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

Proceeding no.	91273419
Party	Plaintiff Chubby Gorilla, Inc.
Correspondence address	STACEY HALPERN KNOBBE, MARTENS, OLSON & BEAR, LLP 2040 MAIN STREET, 14TH IRVINE, CA 92614 UNITED STATES Primary email: efiling@knobbe.com 949-760-0404
Submission	Motion to Consolidate
Filer's name	Stacey Halpern
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Signature	/Stacey R. Halpern/
Date	01/20/2022
Attachments	consolidate.pdf(89890 bytes)

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

Chubby Gorilla, Inc.,)	Opposition No. 91273419
)	Mark: GORILLA COMMERCE
Opposer,)	
)	Opposition Nos.: Opposition Nos. 91253105
v.)	(parent), 91253653, 91254743 and
)	91266658
Hills Point Industries, LLC,)	Marks: GORILLA GRIP and GORILLA
)	GRIP and Design
Applicant)	
)	

**CHUBBY GORILLA, INC.’S MOTION TO CONSOLIDATE AND MOTION TO SUSPEND
PENDING A DECISION ON THE MOTION**

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Dear Sir:

Pursuant to T.B.M.P. §511, Opposer, Chubby Gorilla, Inc. (“Chubby Gorilla”), by its attorneys, Knobbe, Martens, Olson & Bear, LLP, 2040 Main Street, 14th Floor, Irvine, California 92614, hereby moves the Trademark Trial and Appeal Board (“TTAB”), to consolidate Opposition No. 91273419 with Opposition Nos. 91253105 (parent), 91253653, 91254743 and 91266658 (collectively, the “Oppositions”) into one proceeding. Further, Chubby Gorilla requests that the TTAB suspend both Opposition No. 91273419 and the Oppositions pending resolution of this matter and issue a new order once this Motion to Consolidate (the “Motion”) has been reviewed.

Opposition No. 91273419 and the Oppositions involve common questions of law and, in fact, involve highly related marks (namely, GORILLA containing/consisting marks) and the identical parties. Moreover, the Oppositions consist of four related oppositions that are currently consolidated and are at similar places in their scheduling. Specifically, answers and initial disclosures have been served and discovery is still open. Thus, to avoid duplicative litigation and promote judicial economy, while

preserving the interest of the parties in the Oppositions, Opposition No. 91273419 should be consolidated with the Oppositions and treated as one proceeding.

Chubby Gorilla notes that its marks are GORILLA and CHUBBY GORILLA and the opposed marks are GORILLA GRIP, GORILLA GRIP and Design and GORILLA COMMERCE. Furthermore, Chubby Gorilla relies on the same registrations in Opposition No. 91273419 and the Oppositions and Opposition No. 91273419 and the Oppositions involve marks filed by the Applicant containing or consisting of the term GORILLA. In addition, Applicant's Answers in Opposition No. 91273419 and the Oppositions, Applicant raises the same or similar issues and defenses. Finally, there are no parties involved besides Applicant and Chubby Gorilla.

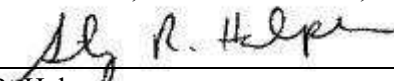
Consolidation will save the TTAB and the parties the time, effort and expense that would be required in three separate opposition proceedings. Thus, this Motion is sought for purposes of judicial economy and not for reasons of delay.

Accordingly, Chubby Gorilla respectfully requests that the TTAB grant this motion and consolidate the Opposition proceedings. Chubby Gorilla also requests that the TTAB suspended all deadlines in Opposition No. 91273419 and the Oppositions pending a decision on this Motion.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: January 20, 2022

By: 

Stacey R. Halpern
2040 Main Street, Fourteenth Floor
Irvine, CA 92614
(949) 760-0404
Attorneys for Opposer

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing **CHUBBY GORILLA, INC.'S**
MOTION TO CONSOLIDATE AND MOTION TO SUSPEND PENDING A DECISION
ON THE MOTION upon Applicant's counsel by electronic mail, on January 20, 2022, addressed as follows:

pto@gordonjacobson.com

davidj@gjip.com



Lisa Helmle

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