

ESTTA Tracking number: **ESTTA806334**

Filing date: **03/09/2017**

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


Proceeding	86601684
Applicant	VMware, Inc.
Applied for Mark	LIGHTWAVE
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Submission	Applicant's Request to Consolidate
Attachments	LIGHTWAVE and Design Motion to Consolidate.pdf(160337 bytes)
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Date	03/09/2017

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

In re Application Serial No. 86/601,684 —  LIGHTWAVE (Filing date: April 17, 2015)

VMware, Inc., Applicant)
) Examining Attorney: Diane Collopy
) Law Office 107
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APPLICANT’S MOTION TO CONSOLIDATE

Applicant VMware, Inc. (“Applicant”), through its undersigned counsel, hereby requests that the Board consolidate the appeal for the application referenced above with its appeal for its application for the related word mark LIGHTWAVE (Ser. No. 86/601,493). Consolidation is proper under Fed. R. Civ. P. 42(a) and T.B.M.P. § 511, as the appeals involve identical issues of law and fact. Applicant’s  LIGHTWAVE and LIGHTWAVE applications have been rejected by the Examining Attorney for the same reason: Applicant’s specimen allegedly shows use of the mark in connection with only source code and not the applied-for downloadable software. The issues of law and fact in each appeal will be identical, and in fact Applicant’s appeal briefs filed concurrently with this Motion are the same. Further, both appeals have the same schedules.

Consolidation will preserve the Board’s, the Examining Attorney’s, and Applicant’s time and resources. Accordingly, pursuant to Fed. R. Civ. P. 42(a), Applicant respectfully moves that the Board consolidate this appeal for Application Ser. No. 86/601,684 with its appeal for the application for its related word mark, Ser. No. 86/601,493.

Dated: March 9, 2017

PATTISHALL, McAULIFFE, NEWBURY,
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