

ESTTA Tracking number: **ESTTA915076**

Filing date: **08/10/2018**

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

Proceeding	91239523
Party	Plaintiff Mr. Robert J Green
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Submission	Motion to Consolidate
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Date	08/10/2018
Attachments	91239523 motion to consolidate.pdf(16507 bytes )

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

ROBERT J GREEN	)	Opposition No.: 91238737
	)	Opposition No.: 91239523
	)	
v.	)	
	)	
ROBERT DEE GREEN AKA ROB GREEN	)	
	)	
Applicant.	)	

**MOTION TO CONSOLIDATE AND RESET SCHEDULING  
DATES IN THE OPPOSITION PROCEEDINGS**

Opposer, Robert J. Green, by and through his attorney Burton S. Ehrlich of Ladas & Parry LLP, hereby requests that the two above referenced opposition proceedings against Robert Dee Green AKA Rob Green be consolidated into a single opposition proceeding and that the dates in both proceedings be reset consistent with the dates in the most junior of the opposition proceeding, No. 91239523. This Motion for consolidation is brought under FRCP 42(a) and TTAB Rule 511.

Both of the Opposition proceedings involve the identical parties. The attorneys for the parties in both of the proceedings are identical. The Opposer has the same, or virtually the same, causes of action against both of the applications at issue. Both of the Applicant's marks give rise

to the same or virtually the same opposition claims. One of the marks at issue relates to use of the mark ROB GREEN on goods, while the other mark at issue relates to use of the mark ROB GREEN for related services to the goods involved in the other opposition.

With both of the opposition proceedings involving common questions of law or fact pending before the Board, it is respectfully submitted that the Board should consolidate both of the oppositions into a single opposition which will result in savings in time, effort and expense for the parties and the Judicial resources of the Board.

An answer has now been filed in both of the opposition proceedings so it is submitted that under the rules they may now be joined and consolidated into a single opposition proceeding.

It is understood that upon consolidation the Board will typically reset trial dates for the consolidated opposition proceedings, usually by adopting the trial dates as set forth in the most recently instituted of the cases being consolidated. The Opposer has filed this request for consolidation prior to the close of discovery in the most senior or parent opposition proceeding which would have discovery close on September 10, 2018.

The opposition proceedings adopting the trial dates as set forth in the most recently instituted of the cases being

consolidated would set for the following dates for these proceedings:

THE PERIOD FOR DISCOVERY TO CLOSE:	December 14, 2018
Testimony period for party in Position of plaintiff to close (opening thirty days prior thereto)	March 14, 2019
Testimony period for party in Position of defendant to close (opening thirty days prior thereto)	May 13, 2019
Rebuttal testimony period to close (opening fifteen days prior thereto)	June 27, 2019

Based upon the foregoing it is respectfully submitted that the opposition proceedings be consolidated with the reset scheduling as set forth herein.

Respectfully submitted,

Ladas & Parry  
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Burton S. Ehrlich  
/Burton S. Ehrlich/\_\_\_\_\_  
One of Opposer's attorneys

**CERTIFICATE OF ELECTRONIC FILING**

I hereby certify that this Motion to Consolidate is being filed by means of the ESTTA system with the Trademark Trial and Appeal Board on August 10, 2018.

/Burton S. Ehrlich/\_\_\_\_\_  
Burton S. Ehrlich

**CERTIFICATE OF SERVICE**

The undersigned, one of Opposer's attorneys, hereby certifies that on August 10, 2018, he caused a true and correct copies of the foregoing MOTION TO CONSOLIDATE AND RESET SCHEDULING DATES IN THE OPPOSITION PROCEEDINGS to be served upon Applicant's counsel via email to ms@themiamilaw.com, which is the email address on record at the TTAB.

/Burton S. Ehrlich/  
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One of Opposer's attorneys