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

Proceeding	91255042
Party	Plaintiff RELX Group PLC
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Submission	Motion to Consolidate
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Attachments	Stipulated Motion to Consolidate Proceedings.pdf(1024375 bytes)

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

In the Matter of Trademark Application)
Serial No. 88/533,344)
Mark: RELX DESIGN (Stylized))
Filed: July 24, 2019)
Published: December 3, 2019)
)
RELX Group PLC,)
)
 Opposer,)
)
v.)
)
Shenzhen Relx Technology Co., Ltd.,)
)
 Applicant.)

Opposition No. 91253204

In the Matter of Trademark Application)
Serial Nos. 88/597,948, 88/597/966)
and 88/597,939)
Marks: RELXNANO, RELXPOD, RELXI)
Filed: August 29, 2019)
Published: November 19, 2019 and)
November 26, 2019)
)
RELX Group PLC,)
)
 Opposer,)
)
v.)
)
Shenzhen Relx Technology Co., Ltd.,)
)
 Applicant.)

Opposition No. 91253335

In the Matter of Trademark Application)
Serial No. 88592461)
Mark: RELXME)
Filed: August 26, 2019)
Published: February 18, 2020)
)
RELX Group PLC,)
)

)	
Opposer,)	Opposition No. 91255042
v.)	
)	
Shenzhen Relx Technology Co., Ltd.,)	
)	
Applicant.)	

STIPULATED MOTION TO CONSOLIDATE PROCEEDINGS

Pursuant to Fed. R. Civ. P. 42(a) and TBMP § 511, Opposer RELX Group PLC and Applicant Shenzhen Relx Technology Co., Ltd. respectfully move that the Board consolidate the above-captioned proceedings for purposes of initial disclosures, discovery, pretrial and trial proceedings and set a unified schedule for the consolidated opposition. The basis for the parties’ request is as follows:

1. On July 24, 2019, Applicant filed an application to register the mark RELX & Design (Serial No. 88/533,344) which published for “Batteries for electronic cigarettes; rechargeable batteries for electronic cigarettes; battery chargers for electronic cigarettes; chargers for electronic cigarettes; battery chargers for electronic devices that are used for heating tobacco; USB chargers for electronic devices that are used for heating tobacco” in International Class 9; “Ashtrays; Cigarette filters; Cigarette holders; Cigarettes; Cigarettes containing tobacco substitutes not for medical purposes; Electric cigarettes; Flavorings, other than essential oils, for tobacco; Flavourings, other than essential oils, for use in electronic cigarettes; Liquid nicotine solutions for use in electronic cigarettes; Matches; Oral vaporizers for smokers; Tobacco pipes; Cigarette boxes; Herbs for smoking; Lighters for smokers” in International Class 34; and “Advertising, marketing, commercialization management of the licensing of the goods and services of others, commercial information and advice for consumers, management assistance to industrial

or commercial companies, organization of exhibitions for commercial or advertising purposes, organization of exhibitions and trade fairs for commercial or advertising purposes, promotion, and retail store services and online retail store services in the field of heated tobacco products, electronic cigarettes, electronic smoking devices, electronic devices and their parts for the purpose of heating cigarettes or tobacco in order to release nicotine-containing aerosol for inhalation, oral vaporizing devices, vaporizers for electronic cigarettes and smoking devices, electronic rechargeable cigarette cases, extinguishers for heated cigarettes and cigars as well as heated tobacco sticks, liquid nicotine solutions for use in electronic cigarettes, tobacco substitutes not for medical purposes, smokers' articles, batteries for electronic cigarettes and for heating portable electronic smoking devices, battery chargers, chargers for electronic devices, and parts and fittings for the aforementioned goods” in International Class 35. Opposer timely filed Opposition No. 91253204 on December 31, 2019 with respect to all of the goods and services in Classes 9 and 35.

