

ESTTA Tracking number: **ESTTA746724**

Filing date: **05/16/2016**

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

Proceeding	92059504
Party	Plaintiff Pionetechs, Inc.
Correspondence Address	DANIEL S POLLEY DANIEL S POLLEY PA 7251 WEST PALMETTO PARK RD, STE 202 BOCA RATON, FL 33433 UNITED STATES dan@danpolley.com
Submission	Motion to Consolidate
Filer's Name	Daniel S. Polley
Filer's e-mail	dan@danpolley.com
Signature	/Daniel S. Polley/
Date	05/16/2016
Attachments	Motion to Consolidate.pdf(68196 bytes )

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

In the Matter Trademark Registration No. 4,407,657  
For the Mark: WAITLESS  
Date Registered: September 24, 2013

<b>PIONETECHS, INC.,</b>	)	
	)	
<b>Petitioner,</b>	)	<b>Cancellation No. 92059504</b>
<b>vs.</b>	)	
	)	
<b>OLALEYE SHOBOLA, ALEC JEFFERY and</b>	)	
<b>ABIOLA SHOBOLA,</b>	)	
	)	
<b>Registrants.</b>	)	
<hr/>		

**PETITIONER’S MOTION TO CONSOLIDATE**

Petitioner, Pionetechs, Inc., (“Petitioner”), by and through the undersigned counsel, hereby files this Motion for Consolidation of the above-identified proceeding with Opposition Proceeding No. 91217017 and in support thereof respectfully states:

1. Petitioner currently has filed the above-noted opposition proceeding against U.S. Application No. 85/817,418 for the mark IWAITLESS and the above-noted cancellation proceeding against U.S. Registration No. 4,407,657 for the mark WAITLESS.

2. Though the Applicant of the ‘418 Application is not the same party as the Registrant’s of the ‘657 Registration, Petitioner believes that the individual registrants of the ‘657 Registration are the principals/officers of the corporate Applicant of the ‘418 application and are thus believed to be related parties.

3. Applicant and Registrants are represented by the same counsel.

4. Answers have been filed in both proceedings.

4. The issues involved in both proceedings concern common questions of law or fact. When the parties are involved in cases concerning common questions of law or fact pending before the Board, consolidation of such cases may be appropriate. See Fed. R. Civ. P. 42(a); and TBMP §511.

WHEREFORE, Petitioner respectfully requests that the Board grant this Motion to Consolidate.

Respectfully submitted,

Attorneys for Petitioner

/Daniel S. Polley/

Daniel S. Polley, Reg. No. 34,902

DANIEL S. POLLEY, P.A.

7251 West Palmetto Park Road

Suite 202

Boca Raton, Florida 33433

Telephone: (561) 347-5955

Fax: (561) 807-5987

E-mail: [dan@danpolley.com](mailto:dan@danpolley.com)

#### CERTIFICATE OF SERVICE

I hereby certify that on the 16<sup>th</sup> day of May 2016, a true copy of the foregoing PETITIONER'S MOTION TO CONSOLIDATE was served by first class mail to Registrant's counsel:

Abiola Shobola, Esq  
1239 Highland Parkway  
St Paul, Minnesota 55116

Executed on May 16, 2016

/Daniel S. Polley/

Daniel S. Polley, Reg. No. 34,902