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

Proceeding	91218366
Party	Plaintiff 1601054 Alberta LTD
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Submission	Motion to Consolidate
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

1601054 ALBERTA LTD,)	
)	Opposition No. 91218364
Opposer,)	Directed to USSN 85/973,492
)	
v.)	
)	
AFFINITAS GMBH,)	Opposition No. 91218366
)	Directed to USSN 86/178,668
)	
Applicant.)	

JOINT MOTION TO CONSOLIDATE PROCEEDINGS

Pursuant to Rule 42(a) of the Federal Rules of Civil Procedure, Opposer 1601054 Alberta Ltd. (“Opposer”) and Applicant Affinitas GmbH (“Applicant”) jointly move the Board to consolidate Opposition No. 91218366 with Opposition No. 91218364.

In support, the parties state:

1. On September 16, 2014, Opposer filed a Notice of Opposition (Opposition No. 91218364) directed to Applicant’s registration for the mark ELITE SINGLES and Design (U.S. Application Serial No. 85/973,492) for services in International Classes 038, 041 and 045. Opposer alleges a likelihood of confusion with the mark ELITEPARTNER. Applicant denies that Opposer is entitled to the relief requested.

2. On September 16, 2014, Opposer filed a second Notice of Opposition (Opposition No. 91218366) directed to Applicant’s registration for ELITE SOLTEROS and Design (Application Serial No. 86/178,668) for services in International Classes 038, 041 and 045. Similar to Opposition Number 91218364, Opposer alleges a likelihood of confusion with the mark ELITEPARTNER. Applicant denies that Opposer is entitled to the relief requested.

3. A consolidation of opposition proceedings is appropriate when each proceeding involves common questions of law or fact. Fed. R. Civ. P. 42(a); TMBP § 511. The proceedings here involve common questions of law or fact, as the parties are identical, the marks at issue are similar, and the claims in both proceedings are the same. Consolidation of the proceedings is therefore appropriate.

4. Moreover, both parties jointly seek consolidation because it will save time, effort, and expense, and will not cause any prejudice or inconvenience.

ACCORDINGLY, Opposer and Applicant respectfully request that the Board consolidate Opposition No. 91218366 with Opposition No. 91218364.

Respectfully Submitted,

November 20, 2014

/s/ Theodore A. Breiner
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CERTIFICATE OF SERVICE

I hereby certify that on November 20, 2014 a copy of this Joint Motion to Consolidate was sent via First Class Mail to the following:

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/s/ Theodore A. Breiner
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