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

Proceeding	91202908
Party	Defendant Twin Tiger Assets Corp.
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Attachments	Motion to Consolidate.pdf (7 pages)(86296 bytes)

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

THE KEEP A BREAST)
FOUNDATION, INC.)
)
Opposer,)
)
v.)
)
TWIN TIGER ASSETS CORP,)
)
Applicant.)

Opposition No. 91202908
Application Serial No. 85393712
Mark: BOOBIES

THE KEEP A BREAST)
FOUNDATION, INC.)
)
Opposer,)
)
v.)
)
TWIN TIGER ASSETS CORP,)
)
Applicant.)

Opposition No. 91202909
Application Serial No. 85359191
Mark: BOOBIES ROCK

THE KEEP A BREAST)
FOUNDATION, INC.)
)
Opposer,)
)
v.)
)
TWIN TIGER ASSETS CORP,)
)
Applicant.)

Opposition No. 91202910
Application Serial No. 85357612
Mark: BOOBIES ROCK

THE KEEP A BREAST)
FOUNDATION, INC.)
)
Opposer,)
)
)
v.)
)
TWIN TIGER ASSETS CORP,)
)
Applicant.)

Opposition No. 91202911
Application Serial No. 85397251
Mark: BOOBIES RULE!!!

THE KEEP A BREAST)
FOUNDATION, INC.)
)
Opposer,)
)
)
v.)
)
TWIN TIGER ASSETS CORP,)
)
Applicant.)

Opposition No. 91202912
Application Serial No. 85352372
Mark: BOOBIES RULE!!!

THE KEEP A BREAST)
FOUNDATION, INC.)
)
Opposer,)
)
)
v.)
)
TWIN TIGER ASSETS CORP,)
)
Applicant.)

Opposition No. 91202913
Application Serial No. 85398563
Mark: BOOBIES RULE!!!

THE KEEP A BREAST)
FOUNDATION, INC.)
)
Opposer,)
)
v.)
)
TWIN TIGER ASSETS CORP,)
)
Applicant.)

Opposition No. 91202915
Application Serial No. 85349793
Mark: BOOBIES RULE!!!

THE KEEP A BREAST)
FOUNDATION, INC.)
)
Opposer,)
)
v.)
)
TWIN TIGER ASSETS CORP,)
)
Applicant.)

Opposition No. 91202916
Application Serial No. 85381814
Mark: BOOBIES RULE!!!

THE KEEP A BREAST)
FOUNDATION, INC.)
)
Opposer,)
)
v.)
)
TWIN TIGER ASSETS CORP,)
)
Applicant.)

Opposition No. 91202917
Application Serial No. 85393710
Mark: SMILE FOR BOOBIES

MOTION TO CONSOLIDATE

Twin Tiger Assets Corp. (“Applicant”), by Counsel, hereby moves to consolidate Opposition Nos. 91202908, 91202909, 91202910, 91202911, 91202912, 91202913, 91202915, 91202916, and 91202917.

Fed. R. Civ. P. 42(a), as made applicable by Trademark Rule 2.116(a), 37 C.F.R. §2.116(a), provides that when actions involving a common question of law or fact are pending before the Trademark Trial and Appeal Board (“Board”), the Board may issue an order to consolidate the actions. In determining whether to consolidate cases, the Board weighs the savings in time, effort, and expense that may be gained from consolidation against any prejudice or inconvenience that may be caused by consolidation. TBMP § 511 and cases cited therein.

Opposition No. 91202908 is an opposition involving application Serial No. 85393712 for the mark BOOBIES used to identify goods in International Class 014.

Opposition No. 91202909 is an opposition involving application Serial No. 85359191 for the mark BOOBIES ROCK used to identify goods in International Class 025.

Opposition No. 91202910 is an opposition involving application Serial No. 85357612 for the mark BOOBIES ROCK used to identify goods in International Class 014.

Opposition No. 91202911 is an opposition involving application Serial No. 85397251 for the mark BOOBIES RULE!!! used to identify goods in International Class 034.

Opposition No. 91202912 is an opposition involving application Serial No. 85352372 for the mark BOOBIES RULE!!! used to identify goods in International Class 014.

Opposition No. 91202913 is an opposition involving application Serial No. 85398563 for the mark BOOBIES RULE!!! used to identify goods in International Class 020.

Opposition No. 91202915 is an opposition involving application Serial No. 85349793 for the mark BOOBIES RULE!!! used to identify goods in International Class 009.

Opposition No. 91202916 is an opposition involving application Serial No. 85381814 for the mark BOOBIES RULE!!! used to identify goods in International Class 018.

Opposition No. 91202917 is an opposition involving application Serial No. 85393710 for the mark SMILE FOR BOOBIES used to identify goods in International Class 014.

Opposition Nos. 91202908, 91202909, 91202910, 91202911, 91202912, 91202913, 91202915, 91202916, and 91202917 involve the same Opposer, The Keep A Breast Foundation, Inc., and the same Applicant, Twin Tiger Assets Corp. (collectively, the “Parties”).

As grounds for opposition in Opposition Nos. 91202908, 91202909, 91202910, 91202911, 91202912, 91202913, 91202915, 91202916, and 91202917, Opposer has alleged (1) a likelihood of confusion between Applicant’s marks and Opposer’s alleged marks, and (2) dilution of Opposer’s alleged marks.

At this stage, consolidation of the oppositions would reduce the number of discovery conferences and filings before the Board, and assist both the Board and the Parties in maintaining the same schedule for all the oppositions.¹

In addition, with the oppositions involving identical Parties and identical grounds for opposition, much of the discovery and evidence at trial is likely to be duplicative and the Parties are likely to present the same arguments and evidence in all nine proceedings. The repetitive prosecution of these related cases would impose undue burden on the Board by requiring it to expend considerable time and resources to manage nine cases involving common questions of

¹ Applicant intends to request Board participation in the discovery conferences pursuant to 37 C.F.R. §2.120(a)(2).

law separately. Consolidation of these proceedings would avoid these inefficiencies and result in a significant savings of time and resources for the Parties and the Board.

Accordingly, Applicant respectfully requests that the Board grant its Motion to Consolidate Opposition Nos. 91202908, 91202909, 91202910, 91202911, 91202912, 91202913, 91202915, 91202916, and 91202917, and that the consolidated proceedings remain on the current trial schedule (which is the same in all nine separate cases), namely:

Deadline for Discovery Conference	2/16/2012
Discovery Opens	2/16/2012
Initial Disclosures Due	3/17/2012
Expert Disclosures Due	7/15/2012
Discovery Closes	8/14/2012
Plaintiff's Pretrial Disclosures	9/28/2012
Plaintiff's 30-day Trial Period Ends	11/12/2012
Defendant's Pretrial Disclosures	11/27/2012
Defendant's 30-day Trial Period Ends	1/11/2013
Plaintiff's Rebuttal Disclosures	1/26/2013
Plaintiff's 15-day Rebuttal Period Ends	2/25/2013

Respectfully submitted,

Date: January 27, 2012



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CERTIFICATE OF SERVICE

I hereby certify that on January 27, 2012, a true and correct copy of the foregoing Motion to Consolidate was served by United States First Class mail, postage prepaid, on Counsel for the Opposer at the following address of record:

Sean Flaherty
Coast Law Group, LLP
1140 South Coast Highway 101
Encinitas, CA 92024



Cheryl L. Black