

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

Opposition No. 91162098

FEDERATION OF THE
SWISS WATCH INDUSTRY

Opposer,

v.

SWISS WATCH INTERNATIONAL

Applicant.

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514

MOTIONS TO CONSOLIDATE AND TO SUSPEND PROCEEDINGS

Pursuant to sections 510 and 511 of the TTAB Manual of Procedure, Applicant moves to consolidate and to suspend proceedings and in support thereof avers as follows:

MOTION TO CONSOLIDATE

1. Opposer has filed four oppositions making the identical averments (this and oppositions No. 91162082, 91162093, and 9162128).
2. The issues, the facts, the answers, and the affirmative defenses are identical in all four oppositions.
3. Applicant is filing motion identical to this in the other three above-referenced oppositions.
4. For the sake of judicial economy and savings in time, effort, and expense, it would be beneficial to consolidate these matters.

2

5. No prejudice or inconvenience will result to either party as a consequence of consolidation.

WHEREFORE, Applicant moves for an order consolidating this and the other three Oppositions referenced above under the older or "parent" case.

MOTION TO SUSPEND THE PROCEEDINGS

6. In addition to this and the other three above-referenced oppositions, Opposer has filed a petition to cancel the mark SWISS WATCH INTERNATIONAL issued to the applicant herein (cancellation No. 92043669).
7. Some of the same affirmative defenses apply to the oppositions as well as the cancellation proceedings. Among them are the defenses of Failure to Meet Statutory Certification Mark Standards, Failure to Meet Petitioner's Certification Standards, Lack of Standing, Unclean Hands, and No Harm to Petitioner.
8. If proven, any of these defenses may be dispositive either in the cancellation or the opposition proceedings. At the very least, they will have a bearing on the issues before the Board in these proceedings.
9. For the sake of judicial economy and cost-savings to the clients, it would be beneficial to consolidate these matters.

WHEREFORE, Applicant moves for an order suspending the proceedings until a final resolution of the above-referenced Cancellation.

[SIGNATURES IN THE NEXT PAGE]

Respectfully submitted,

SANCHELIMA & ASSOCIATES, P.A.
Attorneys for Applicant
235 S.W. Le Jeune Rd.
Miami, Florida 33134
Telephone: (305) 447-1617
Telecopier: (305) 445-8484

By: _____


Amaury Cruz, Esq.
(Fla. Bar No. 898244)

CERTIFICATE OF SERVICE

I hereby certify that this correspondence is being deposited with the United States Postal Service's and sent Via U. S First Class Mail pursuant to 37 C.F.R. § 1.10 in an envelope addressed to Petitioner's counsel Andrew Baum, Darby & Darby, P.C., 805 Third Avenue, New York, NY 10022, on this 25th day of October, 2004.

Amaury Cruz, Esq.

CERTIFICATE OF FIRST CLASS MAIL

I hereby certify that this correspondence is being deposited with the United States Postal Service's "First Class Post Office" to Addressee" service pursuant to 37 C.F.R. § 1.10 in an envelope addresses to the Assistant Commissioner of Trademarks, BOX: TTAB/ NO FEE, P.O. Box 1451, Alexandria, Virginia 22313-1451 on the above referenced date.

Date of Deposit: October 25, 2004.

By: _____


Amaury Cruz, Esq.