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

Proceeding	92044209
Party	Defendant Eres Eres S.A. 2 Rue Tronchet FRX 75008 Paris,
Correspondence Address	MICHAEL CHIAPETTA FROSS ZELNICK LEHRMAN & ZISSU PC 866 UNION NATIONS PLAZA NEW YORK, NY 10017
Submission	Other Motions/Papers
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Date	01/13/2006
Attachments	Stipulated Motion to Consolidate Proceedings.pdf (3 pages)

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

In the Matter of Trademark Registration No. 2,320,998
For the Mark ERES in International Class 25

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SAMUEL ROSENBLATT & HELENE :
ROZENBLAT d/b/a "ERES" : Cancellation No. 92044209
: Petitioners, :
: -against- :
ERES :
: Registrant. :
-----X

In the Matter of Trademark Registration No. 2,497,205
For the Mark ERES in International Class 35

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SAMUEL ROSENBLATT & HELENE :
ROZENBLAT d/b/a "ERES" : Cancellation No. 92044964
: Petitioners, :
: -against- :
ERES :
: Registrant. :
-----X

STIPULATED MOTION TO CONSOLIDATE PROCEEDINGS

Petitioners Samuel Rosenblatt and Helene Rozenblat d/b/a "Eres" ("Petitioners") and Registrant Eres ("Registrant"), by and through their undersigned attorneys, respectfully request that the Board consolidate the above-captioned proceedings for the following reasons:

1. On February 16, 2005, Petitioners filed Cancellation No. 92044209 seeking to cancel Registrant's Registration No. 2,320,998 for the mark ERES in Class 25 for "swim wear,

beachwear, pants, shirts, dresses, blouses, T-shirts, jumpsuits, shorts, sleepwear, loungewear, lingerie, body suits and underwear.” On September 26, 2005, Petitioners filed Cancellation No. 92044964 seeking to cancel Registrant’s Registration No. 2,497,205 for the ERES mark in Class 35 for “retail store services in the field of clothing and clothing accessories.” Both of these cancellation proceedings (the “Cancellations”) are active and the discovery periods remain open.

2. The parties to the Cancellations are the same; the marks covered by Registrant’s Registrations are identical; the rights alleged by Petitioners in both proceedings are practically identical; and the grounds for challenging both of Registrant’s Registrations are identical.

Where, as here, the cases involve common questions of law and fact, consolidation is appropriate. Regatta Sport Ltd. v. Telux-Pioneer Inc., 20 U.S.P.Q.2d 1154 (TTAB 1991).

Moreover, consolidation will save both the Board and the parties time, effort and expense.

World Hockey Ass’n v. Tudor Metal Products Corp., 211 U.S.P.Q. 724 (TTAB 1981). Finally, as evidenced by the fact that this motion is submitted with the consent of all parties, the parties do not believe that consolidation will cause prejudice or inconvenience.

3. The parties hereby request that the deadlines in the later-filed Cancellation No. 92044964 be set as the deadlines in the consolidated proceeding as follows:

Discovery Period to close:	April 15, 2006
30-day testimony period for party in position of plaintiff (Petitioners) to close:	July 14, 2006
30-day testimony period for party in position of defendant (Registrant) to close:	September 12, 2006
15-day rebuttal testimony period for Petitioners to close:	October 27, 2006

For all of these reasons, the parties respectfully request that their stipulated motion be granted and that the Cancellations be consolidated.

Dated: New York, New York

~~December 23, 2005~~

January 13, 2006

(me)

Respectfully submitted,

FROSS ZELNICK LEHRMAN
& ZISSU, P.C.

By: 

Michael Chiappetta

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