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Filing date: **08/25/2015**

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

Proceeding	91221928
Party	Plaintiff VDF FutureCeuticals, Inc.
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Signature	/Tiffany A. Blofield/
Date	08/25/2015
Attachments	Joint Motion to Consolidate Proceedings.pdf(112189 bytes )

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

In the matter of Application Serial No.: 86/182,052

Filed: February 2, 2014

For the mark: VITAMIN BLUE

Published in the Trademark Official Gazette on January 13, 2015

And in the matter of U.S. Reg. No. 4,418,801 (VITAMIN BLUE);

U.S. Reg. No. 2,849,217 (VITABLUE), U.S. Reg. No. 2,885,094 (VITABLUE) and

U.S. Reg. No. 3,074,359 (VITABLUE)

VDF FUTURECEUTICALS, INC.,

) Opposer/Petitioner )

v. )

) Opposition No. 91221928

OWEN RYAN,

) Applicant/Respondent. )

) Cancellation No. 92062086

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**JOINT MOTION TO CONSOLIDATE PROCEEDINGS**

VDF FutureCeuticals (“FutureCeuticals”) and Owen Ryan (“Ryan”) (collectively the “Parties”) hereby request, pursuant to TBMP § 511 and Fed. R. Civ. P. 42(a), that the Trademark Trial and Appeal Board (the “Board”) consolidate the above captioned proceeding with Opposition No. 91221928 involving Application Serial No. 86/182,052 for the VITAMIN BLUE mark and the accompanying Counterclaim-Petition For Cancellation (involving VITABLUE U.S. Registration No. 2,849,217, U.S. Registration No. 2,885,094 and partial cancellation of U.S. Registration No. 3,074,359) and the Cancellation No. 92062086 involving U.S. Registration No. 4,418,801 for VITAMIN BLUE.

There is an identity of parties in each proceeding, the marks at issue in each proceeding include the VITAMIN BLUE mark and the VITABLUE mark, and the goods at issue in each proceeding are identical. In light of these facts, the Parties agree that the proceedings involve common questions of law and fact and that consolidation will provide savings in time, effort, and

expense. *See Dating DNA, LLC v. Imagini Holdings, Ltd.*, 94 U.S.P.Q.2d 1889, 1893 (TTAB 2010).

Due to these similarities, the Parties respectfully request the Board grant this Stipulated Motion to Consolidate and consolidate the above captioned matter, namely, Opposition No. 91221928 and the accompanying Counterclaim-Petition for Cancellation, with Cancellation No. 92062086. The Parties further request that the Board reset the dates for the above-captioned proceeding in accordance with the dates set forth in Opposition No. 91221928 pursuant to TBMP § 511.

Respectfully submitted,

NIESAR & VESTAL LLP

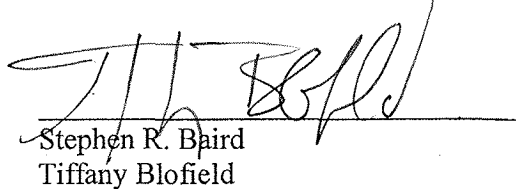
  
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ATTORNEYS FOR APPLICANT/  
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Dated: August 25, 2015

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ATTORNEYS FOR OPPOSER/  
PETITIONER

Dated: August 25, 2015

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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VDF FUTURECEUTICALS, INC.,

Opposer,

v.

Cancellation No. 92062086

OWEN RYAN,

Applicant.

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**CERTIFICATE OF SERVICE BY MAIL**

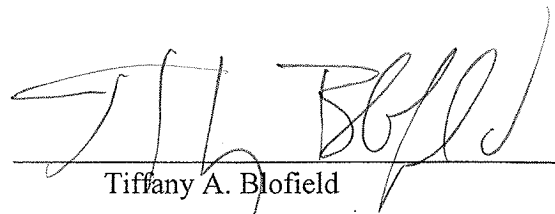
This is to certify that on this 25th day of August, 2015, I served by U.S. Mail a true and correct copy of the following document:

- Joint Motion to Consolidate Proceedings

in the above-captioned action to the following, with their consent, at the last known address, to-wit:

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