

ESTTA Tracking number: **ESTTA1071712**

Filing date: **07/30/2020**

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

Proceeding	91251946
Party	Defendant John Geiger Collection LLC
Correspondence Address	JACOB E LEWIN STEIN ADLER DABAH & ZELKOWITZ LLP 1633 BROADWAY, 46TH FLOOR NEW YORK, NY 10019 UNITED STATES Primary Email: jacob@steinadlerlaw.com Secondary Email(s): trademark@steinadlerlaw.com, andrew@bochnerip.com, darrenschwartzlaw@gmail.com 212-867-5620
Submission	Motion to Consolidate
Filer's Name	Darren Schwartz
Filer's email	darrenschwartzlaw@gmail.com, dss@dsslawgroup.com
Signature	/Darren Schwartz/
Date	07/30/2020
Attachments	20475203_1 Stipulation to Consolidate - Kurt Geiger _ John Geiger Final.pdf(80079 bytes )

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

In the Matter of Application Serial No. 88/509,864  
For the mark: JOHN GEIGER  
Published: October 29, 2019

-----X  
KURT GEIGER LIMITED

Opposer,

v.

Opposition No. 91254293

JOHN GEIGER COLLECTION LLC

Applicant.  
-----X

In the Matter of Application Serial No. 88/330617  
For the mark: JOHN GEIGER  
Published: October 1, 2019

-----X  
KURT GEIGER LIMITED

Opposer,

v.

Opposition No. 91251946

JOHN GEIGER COLLECTION LLC

Applicant.  
-----X

**STIPULATION TO CONSOLIDATE OPPOSITION PROCEEDINGS**

Pursuant to Fed. R. Civ. P. 42(a) Applicant, John Geiger Collection LLC (“JGC” or “Applicant”) and Opposer Kurt Geiger Limited (“KGL” or “Opposer”), jointly stipulate to consolidate Opposition Nos. 91254293 and 91251946, filed by KGL (the “Proceedings”).

## THE STANDARD

When actions before the Board involve common questions of law and fact, the Board may consolidate the actions. Fed. R. Civ. P. 42(a)(2); TBMP § 511. The Board weighs several factors in deciding to consolidate proceedings, including the savings of time, effort, and expense, and any prejudice or inconvenience that may result. *Dating DNA LLC v. Imagini Holdings Ltd.*, 94 USPQ2d 1889, 1893 (TTAB 2010), *Regatta Sport Ltd. V. Telux-Pioneer Inc.*, 20 USPQ2d 1154 (TTAB 1991); *Estate of Biro v. Big Corp.*, 18 USPQ2d 1382 (TTAB 1991). The Board may also consider whether the parties in each action are identical. *New Orleans Louisiana Saints LLC v. Who Dat? Inc.*, 99 USPQ2d 1550, 1552 (TTAB 2011).

Here, the Proceedings involve identical questions of law and fact. See *Societe Des Produits Marnier v. Distillerie Moccia S.R.L.*, 10 USPQ2d 1241, 1242 (TTAB 1989) (consolidation ordered in view of parties and similarity of issue). In each Opposition, the parties and marks are identical. The question before the Board relates to whether JGC's JOHN GEIGER mark is subject to a likelihood of confusion with KGL's KURT GEIGER mark.

Since the questions of law and fact are identical in both Oppositions, consolidation will save the parties and the Board considerable time, effort and expense. See *World Hockey Association v. Tudor Metal Products Corp.*, 185 USPQ 246, 248 (TTAB 1975) (consolidation ordered where issues were substantially the same and consolidation would be advantageous to both parties). Moreover, since the Proceedings have not yet reached discovery in both Oppositions, but Answers have been filed, there will be no prejudice to any party by consolidating the two Oppositions.

WHEREFORE, Applicant and Opposer respectfully request that the Board order consolidation of the Proceedings, and issue a new joint scheduling order to reflect the consolidation.