

ESTTA Tracking number: **ESTTA1315002**

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

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

Proceeding no.	91283866
Party	Plaintiff Transport for London
Correspondence address	CATHERINE PARRISH LAKE DORSEY & WHITNEY LLP 111 S. MAIN STREET, SUITE 2100 SALT LAKE CITY, UT 84111-2176 UNITED STATES Primary email: ip.docket.slc@dorsey.com Secondary email(s): lake.catherine@dorsey.com, sunderji.fara@dorsey.com, sadler.lindsey@dorsey.com, ny.trademark@dorsey.com 801-933-4053
Submission	Motion to Consolidate
Filer's name	Lindsey Sadler
Filer's email	sadler.lindsey@dorsey.com, sunderji.fara@dorsey.com, lake.catherine@dorsey.com, ip.docket.slc@dorsey.com
Signature	/Lindsey Sadler/
Date	10/10/2023
Attachments	FINAL_Consent Motion to Consolidate Oppositions_Wild Loci Apps._M3090 39, M307133, M305111.pdf(148885 bytes)

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

TRANSPORT FOR LONDON,)		
)		
OPPOSER,)	Opposition Nos:	91287106
)		91285587
)		91283866
v.)		
)		
WILD LOCI LTD,)		
)		
APPLICANT.)		
)		

Trademark Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1451
Alexandria, VA 22313-1451

MOTION ON CONSENT TO CONSOLIDATE

Pursuant to Federal Rule of Civil Procedure 42(a) and Trademark Trial and Appeal Board Manual of Procedure (“TBMP”) Section 511, Opposer Transport for London hereby moves to consolidate the above-captioned opposition proceedings. Transport for London further requests that the consolidated proceeding follow the case schedule of proceeding No. 91283866. Applicant Wild Loci Ltd. consents to this motion.

The Board may order consolidation when the cases involve common questions of law or fact. *See* Fed. R. Civ. P. 42(a); TBMP § 511. In determining whether to consolidate proceedings, the Board will weigh the savings in time, effort, and expense that may be gained from consolidation, against any prejudice or inconvenience that may be caused thereby. TBMP § 511; *see also, e.g., World Hockey Ass’n v. Tudor Med. Prods. Corp.*, 185 U.S.P.Q. 246, 248 (T.T.A.B. 1975). The Board will also consider the identity of the parties. TBMP § 511.

Consolidation of the three proceedings is appropriate because they present common questions of law and fact. In each proceeding, the parties are the same and the marks are virtually identical. Moreover, the grounds for opposition are substantially similar and the proceedings present similar issues. *See Bigfoot 4x4 Inc. v. Bear Foot Inc.*, 5 U.S.P.Q.2d 1444, 1445 (T.T.A.B. 1987) (consolidation ordered in view of identity of parties and similarity of issues).

Consolidation would prevent unnecessary, piecemeal litigation and yield substantial savings in time, effort, and expense for both parties and the Board. Each of the three proceedings are in the early stages. In light of settlement discussions between the parties, Applicant Wild Loci has not yet filed an answer in any proceeding. Accordingly, the opportunity to conserve the resources of both parties, and further the Board's interest in an efficient and economical resolution, would be well served by consolidation and a common schedule.

Consolidation will not prejudice or inconvenience either party in any respect. To the contrary, consolidation will be "advantageous to both parties in the avoidance of the duplication of effort, loss of time, and the extra expense involved in conducting the proceedings [separately]." *World Hockey Ass'n*, 185 U.S.P.Q. at 248. Further, both parties consent to the consolidation of these proceedings.

Based on the foregoing, it is respectfully requested that Opposition No. 91287106, Opposition No. 91285587, and Opposition No. 91283866 be consolidated, and that the consolidated proceeding follow the case schedule of proceeding No. 91285587, such that each of the proceedings will be on the same timeline, including the resumption of the proceedings on November 21, 2023. The timeline for proceeding No. 91285587 is requested in order to give the

Parties additional time to discuss a possible settlement.

Respectfully submitted,

Dated this 10th day of October, 2023

DORSEY & WHITNEY LLP

/Fara S. Sunderji/

Fara S. Sunderji

Lindsey Sadler

51 West 52nd Street

New York, NY 10019-6119

(212) 415-9200

Sunderji.fara@dorsey.com

Sadler.lindsey@dorsey.com

NY.trademark@dorsey.com

Attorneys for Opposer Transport for London

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Motion on Consent to Consolidate is being served upon

Applicant by emailing a true copy thereof to:

Jay Begler
Niesar & Vestal LLP

jbegler@nvlawllp.com

October 10, 2023

/Lindsey Sadler/

Lindsey Sadler