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

Proceeding	91271795
Party	Plaintiff MEC Group International Inc.
Correspondence Address	JONATHAN D. REICHMAN, ESQ. HUNTON ANDREWS KURTH LLP 200 PARK AVENUE NEW YORK, NY 10166 UNITED STATES Primary Email: tmdocketny@huntonak.com 2123091000
Submission	Motion to Consolidate
Filer's Name	Jonathan D. Reichman, Esq.
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Signature	/Jonathan D. Reichman/
Date	11/12/2021
Attachments	Joint Motion to Consolidate - MEC Group v Tishman Speyer.pdf(178355 bytes)

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

In the Matter of Trademark Application:

Serial Nos.	:	90/267,003, 90/267,005, 90/267,007, 90/267,009, 90/267,012, 90/267,015, 90/274,929, 90/274,932, 90/274,938, 90/274,943, 90/274,947, 90/274,949
Applicant	:	Tishman Speyer Properties, L.P.
Mark	:	TOP OF THE ROCK OBSERVATION DECK

MEC GROUP INTERNATIONAL INC., *Opposer,* v. Tishman Speyer Properties, L.P., *Applicant.*	Opposition Nos. 91/271,788, 91/271,791, 91/271,792, 91/271,793, 91/271,794, 91/271,795, 91/271,796, 91/271,797, 91/271,798, 91/271,799, 91/271,800. 91/271,813

JOINT MOTION TO CONSOLIDATE

Opposer MEC Group International Inc. ("**MEC**"), f/k/a Rockefeller Group Inc., and Applicant Tishman Speyer Properties, L.P. ("**Applicant**"), by and through their undersigned counsel, hereby request that the Trademark Trial and Appeal Board (the "Board") consolidate Opposition Proceeding Nos. 91/271,788, 91/271,791, 91/271,792, 91/271,793, 91/271,794, 91/271,795, 91/271,796, 91/271,797, 91/271,798, 91/271,799, 91/271,800, and 91/271,813. Federal Rule of Civil Procedure 42(a) provides that "[if] actions before the court involve a common question of law or fact, the court may: (1) join

for hearing or trial any or all matters at issue in the actions; (2) consolidate the actions; or (3) issue any other orders to avoid unnecessary cost or delay."

The Board routinely orders the consolidation of opposition and cancellation proceedings where consolidation would be advantageous to, and efficient for, the parties and the Board. *World Hockey Ass'n v. Tudor Metal Prod. Corp.*, 185 USPQ 246 (TTAB 1975); *Ritchie v. Simpson*, 41 USPQ2d 1859 (TTAB 1996) *rev'd on other grounds*, 170 F.3d 1092, 50 USPQ2d 1023 (Fed. Cir. 1999) (cases consolidated despite variations in marks and goods); *Hilson Research Inc. v. Society for Human Resource Management*, 27 USPQ2d 1423 (TTAB 1993) (opposition and cancellation consolidated). Additionally, consolidation may be provided even before an Answer is filed upon stipulation of the parties and at the Board's discretion. TBMP § 511.

The instant proceedings involve identical parties, and common issues at law and fact, i.e., whether Applicant's applications, all seeking the registration of the below mark, will cause confusion with Opposer's marks and violate the parties' prior agreements.

Opposer has made common allegations in the Notices of Opposition, respectively, in these proceedings, which were all filed on the same day, and, as a result, the schedules in these proceedings are nearly identical.

Consolidation would thus avoid duplication of the parties' and the Board's efforts and the extra expense involved in conducting the proceedings, and thereby promote judicial economy. The parties, therefore, request that the following consolidated schedule will apply:

Time to Answer: 12/31/2021

Deadline for Discovery Conference: 01/30/2022

Discovery Opens: 01/30/2022

Initial Disclosures Due: 03/01/2022

Expert Disclosures Due: 06/29/2022

Discovery Closes: 07/29/2022

Plaintiff's Pretrial Disclosures Due: 09/12/2022

Plaintiff's 30-day Trial Period Ends: 10/27/2022

Defendant's Pretrial Disclosures Due: 11/11/2022

Defendant's 30-day Trial Period Ends: 12/26/2022

Plaintiff's Rebuttal Disclosures Due: 01/10/2023

Plaintiff's 15-day Rebuttal Period Ends: 02/09/2023

Plaintiff's Opening Brief Due: 04/10/2023

Defendant's Brief Due: 05/10/2023

Plaintiff's Reply Brief Due: 05/25/2023

Request for Oral Hearing (optional) Due: 06/04/2023

This joint motion is made for good cause, for the foregoing reasons, and are not made for the purpose of unduly delaying proceedings in the Patent and Trademark Office. Therefore, the parties respectfully requests that this motion be granted.

Respectfully submitted,

Date: November 12, 2021

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CERTIFICATE OF SERVICE

I hereby certify that this Joint Motion to Consolidate has been served via e-mail on Applicant's counsel of record at the below electronic address(es) on this 12th day of November, 2021.

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Counsel for Applicant
Tishman Speyer Properties, L.P

By: /Jonathan D. Reichman/
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