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

Proceeding	92059220
Party	Plaintiff Red Bull GmbH
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Submission	Opposition/Response to Motion
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Date	06/30/2014
Attachments	STOCKMARKET & Bull Device-92059220-Oppo to Mtn to Suspend.pdf(37865 bytes )



(TTAB 2011); *Stuart Spector Designs Ltd. v. Fender Musical Instruments Corp.*, 94 USPQ2d 1549 (TTAB 2009); *DataNational Corp. v. BellSouth Corp.*, 18 USPQ2d 1862 (TTAB 1991); TBMP § 511. Registrant argues in the Motion that the child opposition in consolidated Opposition No. 91-210,282 and Cancellation No. 92-052,220 both involve (1) identical parties, (2) identical marks (for different goods and services), and (3) identical allegations of priority and likelihood of confusion based on the identical relied upon registered trademarks and common law rights. As per Respondent's Motion, identical and common questions of fact and law will need to be addressed in the related Opposition and the instant cancellation, judicial economy is best served by consolidation – not suspension of the cancellation. By suspending the cancellation pending the disposition of the Opposition, the parties would ultimately duplicate their respective discovery efforts and testimony, and the Board would be forced to rule on a nearly identical case for a second time – a waste of the Board's and the parties' time, effort and resources.

Based on the above, Petitioner respectfully requests that Registrant's Motion be denied and that the Board issue an order (1) ordering Registrant to file an answer in the instant matter<sup>2</sup>, and, once an answer is filed, (2) consolidating Cancellation No. 92-059,220 with related Opposition No. 91-210,282<sup>3</sup>.

RED BULL GMBH  
By /Martin R Greenstein/  
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Dated: June 30, 2014

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<sup>2</sup> Typically consolidation of matters is not considered until the individual matters are joined. As such, Respondent should file an answer in Cancellation No. 92-059,220 prior to consolidation.

<sup>3</sup> Opposition 91-210,282 currently has a pending Motion for Partial Judgment on the Pleading, and will be suspended in due course due to this motion. Petitioner respectfully requests that once an answer is filed in the instant cancellation, the matter be consolidated with Opposition 91-210,282, and subsequently suspended pending the disposition of the Motion for Partial Judgment on the Pleadings.

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing **OPPOSITION TO RESPONDENT'S MOTION TO SUSPEND** is being served on June 30, 2014, by deposit of same in the United States Mail, first class postage prepaid, in an envelope addressed to the Correspondent of Record, with courtesy copy being served via email to [paulo@patelalmeida.com](mailto:paulo@patelalmeida.com):

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