2. On August 29, 2019, Applicant filed applications to register the marks RELXI (Serial No. 88/597,939), RELXPOD (Serial No. 88/597,966) and RELXNANO (Serial No. 88/597,948) each of which published for “Batteries for electronic cigarettes; rechargeable batteries for electronic cigarettes; battery chargers for electronic cigarettes; chargers for electronic cigarettes; battery chargers for electronic devices that are used for heating tobacco; USB chargers for electronic devices that are used for heating tobacco” in International Class 9; “Ashtrays; Cigarette filters; Cigarette holders; Cigarettes; Cigarettes containing tobacco substitutes not for medical purposes; Electric cigarettes; Flavorings, other than essential oils, for tobacco; Flavourings, other than essential oils,

for use in electronic cigarettes; Liquid nicotine solutions for use in electronic cigarettes; Matches; Oral vaporizers for smokers; Tobacco pipes; Cigarette boxes; Herbs for smoking; Lighters for smokers” in International Class 34; and “Advertising, marketing, commercialization management of the licensing of the goods and services of others, commercial information and advice for consumers, management assistance to industrial or commercial companies, organization of exhibitions for commercial or advertising purposes, organization of exhibitions and trade fairs for commercial or advertising purposes, promotion, and retail store services and online retail store services in the field of heated tobacco products, electronic cigarettes, electronic smoking devices, electronic devices and their parts for the purpose of heating cigarettes or tobacco in order to release nicotine-containing aerosol for inhalation, oral vaporizing devices, vaporizers for electronic cigarettes and smoking devices, electronic rechargeable cigarette cases, extinguishers for heated cigarettes and cigars as well as heated tobacco sticks, liquid nicotine solutions for use in electronic cigarettes, tobacco substitutes not for medical purposes, smokers' articles, batteries for electronic cigarettes and for heating portable electronic smoking devices, battery chargers, chargers for electronic devices, and parts and fittings for the aforementioned goods” in International Class 35. Opposer timely filed Opposition No. 91253335 on December 18, 2019 with respect to all of the goods and services in Classes 9 and 35.

3. On August 26, 2019, Applicant filed an application to register the mark RELXME (Serial No. 88592461) which published for “Computer storage apparatus, namely, blank flash drives; computer apparatus, namely, blank flash drives; recorded computer programs, namely, recorded computer game programs; recorded computer operating programs;

computer peripheral equipment; computer software, namely, recorded computer game programs; recorded computer software, namely, recorded computer electronic cigarettes programs; computer hardware, namely, monitors; computer monitoring apparatus, namely, computer monitors; data processing equipment, namely, couplers; downloadable electronic publications in the nature of magazines, journals and newsletters in the field of electronic cigarettes; downloadable software, namely, computer programs, namely, recorded computer game programs; downloadable music files; downloadable image files containing electronic cigarettes; time recording apparatus; electronic timers; measuring apparatus and instruments, namely, rain gauges; electronic bulletin board apparatus, namely, electronic text-messaging device for use in conjunction with personal digital assistants; telegraphic apparatus, namely, telegraphic transmitting apparatus; video receivers; sound recording devices, namely, recording and playing devices for sound and image carriers; recording devices for sound and image carriers; portable media players; video recording apparatus; batteries; battery chargers; regulated power supply apparatus; on-off sensors; light regulators, electric; light dimmers, electric; electric connections, namely, plugs, sockets and other contacts; temperature indicators; electric sensors; meters; instruments for measuring pressure; batteries for electronic cigarettes; rechargeable batteries for electronic cigarettes; battery chargers for electronic cigarettes; chargers for electronic cigarettes; battery chargers for electronic devices that are used for heating tobacco; USB chargers for electronic devices that are used for heating tobacco” in International Class 9; “Ashtrays; Cigarette filters; Cigarette holders; Cigarettes; Cigarettes containing tobacco substitutes not for medical purposes; Electric cigarettes; Flavorings, other than essential oils, for tobacco; Flavourings, other than essential oils,

for use in electronic cigarettes; Liquid nicotine solutions for use in electronic cigarettes; Matches; Oral vaporizers for smokers; Tobacco pipes; Cigarette boxes; Herbs for smoking; Lighters for smokers in International Class 34; “Advertising; advertising agency services; online advertising on a computer network; presentation of goods on communication media, for retail purposes; placing of advertisements; preparation of advertisements; cost analysis; business information agency services; business management and organization consultancy; market analysis; business evaluation services; business research; provision of business information; arranging exhibitions for commercial purposes; arranging exhibitions for advertising purposes; commercial information and advice for consumers; consumer advice shop; provision business of assistance in the establishment of franchises; administration of the business affairs of franchises; import and export agencies; on-line trading services in which seller posts products to be auctioned and bidding is done via the Internet marketing; arranging and concluding commercial transactions for others; computer file management; data processing; compilation of information into computer databases; database management; data retrieval; accounting; account auditing; sponsorship search, promotion, and retail store services and online retail store services in the field of heated tobacco products, electronic cigarettes, electronic smoking devices, electronic devices and their parts for the purpose of heating cigarettes or tobacco in order to release nicotine-containing aerosol for inhalation, oral vaporizing devices, vaporizers for electronic cigarettes and smoking devices, electronic rechargeable cigarette cases, extinguishers for heated cigarettes and cigars as well as heated tobacco sticks, liquid nicotine solutions for use in electronic cigarettes, tobacco substitutes not for medical purposes, smokers' articles, batteries for

