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

Proceeding	91266788
Party	Plaintiff Q Tonic, LLC
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Submission	Motion to Consolidate
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Date	05/05/2021
Attachments	Motion to Consolidate.pdf(99505 bytes)

CERTIFICATE OF TRANSMITTAL

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/Michelle Alvey/

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

Q TONIC, LLC)	
)	
)	Application No.: 88956191
)	Mark: Q QUASH
Opposer,)	Proceeding No. 91266788
)	
)	Application No. 88956174
v.)	Mark: Q
)	Proceeding No. 91266785
)	
)	Application No. 90070287
ELITE IP HOLDINGS, LLC)	Mark: Q
)	Proceeding No. 91267398
)	
)	
Applicant)	
)	

**MOTION TO CONSOLIDATE PROCEEDING NOS.
91266788, 91266785 AND 91267398**

COMES NOW Opposer Q Tonic, LLC (“Opposer”), by and through its undersigned counsel, with the consent of Applicant Elite IP Holdings, LLC (“Applicant”) and hereby moves for consolidation of Proceeding 91266788, 91266785 and 91267398 (the “Proceedings”) pursuant to Fed. R. Civ. P. 42(a), Trademark Rule of Practice 2.120 and TBMP §511. In support of this Motion, Opposer states as follows:

1. On December 29, 2020, Opposer filed a Notice of Opposition to Application No. 88956191 for the mark Q QUASH for the following goods:

Int'l Class: 05:

Dietary supplement drink mixes; Dietary supplemental drinks; Dietary and nutritional supplements; Liquid nutritional supplement; Nutritional supplement energy bars; Nutritional supplements; Nutritional and dietary supplements formed and packaged as bars; Powdered nutritional supplement drink mix

Int'l Class: 32:

Energy drinks; Isotonic drinks; Non-alcoholic drinks, namely, energy shots; Sports drinks

2. On December 29, 2020, Opposer filed a Notice of Opposition to Application No. 88956174 for the mark Q for “Energy drinks; Isotonic drinks; Non-alcoholic drinks, namely, energy shots; Sports drinks” in Class 32.

3. On February 2, 2021, Opposer filed a Notice of Opposition to Application No. 90070287 for the mark Q for “Alcoholic beverages, except beer; Alcoholic beverages, namely, hard seltzer; Alcoholic carbonated beverages, except beer; Alcoholic cocktail mixes; Alcoholic energy drinks; Alcoholic mixed beverages except beers; Hard seltzer; Pre-mixed alcoholic beverages, other than beer-based; Prepared alcoholic cocktail” in Class 33.

4. The basis for each opposition is an alleged likelihood of confusion with Opposer’s Q Marks.

5. Answers have been filed in the Proceedings.

6. The parties engaged in settlement negotiations and extended the deadlines in the Proceeding during such negotiations.

7. The parties have conducted a discovery conference in the Proceedings.

8. The parties in the Proceedings are identical, and the Proceedings involve common questions of law and/or fact. *See World Hockey Ass'n v. Tudor Metal Products Corp.*, 185 U.S.P.Q. 246, 248 (TTAB 1975) (granting consolidation for oppositions involving similar marks); *Fed. Dept. Stores, Inc. v. Gold Circle Insurance Co.*, 266 U.S.P.Q. 262, 264 (TTAB 1985)(same); *Hilson Research Inc. v. Society for Human Resource Management*, 27 USPQ2d 1423, 1424 & n. 1 (TTAB 1993) (opposition and cancellation consolidated). Further, the Proceedings are at similar stages.

9. The purpose of this Motion is not to harass or delay, but rather to reduce trial preparation costs.

10. Consolidation of the Proceedings will save time and the resources of both parties and the Board, without prejudice or inconvenience to either.

11. Both parties have consented to this request.

WHEREFORE, Opposer, with the consent of Applicant, respectfully requests that the Proceedings be consolidated.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that a copy of the foregoing was served via electronic mail on this 5th day of May 2021 upon:

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