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

Proceeding	91235990
Party	Plaintiff The Gorilla Glue Company
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

THE GORILLA GLUE COMPANY,	:	
Opposer	:	
	:	Opposition No. 91233966
v.	:	Opposition No. 91233991
	:	Opposition No. 91235990
GREEN GORILLA, INC,	:	
Applicant.	:	

MOTION TO CONSOLIDATE PENDING INTER PARTES PROCEEDINGS

Opposer moves to consolidate the above-captioned oppositions for purposes of trial and pre-trial proceedings.

BRIEF IN SUPPORT OF MOTION

Applicant has applied for Federal registration of the trademarks GREEN GORILLA in standard character format (Application Serial No. 86980788), GREEN GORILLA and Gorilla Design (Application Serial No. 86748509) and Gorilla Design (Application Serial No. 86980789), all for personal care products, namely, cosmetics, face creams, body lotions, lip balms, shampoos, hair treatment oils, non-medicated body salves, massage oils; pet care products, namely, non-medicated pet body salves, non-medicated pet skin care oils, non-medicated pet coat care oils, pet shampoo, pet conditioner; all of the foregoing containing industrial hemp-derived cannabidiol and olive oil in Class 003 and pet treats containing industrial hemp-derived cannabidiol and olive oil in Class 31.

Opposer filed oppositions to Application Serial No. 86980788 and Application Serial No. 86748509. The grounds alleged for both oppositions are substantially identical. Opposer filed a motion to consolidate those oppositions on June 27, 2017 and the oppositions were consolidated on July 3, 2017.

Opposer has filed an opposition to Application Serial No. 86980789. The grounds alleged for this opposition are substantially identical to the grounds alleged in Opposition Nos. 91233966 and 91233991.

37 C.F.R. § 2.116(a).provides that procedure and practice in inter parties (trademark) proceedings shall be governed by the Federal Rules of Civil Procedure wherever applicable and appropriate and except as otherwise provided.

Fed. R. Civ. P. 42(a) provides that when actions involving a common question of law or fact are pending before a court, that court may order all the actions consolidated.

The Rules of Practice in trademark cases, as set forth in 37 C.F.R. Part 2, do not otherwise provide for motions to consolidate pending proceedings.

Reading Fed. R. Civ. P. 42(a) in light of 37 C.F.R. § 2.116(a), a motion to consolidate both actions is proper and should be granted.

Counsel for Applicant has consented to consolidation of these proceedings.

Respectfully submitted,
Dinsmore & Shohl LLP
By /bjschaeff/
B. Joseph Schaeff
Attorney for Opposer, The Gorilla Glue Company