

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500

Mailed: April 20, 2020

In re DMS APEX Holdings LLC

Serial No. 87556139¹ (Consolidated)

Serial No. 87556184

Serial No. 87556262

Serial No. 87556284

Serial No. 87556299

Serial No. 87556354

All Filed: 8/4/2017

Victoria von Vistauxx, Paralegal Specialist:

Consolidation

It has come to the attention of the Board that the above-identified applications are pending before the Board. A review of the record reveals that the issues involved in these applications are similar. Accordingly, in light of the similarity of the records and issues in these cases, the Board find it appropriate to sua sponte consolidate these appeals. *See, e.g., In re Bacardi & Co. Ltd.*, 48 USPQ2d 1031, 1033 (TTAB 1997) (Board sua sponte considered appeals in five applications together and rendered single opinion); *see also* TBMP § 1203.02 (June 2019).

¹ In Application Serial No. 87556139, only International Classes 12 and 41 are the subject of appeal. The other five appeals also involve International Class 35.

In view thereof, application Serial Nos. 877556139, 87556184, 87556262, 87556184, 87556299 and 87556354 are hereby **consolidated**, and may be presented in the same brief. The brief should bear the serial numbers of each consolidated application, and a copy of the brief should be submitted for each application. Also, these cases may be argued together if a request for oral hearing is filed.

Extension of Time

Applicant's request for 120 days extension of time, filed April 16, 2020, in application Serial Nos. 87556139 and 87556262 are noted. In its request, Applicant argues that due to the extraordinary circumstances of COVID-19, Applicant needs additional time.

In view of the extraordinary circumstance shown by Applicant, the request for 120 days extension of time to file a brief is **granted**. Applicant's brief in the above-consolidated appeal proceedings is due by **August 4, 2020**. Although cases consolidated prior to briefing may be presented on the same brief as noted above, they do not have to be. The applicant (and/or the examining attorney) may file a different brief in each case, if the applicant (and/or the examining attorney) so desires. In any event, either a single consolidated brief or a brief in each appeal is due by August 4, 2020.

Applicant is reminded that due to number of extensions sought and granted, the Board may decline Applicant's further request for extension of time to file brief absent a showing of extraordinary circumstances. *See* TBMP §1203.02 (d).