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

Proceeding no.	91268942
Party	Plaintiff Shanghai Reyoungel Medical Technology Company Limited
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Date	03/18/2022
Attachments	91268942 Response to Reply of Motion to Oppose Defendant Motion to Consolidate.pdf(115636 bytes)

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

SHANGHAI REYOUNGEL MEDICAL
TECHNOLOGY COMPANY LIMITED,
Opposer,

v.

STARFACE WORLD, INC.,
Applicant.

Opposition No. 91268942
Application Ser. No. 88510158
Mark: STARFACE

Opposition No. 91273923
Application Ser. No. 90326799
Mark: STARFACE

RESPONSE TO REPLY TO OPPOSITION OF MOTION TO CONSOLIDATE

PROCEEDINGS

Shanghai Reyoungel Medical Technology Company Limited (“Opposer”) submits this response to Applicant Starface World, Inc.’s (“Applicant”) reply to the opposition filed by Opposer of Applicant’s motion to consolidate Opposition Nos. 91268942 and 91273923.

Consolidation of Opposition Nos. 91268942 and 91273923 is not appropriate because it would significantly prejudice plaintiffs and cause unnecessary delay. The mere existence of similar facts does not mandate consolidation. Similarly, the mere existence of similar issues does not warrant consolidation. Further, the identity of the parties is not dispositive in determining consolidation.

The issues of both cases are different. The grounds for opposition in Opposition No. 91273923 include the claims under Trademark Act Section 2(d) and fraud on the USPTO. The grounds for opposition in Opposition No. No. 91268942 include claims under Trademark Act Section 1. These are not identical grounds for opposition.

The goods in both cases are also different. In Opposition No. 91273923, Opposer opposes “[n]on-medicated skincare preparations, namely, toners; moisturizers, hand lotions

and body lotions; facial soaps and cleansers; facial lotions” in Class 3. However, in Opposition No. 91268942, Opposer opposes “[n]on-medicated acne treatment patches” in Class 3. It would not yield an efficient use of judicial resources to consolidate these cases. As such, the differences and grounds for opposition and goods make consolidation burdensome for both parties and the Board.

Consolidation would prejudice both parties because both proceedings are at different procedural postures. The discovery process for Opposition No. 91268942 opened on December 20, 2021; in contrast, the discovery period in Opposition No. 91273923, has yet to commence. The issuance of a new scheduling order and suspension of each proceeding would prejudice parties by further delaying the commencement of discovery proceedings and trial.

Furthermore, due to the outbreak of the Covid-19 in China now, people are ordered to be isolated at home for self-quarantine.

As such, based on the foregoing, a single consolidated proceeding will not serve the interests of judicial economy, protect the time, effort, and resources of the Board. Thus, Opposer requests that the Board deny Applicant’s request for consolidate Opposition Nos. 91268942 and 91273923 and deny Applicant’s motion entirely. Accordingly, Applicant’s Motion to Consolidate Proceedings should be denied.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the above document was sent to the Applicant on via emails to the Applicant's attorney on record:

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March 17, 2022

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