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

Proceeding	91198614
Party	Defendant Ooh La La! Jewelry and Accessories, Inc.
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Date	03/30/2011
Attachments	Motion to Consolidate.pdf ( 4 pages )(16261 bytes )

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

OOH LA LA! LADIES CONSIGNMENT )  
BOUTIQUE, INC., a Florida corporation, )  
and TRACI MACARO, an individual, )

Opposers, )

) Opposition Nos. 91198614,  
91198615 and 91198616

OOH LA LA! JEWELRY AND )  
ACCESSORIES, INC., )  
a Florida corporation, )  
Applicant. )

**CERTIFICATE OF MAILING**

I HEREBY CERTIFY that the original of this Motion is being electronically filed with the Trademark Trial and Appeal Board of the United States Patent and Trademark Office through the web site at <http://esta.uspto.gov> on March 30, 2011.

/JENNIFER L. WHITELAW/  
JENNIFER L. WHITELAW

**CONSENTED MOTION TO CONSOLIDATE THE PROCEEDINGS**

Applicant, OOH LA LA! JEWELRY AND ACCESSORIES, INC. (hereinafter "Applicant"), hereby moves to consolidate the Opposition Proceeding Nos. 91198614, 91198615 and 91198616 pursuant to Fed. R. Civ. P. Section 42(a) and TBMP Section 511, with the consent of Opposer.

In support hereof, it is represented that this motion is made in the interests of judicial economy and to conserve the resources of the parties herein, as the three separate proceedings involve the same parties, marks and involve common issues of

fact and law. See, e.g., World Hockey Ass'n v. Tudor Metal Products Corp., 185 USPQ 246, 248 (TTAB 1975) (oppositions involving similar marks and similar issues ordered consolidated); and Federated Department Stores, Inc. v. Gold Circle Insurance Co., 226 USPQ 262, 263 (TTAB 1985) (consolidation permitted as issues of fact and law substantially similar).

In each action herein the factual allegations raised by the Opposers are nearly identical, as are the denials in the Answers and Affirmative Defenses filed by Applicant.

As consolidation of the actions will not result in any action losing its separate identity, any remaining issues may still be addressed and separate judgments entered, all in accordance with TBMP Section 511.

### **CONSENT OBTAINED**

The undersigned counsel contacted counsel for Opposers on March 23, 2011, wherein counsel for Opposers stated on March 24, 2011, who stated that Opposer consents to this motion.

WHEREFORE, Applicant respectfully requests that the Board issue an Order granting consolidation of Opposition Nos. 91198614, 91198615 and 91198616.

Respectfully submitted,

/JENNIFER L. WHITELAW/  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the original of this **Unopposed Motion To**

**Consolidate The Proceedings** was mailed to:

Edward M. Livingston, Esq.  
Erica L. Loeffler, Esq.  
THE LIVINGSTON FIRM  
963 Trail Terrace Drive  
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via electronic service of same, by prior agreement of the parties, on March 30, 2011.

/JENNIFER L. WHITELAW/  
JENNIFER L. WHITELAW