

TTAB

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

IN THE MATTER OF OPPOSITION NUMBER 91176431
against SERIAL NUMBER 78931491

and

IN THE MATTER OF OPPOSITION NUMBER 91176430
against SERIAL NUMBER 78931486

TELEONE, INC.

Opposer,

vs.

TELEONE CORP.

Applicant.

UNITED STATES PATENT AND
TRADEMARK TRIAL AND APPEAL BOARD
PO BOX 1451
ALEXANDRIA VA 22313-1451

06-07-2007

U.S. Patent & TMO/TM Mail Rcpt Dt #72

MOTION TO CONSOLIDATE PROCEEDINGS

The Applicant hereby moves to consolidate the above identified cases into
Opposition Number 91176431.

The parties are the same in each case, and the findings in each matter are directly
relevant to both cases. Both cases involve Applicant's mark for TELEONE, with one
application being the word mark and the other application being the logo containing the

word mark. The facts and arguments will be the same for both cases. Consolidation would be advantageous to the parties and to the Trademark Trial and Appeal Board due to the savings in time, effort and expense which may be gained from consolidation as stipulated in Fed. R. Civ. P. 42(a) Consolidation "When actions involving a common question of law or fact are pending before the court, it may order a joint hearing or trial of any or all the matters in issue in the actions; it may order all the actions consolidated; and it may make such orders concerning proceedings therein as may tend to avoid unnecessary costs or delay."

When cases involving common questions of law or fact are pending before the Board, the Board may order the consolidation of the cases. See Fed. R. Civ. P. 42(a); *S. Industries Inc. v. Lamb-Weston, Inc.*, 45 USPQ2d 1293, 1297 (TTAB 1997) (both proceedings involved the same mark and virtually identical pleadings); *Ritchie v. Simpson*, 41 USPQ2d 1859 (TTAB 1996), *rev'd on other grounds*, 170 f. 3D 1092, 50 USPQ2d 1023 (Fed. Cir. 1999) (cases consolidated despite variations in marks and goods); *Hilson Research Inc. v. Society for Human Resource Management*, 27 USPQ2D 1423 (ttab 1993) (OPPOSITION AND CANCELLATION CONSOLIDATED); *Regatta Sport Ltd. V. Telux-Pioneer Inc.*, 20 USPQ2d 1154 (TTAB 1991); and *Estate of Biro v. Bic Corp.*, 18 USPQ2d 1382, 1384 n. 3 (TTAB 1991).

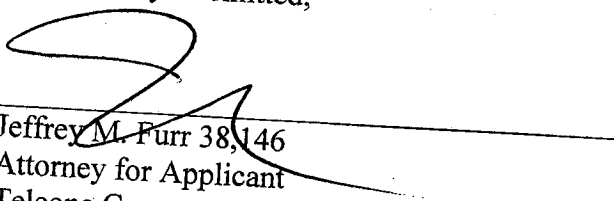
See also *Helene Curtis Industries Inc. v. Suave Shoe Corp.*, 13 USPQ2d 1618 (TTAB 1989); *Bigfoot 4x4 Inc. v. Bear Foot Inc.*, 5 USPQ2d 1444 (TTAB 1987); *Federated Department Stores, Inc. v. Gold Circle Insurance Co.*, 226 USPQ 262 (TTAB 1985); and *Plus Products v. Medical Modalities Associates, Inc.*, 211 USPQ 1199 (TTAB

1981), set aside on other grounds and new decision entered, 217 USPQ 464 (TTAB 1983).

If consolidated there will be no prejudice or inconvenience caused to either party. Both cases are at stages that can be consolidated and the involved marks are the same/highly similar. *World Hockey Ass'n v. Tudor Metal Products Corp.*, 185 USPQ 246 (TTAB 1975) (consolidation ordered where issues were substantially the same and consolidation would be advantageous to both parties). If the Consolidation is not granted then there will be unnecessary costs and delays to the parties.

It is respectfully requested that the Trademark Trial and Appeal Board grant this Motion to Consolidate Proceedings. The original and two copies are filed herewith.

Respectfully Submitted,

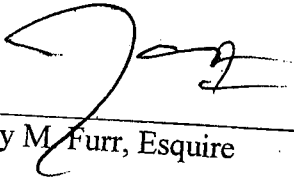


Jeffrey M. Furr 38,146
Attorney for Applicant
Teleone Corp.
2622 Debolt Road
Utica, Ohio 43080
740-892-2118 (telephone)
JeffMFurr@aol.com

CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited on the 5th day of June, 2007 with the United States Postal Service in an envelope addressed to:

United States Patent and Trademark Trial and Appeal Board, PO Box 1451, Alexandria, Virginia 22313-1451

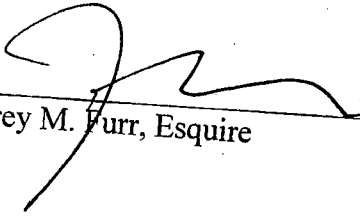


Jeffrey M. Furr, Esquire

CERTIFICATE OF SERVICE

I hereby certify that this paper is being deposited on the 5th day of June, 2007 with the United States Postal Service in an enveloped addressed to:

J. Joseph Muller, Polster, Lieder, Woodruff & amp; Lucchesi, 12412 Powerscourt Drive, Suite 200, St. Louis, Missouri 63131



Jeffrey M. Furr, Esquire