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

Proceeding	91225150
Party	Plaintiff Rum Creation & Products, Inc.
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Date	04/05/2017
Attachments	ZAMAKA - STIPULATION TO CONSOLIDATE.pdf(120617 bytes)

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

In the Matter of Trademark Application Serial No. 86557570

For the Trademark: ZAMAKA

RUM CREATION & PRODUCTS, INC. <p style="text-align: right;">Opposer,</p> <p style="text-align: center;">-against-</p> ENOVATION BRANDS, INC. <p style="text-align: right;">Applicant.</p>	Opposition No. 91225150
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MOTION TO CONSOLIDATE

AND MOTION TO EXTEND DISCOVERY AND TRIAL DATES

Opposer, Rum Creation & Products, Inc. (“Opposer”), by and through its undersigned counsel, and pursuant to Trademark Rule Fed. R. civ. P. 42 (a) and TBMP§511, requests that Opposition No. 91225150 be consolidated with Opposition No. 91227450, and states the following:

The present Opposition No. 91225150 filed on December 2, 2015 involves Applicant, Enovation Brands, Inc. and Opposer, Rum Creation & Products, Inc. The mark being Opposed is ZAMAKA, serial no. 86557570. Opposer is basing this Opposition on Opposer’s mark ZACAPA.

Opposition No. 91227450 filed on April 20, 2016 involves Applicant, Enovation Brands, Inc. and Opposer, Rum Creation & Products, Inc. The mark being Opposed is ZAMACA, serial no. 86661359. Opposer is basing this Opposition on Opposer’s mark ZACAPA.

When actions involving a common question of law or fact are pending before the Board, it may order a joint hearing or trial of any or all the matters in issue in the actions; it may order all the actions consolidated; and it may make such orders concerning proceedings therein as may tend to avoid unnecessary costs or delay. Fed. R. Civ. P. 42 (a) and TBMP§511.

Opposer states that the requested consolidation will serve the Board's interests in achieving the most efficient use of its resources, as well as maintaining consistency in its decisions, because both cases involve the same parties, the opposed marks are phonetically the same since ZAMAKA and ZAMACA have the exact same pronunciation, and both cases have the same, similar, or related issues.

Additionally, and in accordance with Fed. R. Civ. P. 6(b), Opposer hereby moves the Board for a ninety (90) day extension of the discovery period to allow the parties additional time to finalize settlement negotiations.

WHEREFORE, Opposer, Rum Creation & Products, Inc., respectfully requests that this MOTION TO CONSOLIDATE AND MOTION TO EXTEND DISCOVERY AND TRIAL DATES be approved and ordered by this Honorable Board.

Dated: Norwalk, Connecticut
April 5, 2017

Respectfully submitted,

/Paola Tornabene/
Paola Tornabene
Diageo North America, Inc.
801 Main Avenue
Norwalk, Connecticut 06851

Counsel for Opposer Rum Creation & Products, Inc.

CERTIFICATE OF SERVICE

I hereby certify that I have caused a true and correct copy of the foregoing MOTION TO CONSOLIDATE AND MOTION TO EXTEND DISCOVERY AND TRIAL DATES to be served, via first class mail, postage prepaid, on this 5th day of April, 2017, to Applicant's counsel at the address identified on the Patent and Trademark Office's TARR database as follows:

Andrew C. Aitken
Aitken Law Offices
PO Box 1810
Silver Spring
Maryland 20915-1810

CERTIFICATE OF ONLINE SUBMISSION

I HEREBY CERTIFY that a true and correct copy of the foregoing was filed online with the Trademark Trial and Appeal Board using ESTTA, this 5th day of April, 2017.

By: /Paola Tornabene /
Paola Tornabene, Esq