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

Proceeding no.	91266754
Party	Plaintiff ZeroDensity Yazilim Anonim Sirketi
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Submission	Motion to Consolidate
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Date	08/29/2022
Attachments	MOTION TO CONSOLIDATE.pdf(131923 bytes)

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

Zerodensity Yazilim Anonim Sirketi)	
)	
Opposer/Plaintiff,)	
)	
v.)	Opposition No.: 91/266285
)	Mark: REALITY COMPOSER
)	
)	Opposition No.: 91/266754
)	Mark: REALITY CONVERTER
Apple Inc.,)	
)	
Applicant/Defendant.)	

OPPOSER’S MOTION TO CONSOLIDATE OPPOSITIONS

Opposer Zerodensity Yazilim Anonim Sirketi (“Plaintiff”), pursuant to TBMP Rule 511, and Fed. R. Civ. P. 42(a), motions the Board to consolidate Opposition No.: 91266754 (’754) and Opposition No.: 91266285 (’285).

The Plaintiff is the same for both oppositions. The Applicant in both oppositions is Apple Inc. (Defendant). Plaintiff and Defendant are the same in both oppositions.

Both oppositions involve common questions of law and fact.

Plaintiff has asserted the marks in the two opposed applications, namely REALITY COMPOSER and REALITY CONVERTER, are both merely descriptive consistent with 15 U.S.C. §1052(e)(1). Plaintiff also sets forth alternative counts in both oppositions asserting a likelihood of confusion pursuant to 15 U.S.C. §1052(d). There are identical questions of law in both cases.

Plaintiff is the owner of pending application Serial No. 79269543 covering the mark REALITY ENGINE and others for the same mark¹. Plaintiff also asserts common law rights in

¹ 79269543; 90061527; 90061530

the mark REALITY ENGINE and other REALITY-formative marks as a basis for its likelihood of confusion counts in both oppositions.

In both oppositions Plaintiff has submitted the same and/or very similar testimonial declarations and reliance documents as evidence. Likewise, Defendant has submitted with its own trial evidence, the same and/or very similar declarations and reliance documents.

Defendant's REALITY COMPOSER application, Serial No. 88607577, subject of the '285 Opposition, covers the following description of computer software goods:

Downloadable computer software used in developing other software applications; downloadable application development software; downloadable computer software providing a library of virtual objects for use in developing other software applications; downloadable computer software used in producing animation and three-dimensional effects for use in other software applications

Defendant's REALITY CONVERTER application, Serial No. 88852639, subject of the '754 opposition, covers the following description of computer software goods:

Downloadable computer software used in developing other software applications; downloadable application development software; downloadable computer software used in editing, customizing, and producing three-dimensional effects.

Defendant's '639 application covers the same descriptions as the '577 application. The facts in the two oppositions are the same and/or essentially the same.

Consolidating these oppositions will avoid unnecessary inconvenience associated with reviewing two independent yet essentially duplicative trial briefings.

The two oppositions are currently proceeding in parallel only a couple of weeks apart in scheduling. Procedurally, Plaintiff's initial brief in the '285 opposition is due for filing on August 28, 2022, falling on a Sunday, due Monday August 29, 2022. Plaintiff's initial brief in the '754 opposition is due in about two weeks on **September 16, 2022**.

Consolidating the '285 opposition with the '754 opposition while maintaining the current

‘754 opposition schedule is judicially efficient and presents no inconveniences.

In view of the savings in time, effort, and expense which will be gained from consolidation, as well as lack of any prejudice or inconvenience, the Board should grant this motion and consolidate the two proceedings.

DATED this 29th day of August 2022.

Respectfully submitted,

/Jeffrey H. Greger/

Date: August 29, 2022

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CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of August, the foregoing MOTION TO CONSOLIDATE was served upon Applicant's counsel by email, using the current email address on record as follows:

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