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Filing date: **06/13/2013**

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

Proceeding	91209891
Party	Plaintiff The GSI Group, LLC
Correspondence Address	WILLIAM B CUNNINGHAM JR POLSTER LIEDER WOODRUFF & LUCCHESI LC 12412 POWERSCOOT DRIVE, SUITE 200 ST LOUIS, MO 63131 UNITED STATES trademarks@polsterlieder.com, jsoifer@polsterlieder.com, mlucchesi@polsterlieder.com, wcunningham@polsterlieder.com, mmoore@polsterlieder.com, wcunnin
Submission	Motion to Consolidate
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Signature	/McPherson D. Moore/
Date	06/13/2013
Attachments	Mtn to Consolidate w Exh 1.pdf(143275 bytes)

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

In the Matters of:
Serial No. 85/676,317
For the Mark: "CGS"
Applicant: Sioux Steel Company
Published in the Official Gazette on January 8, 2013
and
Serial No. 85/807,459
For the Mark: "CGS" Within Oval Design
Applicant: Sioux Steel Company
Published in the Official Gazette on May 14, 2013

The GSI Group, LLC)	Notice of Opposition_NO.: 91209891
Opposer,)	
)	And
)	
)	Notice of Opposition No.: 91211078
)	
v.)	
)	
Sioux Steel Company)	
Applicant.)	

Commissioner of Trademarks
Attn: Trademark Trial & Appeal Board

MOTION TO CONSOLIDATE

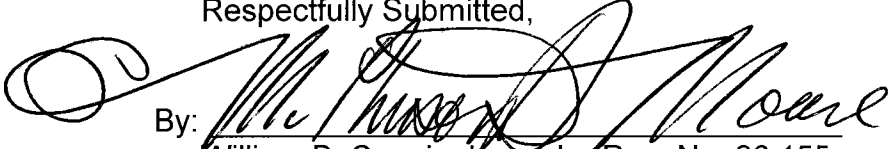
COMES NOW, Opposer, GSI Group, LLC, (hereinafter "GSI") and files its Motion To Consolidate the present Notice of Opposition 91209891 (hereafter "'891 Opposition") with Notice of Opposition No. 91211078 (hereafter "'078 Opposition"). In support of this Motion, the Applicant's Sioux Steel Company's attorney, Sander J. Morehead, as shown by the attached Exhibit 1 email to the undersigned, has stated that Sioux Steel consents to this motion to consolidate being granted.

The '891 Opposition was filed on March 21, 2013. The '078 Opposition was filed on June 13, 2013. The Second Notice of Opposition, the '078 Opposition, opposes a different, but similar, application of the same Applicant as the '901 Opposition. This second application is related to the one that was the subject of the initial '891 Opposition. The first application that was the subject of the first filed '891 Opposition, i.e., SN 85-676,317, was for the mark "CGS" for the goods of "commercial storage bins of metal." The application that is the subject of the '078 Opposition, SN 85-807,459, is for the mark comprising the same letters as the first application, "CGS", further including an oval design that extends about those letters "CGS". The second '459 application is for "commercial and agricultural storage bins of metal". Thus both applications include "CGS", and both are applications for goods that include commercial storage bins of metal.

This second application was not published for Opposition until May 14, 2013. Thus Opposer has moved diligently towards filing this Notice of Opposition. Indeed, on May 16, 2013, Opposer filed a Motion For Leave To File An Amended Notice Of Opposition in this present '891 Opposition, which Amended Notice of Opposition included Opposition to the Second Opposition filed '459 Application.

In view of the consent of Applicant to grant the requested consolidation, and in view of Fed. R. Civ. P. 42 (a)(2) stating that "If actions before the court involve a common question of law or fact, the court may consolidate the actions", it is respectfully submitted that this Motion should be granted.

Respectfully Submitted,

By: 

William B. Cunningham, Jr., Reg. No. 26,155

McPherson D. Moore, Reg. No. 28,449

Jonathan P. Soifer, Reg. No. 34,932

Scott A. Smith, Reg. No. 46,067

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ATTORNEYS FOR OPPOSER

THE GSI GROUP, LLC

Attachments:
Exhibit 1- e-mail

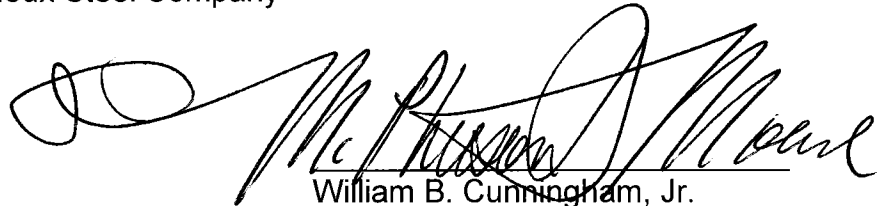
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the above and foregoing document was served via U.S. Mail, postage prepaid, and via email, this 13 day of June, 2013 to:


Troy Leonard, Esq.
Sander Morehead, Esq.
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Marisa Lucchesi
Litigation Paralegal for Opposer

McPherson D. Moore

From: Sander J. Morehead <Sander.Morehead@woodsfuller.com>
Sent: Thursday, June 13, 2013 7:06 AM
To: McPherson D. Moore
Cc: Troy N. Leonard
Subject: RE: GSI v. Sioux Oppositions

Mr. Moore:

Sioux Steel consents to your making the representation requested. I will call you later today to discuss whether and to what extent this might affect the other deadlines in the case.

SJM

From: McPherson D. Moore [<mailto:mmoore@polsterlieder.com>]
Sent: Wednesday, June 12, 2013 5:29 PM
To: Sander J. Morehead
Cc: Troy N. Leonard; William Cunningham; Marisa Lucchesi; Jonathan Soifer
Subject: GSI v. Sioux Oppositions

Sander,

Later this afternoon following our joint phone conference with Interlocutory Attorney Okeke, he phoned me to advise that the TTAB did not have a mechanism set up to handle a motion for leave to amend to add opposition to another application. He advised that GSI would have to file the second opposition against the '459 applic, then move to consolidate the two oppositions. We plan on doing that tomorrow.

Please advise if we may state in the motion to consolidate the same thing basically that was in our motion to amend, i.e., that Applicant Sioux consents to the consolidation of the two oppositions?

I phoned you shortly after I got off the phone with Mr. Okeke, but got your vm, so I left a message.

Mr. Okeke told me that if I called him after the motion was filed stating consent, he would promptly make efforts to see that the motion was granted tomorrow. As far as our schedule for dates that we had agreed upon, I suppose we could still proceed as if the motion to consolidate would be granted, and try to maintain the same dates. Maybe it will be granted tomorrow. Your thoughts?

Mac

McPherson D. Moore

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