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

Proceeding	91188166
Party	Plaintiff Liggett Group LLC
Correspondence Address	Lori Lee Yamato Knobbe, Martens, Olson & Bear LLP 2040 Main Street, 14th Floor Irvine, CA 92614 UNITED STATES efiling@kmob.com, lly@kmob.com
Submission	Motion to Consolidate
Filer's Name	Stacey R. Halpern
Filer's e-mail	efiling@kmob.com, shalpern@kmob.com
Signature	/Stacey R. Halpern/
Date	02/25/2009
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Federation Internationale de Football Association (FIFA),  
Opposer,

v.

Liggett Group LLC,  
Applicant.

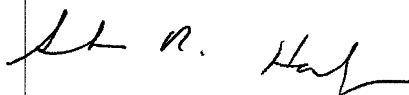
Opposition No. 91,179,160

Opposition No. 91,188,166

I hereby certify that this correspondence and all marked attachments are being electronically filed with the Trademark Trial and Appeal Board through their web site located at <http://esta.uspto.gov> on

2/25/2009

(Date)



Stacey R. Halpern

Liggett Group LLC,  
Opposer,

v.

Federation Internationale de Football Association (FIFA),  
Applicant.

**STIPULATED MOTION TO CONSOLIDATE PROCEEDINGS**

Pursuant to the Trademark Trial and Appeal Board Manual of Procedure §511 and Federal Rules of Civil Procedure 42(a), Liggett Group LLC (“Liggett”) and Federation Internationale de Football Association (FIFA) (“FIFA”), by and through their respective counsel, hereby move the Trademark Trial and Appeal Board (the “Board”) for an order consolidating Opposition No. 91,179,160 (the “First Opposition Proceeding”) and Opposition No. 91,188,166 (the “Second Opposition Proceeding”).

The parties submit that both Opposition proceedings involve common questions of law and fact, similar marks, and the same parties. To avoid duplicative litigation and promote judicial economy, while preserving the interests of the parties in the Opposition proceedings, the above-identified Opposition proceedings should be consolidated and treated as one proceeding.

Specifically, on August 27, 2007, FIFA filed the First Opposition Proceeding against Liggett’s Application Serial No. 78/791,295, for the mark **WORLD CUP**. All of the marks

relied upon by FIFA in its Notice of Opposition consist of or contain the words **WORLD CUP**.

On December 22, 2008, Liggett filed an Answer in the First Opposition Proceeding as well as Counterclaims for Cancellation of several of the registrations relied upon by FIFA in its Notice of Opposition. The Counterclaims for Cancellation allege that FIFA's registrations are void *ab initio* by virtue of FIFA's fraud and lack of a bona-fide intent to use the mark in connection with each and every good and service identified in FIFA's registrations. All of the marks at issue in the Counterclaims for Cancellation in the First Opposition Proceeding consist of or contain the words **WORLD CUP**.

On December 22, 2008, Liggett filed the Second Opposition Proceeding against Application Serial No. 79/975,047 (the "'047 Application"), for the mark **WORLD CUP 2010**, which is owned by FIFA. As in the First Opposition Proceeding, the Notice of Opposition in the Second Opposition Proceeding alleges that the '047 Application is void *ab initio* by virtue of FIFA's fraud and lack of a bona-fide intent to use the mark in connection with each and every good and service identified in FIFA's application.

On January 8, 2009, FIFA filed a Motion for Leave to Amend Pleading along with an Amended Notice of Opposition in the First Opposition Proceeding. In paragraphs 10 and 21-24 of FIFA's Amended Notice of Opposition, FIFA specifically relies upon the '047 Application as a basis for the First Opposition Proceeding. As indicated above, the '047 Application is the subject of the Second Opposition Proceeding.

As both Opposition proceedings involve common questions of law and fact, the parties agree that consolidation of these Opposition proceedings will save time, effort, and expense.<sup>1</sup> Accordingly, the parties request that the Board consolidate the First and Second Opposition Proceedings. In the event that the Board grants this Stipulated Motion to Consolidate, the parties

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<sup>1</sup> Avoiding duplication of effort concerning the common issues in the case is sufficient basis for consolidation. See S. Industries Inc. v. Lamb-Weston Inc., 45 U.S.P.Q.2d 1293, 1297 (T.T.A.B. 1997).

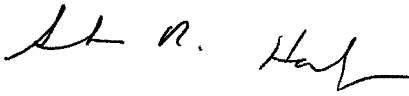
submit that the consolidated proceedings should be subject to the most recent Code of Federal Regulations as shown in 37 C.F.R. (July 31, 2008).

Respectfully submitted,

Holley & Menker, P.A.

Knobbe, Martens, Olson & Bear, LLP

By:   
James R. Menker  
PO Box 331937  
Atlantic Beach, FL 32233

  
By: \_\_\_\_\_  
Lori Lee Yamato  
Stacey R. Halpern  
2040 Main Street, Fourteenth Floor  
Irvine, California 92614

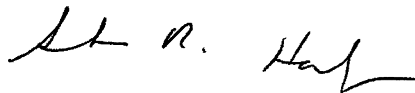
Dated: 2-12-2009

Dated: 2/25/2009

**CERTIFICATE OF SERVICE**

I hereby certify that I served a copy of the foregoing **STIPULATED MOTION TO CONSOLIDATE PROCEEDINGS** upon counsel for Federation Internationale de Football Association (FIFA) by depositing one copy thereof in the United States Mail, first-class postage prepaid on 2/25/2009, addressed as follows:

James R. Menker  
Holley & Menker, P.A.  
PO Box 331937  
Atlantic Beach, FL 32233



Stacey R. Halpern