Tech's counsel, Lin-Yun Cheng, PROTECTOR INTERNATIONAL SERVICES, 20775 Norada Court, Saratoga, CA 95070 this 5 day of August, 2010 marked first class mail, postage prepaid.

A handwritten signature in cursive script, appearing to read "Michael A. Brown", is written over a horizontal line.