

ESTTA Tracking number: **ESTTA1284257**

Filing date: **05/10/2023**

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

Proceeding no.	92081962
Party	Plaintiff Arrehman Arraheem Corporation
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Date	05/10/2023
Attachments	Motion to Consolidate.pdf(535034 bytes)

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

In the matter of Registration No. 6,623,887
Published in the Official Gazette: September 7, 2021
Mark: MAK AL HAAJ BUNDOO KHAN

ARREHMAN ARRAHEEM CORP	§	
	§	
<i>Counter-claimant,</i>	§	
	§	
v.	§	OPPOSITION No. 91276101
	§	
	§	CANCELLATION No. 92080482
	§	
BUNDOO KHAN USA, LLC.	§	CANCELLATION No. 92081962
	§	
<i>Counter-defendant.</i>	§	

ARREHMAN ARRAHEEM CORP’S MOTION TO CONSOLIDATE

Counter-claimant/Petitioner Arrehman Arraheem Corporation (“Arrehman”), moves pursuant to Rule 42(a) of the Federal Rules of Civil Procedure (“FRCP”), Trademark Rule 2.104(b), and 511 of the Trademark Trial and Appeal Board Manual of Procedure (“TBMP”) to consolidate Cancellation No. 92081962 with pending Opposition No. 91276101 and Cancellation No. 92080482 (collectively, the “Proceedings”). In support of this motion, Arrehman states as follows:

1. Where, as here, the proceedings involve common questions of law or fact, the Board is empowered to consolidate the proceedings. See TBMP § 511; FRCP 42(a). In deciding whether to order consolidation, the Board will weigh the benefits of consolidation – savings in time, effort, and expense – against potential prejudice or inconvenience to the parties. See TBMP § 511.

2. The Proceedings involve the same parties, namely Arrehman and Bundoo Khan USA LLC (“BK USA”). Each of the parties is represented by the same respective counsel in the Proceedings.

3. Each of the Proceedings involve applications or registrations for marks containing either “BUNDU KHAN” or “BUNDOO KHAN” as the dominate portion of the mark.

4. Common questions of law and fact are presented in each of the Proceedings. *See Wisconsin Cheese Group, LLC v. Comercializadora de Lacteos y Derivados S.A. de C.V.*, 118 U.S.P.Q.2d 1262, 1264 (T.T.A.B. 2016) (motion to consolidate granted based on common questions of law and fact).

5. In each of the Proceedings, BK USA argues that Arrehman has no right to use of “BUNDU KHAN” based on false suggestion of a connection under Lanham Act, Section 2(a), 15 USC 1052(a).

6. The first and second-filed Proceedings, Opposition no. 91276101 and Cancellation No. 92080482, are presently stayed pending Areehman’s Motion to Dismiss those proceedings.

7. The result of the Motion to Dismiss in the first and second-filed Proceedings will likely resolve or significantly reduce the number of issues in this proceeding.

8. Because the same parties and the same dominate portion of the marks are involved in all three Proceedings, and the Proceedings involve common issues of law and fact, consolidation will result in considerable savings in time, effort and expense.

9. For example, Arrehman intends to take substantially similar discovery in both Proceedings, thus, consolidation would avoid duplication of efforts and redundant discovery. As the parties’ claims and asserted rights are substantially the same in both Proceedings, BK USA likewise would not have to engage in duplicative discovery.

10. Furthermore, consolidation will also avoid any confusion concerning varying deadlines and it will not result in any prejudice or inconvenience to any party.

11. For the foregoing reasons, Areehman requests that the Board grant this motion and consolidate Cancellation No. 92081962 with pending Opposition no. 91276101 and Cancellation No. 92080482.

Respectfully submitted,

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**ATTORNEYS FOR ARREHMAN
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CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing was served on BK USA by electronic mail on May 10, 2023 to its counsel of record:

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