electronic cigarettes and for heating portable electronic smoking devices, battery chargers, chargers for electronic devices, and parts and fittings for the aforementioned goods” in International Class 35; “Peer-to-peer photo sharing and video sharing services, namely, electronic transmission of digital photo files, videos and audio visual content among internet users; Providing access to computer, electronic and online databases; Telecommunications services, namely, electronic transmission of data, messages, graphics, images, audio, video and information via electronic communications networks; Providing online forums for communication on topics of general interest, namely, electronic cigarettes; Providing online chat rooms, e-mail and instant messaging services, and electronic bulletin boards for transmission of messages among users in the field of general interest; Audio, text and video broadcasting services over the Internet or other communications networks featuring the uploaded, posted, displayed, modified, tagged, and electronically transmitted data, information, audio and video content of others; Voice over IP services; Telephony communication services” in International Class 38; and “Providing use of online temporary non-downloadable software for enabling transmission of images and audiovisual and video content; hosting on-line web facilities as websites and mobile sites for others for managing and sharing on-line content; providing information from searchable indexes and databases of information, namely, collection and compilation of information into computer databases in the field of electronic cigarettes; providing search engines for obtaining data via communications networks, namely, provision of search engines for the internet; computer services, namely, creating virtual communities for registered users to participate in discussions and engage in social, business and community networking, namely, computer services, namely, creating an on-

line community for registered users to participate in discussions or engage in social networking; computer services, namely, hosting electronic facilities for others for organizing and conducting meetings, events and interactive discussions via communication networks, namely; computer services, namely, creating an on-line community for registered users to participate in discussions or engage in social networking; application service provider (ASP) services, namely, hosting computer software applications of others; application service provider (ASP) featuring software to enable or facilitate the uploading, downloading, streaming, posting, displaying, blogging, linking, sharing or otherwise providing electronic media or information over communication networks, namely, electronic cigarettes software services; providing an online network service that enables users to transfer personal identity data to and share personal identity data with and among multiple websites, namely, computer services, namely, creating an on-line community for registered users to participate in discussions or engage in social networking; providing temporary use of non-downloadable software applications for social networking, creating a virtual community, and transmission of audio, video, photographic images, text, graphics and data; computer services in the nature of customized web pages featuring user-defined or specified information in the nature of personal profiles, audio, video, photographic images, text, graphics and data; updating of computer software, namely, providing customized on-line web pages featuring user-defined; information, which includes search engines and on-line web links to other web sites; conversion of data or documents from physical to electronic media” in International Class 42. Opposer timely filed Opposition No. 91255042 on April 2, 2020 with respect to all of the goods and services in Classes 9, 35, 38 and 42.

4. Applicant has filed an Answer in Opposition No. 91253204 Opposition No. 91253335 and Opposition No. 91255042.
5. Counsel for Opposer and Counsel for Applicant engaged in discovery conferences on March 2, 2020 and March 25, 2020 in connection with Opposition No. 91253204 and Opposition No. 91253335.
6. The deadline for the discovery conference for Opposition No. 91255042 is scheduled for June 11, 2020.
7. As of the date of the filing of this Motion, the parties have not exchanged discovery requests.
8. The parties believe that the Oppositions present common issues of fact and law and that consolidation of the proceedings will save the parties and the Board time, effort, and expense.
9. Subject to the Board's approval, counsel for Applicant and Opposer have agreed to adopt the case schedule outlined in Opposition proceeding number 91253335 in the consolidated proceeding.

Date: June 10, 2020

/Tara M. Vold/

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Date: June 9, 2020

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CERTIFICATE OF SERVICE

This is to certify that on June 10, 2020, a copy of the foregoing was served by E-mail upon Applicant's attorney of record:

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