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

Proceeding	91207871
Party	Plaintiff BLANCO GmbH + Co KG
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Submission	Motion to Consolidate
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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BLANCO GmbH + Co KG)	
)	
Petitioner,)	Opposition No. 91207871
)	
vs.)	Mark: VLANCO
)	
Vito Laera)	Application No. 85/591,824
)	
Defendant.)	

PETITIONER’S MOTION TO CONSOLIDATE PROCEEDINGS

Petitioner, BLANCO GmbH + Co KG, hereby moves the Board for an Order consolidating the opposition proceedings against U.S. Trademark Application Serial No. 85/389,037 (Opposition No. 91204465) and U.S. Trademark Application Serial No. 85/591,824 (Opposition No. 91207871) pursuant to Fed. R. Civ. P. 15(a)(2).

The above captioned Opposition No. 91207871 was instituted by order of the Board dated November 6, 2012. Opposition No. 91204465 was instituted by order of the Board dated March 27, 2012. Opposition No. 91204465 is currently at the first stages of discovery.

U.S. Trademark Application Serial No. 85/389,037, owned by Vito Laera, for “VLANCO,” covers metal clasps for sinks and faucets, bathroom vanities, wholesale and retail store services featuring building and construction products and components, and plumbing services and others. U.S. Trademark Application Serial No. 85/591,824, also owned by Vito Laera, for “VLANCO,” covers, among other things, sinks; faucets; silica stone; granite used in

decorative surface applications for countertops and vanity tops; cabinets; retail store services featuring sinks, faucets, cabinets, and countertops; and plumbing services.

The '824 VLANCO mark is the same word as the '037 VLANCO mark. The instant marks are both owned by Vito Laera. The goods and services covered by the VLANCO marks are identical or substantially similar. The plumbing services of the '824 VLANCO mark are identical to the plumbing services of the '037 VLANCO mark. The retail store services featuring sinks and faucets of the '824 VLANCO mark may be identical to the retail store services featuring building products and components of the '037 VLANCO mark. The cabinets, silica stone, and granite used in decorative surface applications for countertops and vanity tops of the '824 VLANCO mark may be used with the bathroom vanities of the '037 VLANCO mark. The sinks and faucets of the '824 VLANCO mark may include the metal clasps for sinks and faucets of the '037 VLANCO mark. Both VLANCO marks, as used on their respective goods, present a likelihood of confusion with the BLANCO mark. The BLANCO mark was famous before each of the VLANCO marks, and each of the VLANCO marks cause and/or will cause dilution of the BLANCO mark. Thus, the grounds of each opposition are identical.

Pursuant to Fed. R. Civ. P. § 42(a), Petitioner moves to consolidate the subject opposition proceedings in the interest of judicial and pecuniary economy. The words of the pending marks subject to the proceedings are identical and the owners of the marks are identical. The grounds for the opposition proceedings are identical. The same questions of law and fact are involved in the proceedings. Fed. R. Civ. P. § 42(a) provides that when actions involve a common question of law or fact and are pending before a court, the court may order that the actions be consolidated. In view of the substantially identical grounds for opposition and the common

questions of law and fact, Petitioner respectfully requests that the proceedings be consolidated and that new trial dates be set for the consolidated proceedings.

Consolidation will benefit the Board as well as the parties. Primarily, the oppositions may be presented on the same record, thus avoiding the need to take multiple testimony depositions of the same witnesses, avoiding the need to submit multiple and identical documents as evidence, and avoiding the need to file identical Notices of Reliance in each case.

PRAYER FOR RELIEF

For the foregoing reasons, Petitioner respectfully requests that its Motion to Consolidate be granted and that new trial dates be set for the consolidated proceedings.

Respectfully submitted,

Dated: November 7, 2012

/Heather A. Siscel/
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CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing MOTION TO CONSOLIDATE was served upon Defendant by sending an electronic mail message to Defendant's electronic mail address, vito@sinksrus.com, and by depositing a copy of same with the United States Postal Service, first class postage prepaid, on this date, addressed to:

Vito Laera
5960 SW 32 Terrace
Fort Lauderdale, FL 33312

Dated: November 7, 2012

/Heather A. Siscel/

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