

ESTTA Tracking number: **ESTTA84176**

Filing date: **06/06/2006**

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

Proceeding	91168439
Party	Plaintiff Pittsburgh Steelers Sports, Inc. Philadelphia Eagles LLC and NFL Properties LLC Pittsburgh Steelers Sports, Inc. 3400 South Water Street Pittsburgh, PA 15203
Correspondence Address	JESSICA A. ROSE QUINN EMANUEL URQUHART OLIVER & HEDGES LLP 51 Madison Avenue 22nd Floor NEW YORK, NY 10010 UNITED STATES jessicarose@quinnemanuel.com, claudiabogdanos@quinnemanuel.com
Submission	Motion to Consolidate
Filer's Name	Jessica A. Rose
Filer's e-mail	jessicarose@quinnemanuel.com, claudiabogdanos@quinnemanuel.com
Signature	/Jessica A. Rose/
Date	06/06/2006
Attachments	Mot to consolidate.pdf (4 pages)(40931 bytes)

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

In the Matters of Application Serial Nos. 78/412,487 and 78/375,601
Marks: STEAGLES and STEAGLEBOWL

PITTSBURGH STEELERS SPORTS, INC.,
PHILADELPHIA EAGLES, LLC and NFL
PROPERTIES, LLC,

Opposers,

-against-

PATRICK K. MYERS,

Applicant.

Opposition Nos: 91/168,439 and 91/168,364

MOTION ON CONSENT TO CONSOLIDATE

Pursuant to Federal Rule of Civil Procedure 42(a) and TBMP § 511, Opposers Pittsburgh Steelers Sports, Inc., Philadelphia Eagles, LLC and NFL Properties, LLC (“Opposers”), with the consent of Applicant, hereby request that the Trademark Trial and Appeal Board (the “Board”) consolidate the following opposition proceedings:

Opposition No.	Mark/Serial Number	Applicant	Opposers
91/168,439	78/412,487; STEAGLES	Patrick K. Myers	Pittsburgh Steelers Sports, Inc., Philadelphia Eagles, LLC and NFL Properties, LLC
91/168,364	78/375,601; STEAGLEBOWL	Patrick K. Myers	Pittsburgh Steelers Sports, Inc., Philadelphia Eagles, LLC and NFL Properties, LLC

The forgoing proceedings involve common questions of law and fact, very similar marks and identical parties. Likewise, Applicant's answers to the Notices of Opposition raise similar issues of fact and defenses.

Consolidation of these proceedings will save the Board and the parties significant time, effort and expense. For example, the parties could issue and answer one set of discovery responses, produced one set of documents and take half as many depositions. This motion is sought for the purposes of judicial economy, and not for reasons of delay.

In addition, the parties request that the Board enter a scheduling order with the following dates:

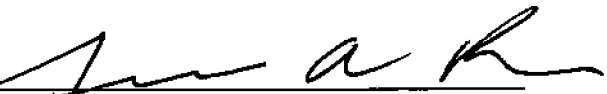
Discovery period to close:	Aug. 23, 2006
30-day testimony period for the party in position of plaintiff to close:	Nov. 21, 2006
30-day testimony period for the party in position of defendant to close:	Jan. 20, 2007
15-day rebuttal testimony period for the party in position of plaintiff to close:	March 16, 2007

Mark G. Falkin, Attorney for Applicant, Patrick K. Myers consented to this motion on
June 2, 2006.

Dated: New York, New York
June 6, 2006

Respectfully submitted,

Quinn Emanuel Urquhart Oliver & Hedges,
LLP

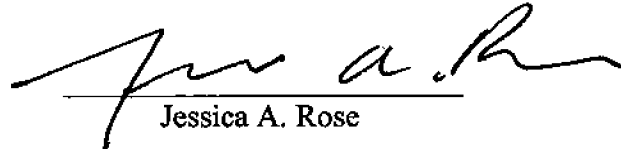
By: 

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ATTORNEYS FOR OPPOSERS
PITTSBURGH STEELERS SPORTS, INC.,
PHILADELPHIA EAGLES, LLC and NFL
PROPERTIES, LLC

CERTIFICATE OF SERVICE

I certify that on the 6th day of June, 2006 a true copy of Opposers' Motion on Consent to Consolidate was served on Applicant's attorney, Mark G. Falkin, Sachse, Williams and Falkin, LLP, mark@trademarkfalkin.com, via electronic mail.



Jessica A. Rose