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

Proceeding	91241359
Party	Plaintiff Pollard Banknote Limited
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Submission	Motion to Consolidate
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Attachments	Motion to Consolidate.pdf(185023 bytes)

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

Pollard Banknote Limited	:	
	:	
Opposer	:	
v.	:	Opposition No. 91/241,359
	:	
IGT Global Solutions Corporation	:	
	:	
Applicant.	:	

CONSENTED MOTION TO CONSOLIDATE PROCEEDINGS

Opposer, Pollard Banknote Limited, with the consent of Applicant, IGT Global Solutions Corporation, and pursuant to Fed. R. Civ. P. 42(a) and TBMP §511 moves the Trademark Trial and Appeal Board to consolidate six (6) opposition proceedings between Opposer and Applicant. The six proceedings are as follows:

Opposition No. 91241359, Pollard Banknote Limited v. IGT Global Solutions Corporation, Mark: LUCKY 7S. Answer filed - October 12, 2018

Opposition No. 91244076, Pollard Banknote Limited v. IGT Corporation, Mark: TRIPLE DIAMOND. Answer filed - March 20, 2019

Opposition No. 91244073, Pollard Banknote Limited v. IGT Corporation, Mark: RED WHITE & BLUE. Answer filed - March 20, 2019

Trademark Opposition No. 91241359
Motion to Consolidate

Opposition No. 91244195, Pollard Banknote Limited v. IGT, Mark: DOUBLE DIAMOND. Answer filed - March 27, 2019

Opposition No. 91244726, Pollard Banknote Limited v. IGT, Mark: PINK DIAMOND. Answer due - April 24, 2019 (parties agreed to suspend)

Opposition No. 91247268, Pollard Banknote Limited v. IGT Global Solutions Corporation, Mark: SIZZLING 7. Answer due - May 7, 2019 (parties agreed to suspend)

Pursuant to Fed. R. Civ. P. 42(a), "[i]f actions before the court involve a common question of fact or law, the court may: ... (2) consolidate the actions... to avoid unnecessary cost or delay." "In determining whether to consolidate proceedings, the Board will weigh the savings in time, effort, and expense, which may be gained from consolidation, against any prejudice or inconvenience that may be caused thereby."

In the present case, Opposer and Applicant (or Applicant's related companies) are engaged in six (6) opposition proceedings concerning six (6) different marks. In each of these proceedings, the allegations included in, and the issues raised by, the Notices of Opposition are identical. In four (4) of these proceedings (see above), an Answer has been filed. The responses and defenses in each Answer are also identical.

The Notices of Opposition and the Answers make it clear that these cases have common questions of law and fact, even though the marks are not identical. See, *Ritchie v. Simpson*, 41

Trademark Opposition No. 91241359
Motion to Consolidate

USPQ2d 1859, 1860 (TTAB 1997). Consolidating these six oppositions will create savings in time, effort and expense for both parties as well as the Board. There is no prejudice to either party, and both parties agree to consolidation of these proceedings.

Although TBMP §511 states that the Board will not generally consider a motion to consolidate until an answer has been filed in each case sought to be consolidated, Opposer requests that the Board use its discretion to consolidate these cases now. An Answer has been filed in four of the six cases. The "parent" case (Opposition No. 91/241,359) is in the discovery period, while the most recent case (Opposition No. 91247268) was filed less than one month ago. Both parties will benefit from a consistent schedule for all of the cases from the beginning. This is most efficiently achieved if the cases are consolidated now.

TBMP §511 states that, upon consolidation, the Board will reset dates for the consolidated proceeding, "usually by adopting the dates set in the most recently instituted of the cases being consolidated." Opposer requests that the Board reset dates for a consolidated proceeding, based on the schedule for the most recently instituted proceeding, which is Opposition No. 91247268. The resetting of dates will begin with the time

Trademark Opposition No. 91241359
Motion to Consolidate

to file an Answer for the two proceedings in which an Answer has not been filed, namely Opposition No. 91244726 and Opposition No. 91247268.

Opposer further requests that the Board suspend all six proceedings pending a decision on this Consented Motion to Consolidate Proceedings.

In a telephone message left for Opposer's counsel on April 23, 2019, Applicant consented to the consolidation, resetting of dates and suspension pending a decision on this motion. This consent was confirmed in a subsequent email.

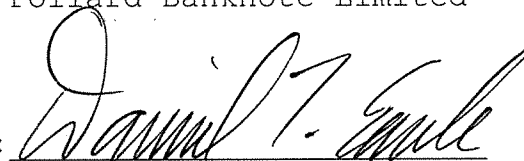
Accordingly, Opposer requests that the Board consolidate the six proceedings listed above, suspend all cases pending a decision on this motion and reset trial dates, beginning with the deadline for Applicant to file an Answer in Opposition No. 91244726 and Opposition No. 91247268.

Respectfully submitted,

Pollard Banknote Limited

Date: April 24, 2019

By:



Daniel T. Earle

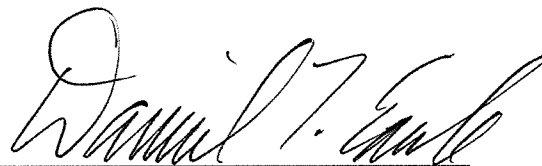
Michael M. Zadrozny

Attorneys for Opposer

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CERTIFICATE OF SERVICE

It is hereby certified that this CONSENTED MOTION TO CONSOLIDATE PROCEEDINGS been served upon Applicant, by emailing a copy thereof to Peter D. Siddoway and Denise Taliaferro, at psiddoway@sagepat.com, jsteen@sagepat.com and trademarks@igt.com this 24th day of April, 2019.



Daniel T. Earle