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Filing date: **08/07/2013**

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

Proceeding	92057460
Party	Defendant ALOHA AIRLINES, INC.
Correspondence Address	ALOHA AIRLINES INC PO BOX 30028 HONOLULU, HI 96820 UNITED STATES
Submission	Motion to Consolidate
Filer's Name	Jennifer L. Barry
Filer's e-mail	jennifer.barry@lw.com, ipdocket@lw.com
Signature	/s/ Jennnifer L. Barry
Date	08/07/2013
Attachments	Stipulation to Consolidate Cancellation Proceedings.pdf(32447 bytes)

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

HAWAIIAN AIRLINES, INC., a Delaware corporation,

Petitioner,

v.

YUCAIPA CORPORATE INITIATIVES FUND I, L.P., a Delaware limited partnership, and

YUCAIPA CORPORATE INITIATIVES FUND I, L.L.C., a Delaware limited liability company,

Respondents.

CANCELLATION NOS. 92057460, 92057479, 92057493 & 92057541

Cancellation No. 92057460
Registration No. 2,303,334
Mark: "ALOHA AIRLINES" and horizontal design (design plus words)

Cancellation No. 92057479
Registration No. 2,347,989
Mark: "ALOHA AIRLINES" and diagonal design (design plus words)

Cancellation No. 92057493
Registration No. 3,071,580
Mark: "ALOHA AIRLINES VACATIONS" (standard characters)

Cancellation No. 92057541
Registration No. 3,215,210
Mark: "ALOHA AIRLINES VACATIONS" (design plus words)

STIPULATION TO CONSOLIDATE CANCELLATION PROCEEDINGS

A. On July 1, 2013, Petitioner Hawaiian Airlines, Inc. ("Hawaiian") filed four petitions to cancel the above-captioned registrations owned by Respondents Yucaipa Corporate Initiatives Fund I, L.P. and Yucaipa Corporate Initiatives Fund I, L.L.C. ("Yucaipa").

B. The four cancellation petitions (the "Cancellation Actions") are listed with the Trademark Trial and Appeal Board as follows:

- 1) Cancellation No. 92057460 involves Registration No. 2,303,334 for the mark "ALOHA AIRLINES" and horizontal design (design plus words);
- 2) Cancellation No. 92057479 involves Registration No. 2,347,989 for the mark "ALOHA AIRLINES" and diagonal design (design plus words);
- 3) Cancellation No. 92057493 involves Registration No. 3,071,580 for the mark "ALOHA AIRLINES VACATIONS" (standard characters);
- 4) Cancellation No. 92057541 involves Registration No. 3,215,210 for the

mark "ALOHA AIRLINES VACATIONS" (design plus words);

C. Cancellations involving identical parties and common questions of law or fact are routinely consolidated by the Board, Fed. R. Civ. P. 42(a); T.B.M.P. § 511; *Dating DNA LLC v. Imagini Holdings Ltd.*, 94 U.S.P.Q.2D 1889, 1893 (TTAB 2010).

D. The Cancellation Actions involve common questions of law and fact because the parties are identical and they are all premised on an allegation of abandonment.

E. Given the similarity of the marks at issue and the similar grounds for the cancellation proceedings, much of the discovery and evidence at trial will likely be the same in all of the cases in the event that the cases are not dismissed.

F. Absent consolidation, both parties will be faced with duplicative discovery and prosecution of separate proceedings, with separate deadlines.

G. The savings in "time, effort, and expense" in consolidating the Cancellation Actions into one proceeding outweigh any "prejudice or inconvenience which may be caused thereby," T.B.M.P. § 511, and consolidation would best serve the interests of all parties and the Board.

Accordingly, IT IS HEREBY STIPULATED AND AGREED that, pending approval from the Board, the Cancellation Actions be consolidated, and that Respondents' deadline to respond to the consolidated proceeding be set for August 27, 2013.

IT IS SO STIPULATED.

Dated: August 7, 2013

LATHAM & WATKINS LLP

By: _____

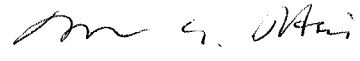


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Attorneys for Respondents
YUCAIPA CORPORATE INITIATIVES
FUND I, L.P. and YUCAIPA
CORPORATE INITIATIVES FUND, L.L.C

Dated: August 7, 2013

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Mark: "ALOHA AIRLINES VACATIONS" (design plus words)

[PROPOSED] ORDER

Pursuant to the stipulation of the parties, and good cause shown, IT IS HEREBY ORDERED that Cancellation Nos. 92057460, 92057479, 92057493 and 92057541 be consolidated into one "Consolidated Action." The response deadline for the Consolidated Action is hereby set for August 27, 2013.

Dated: _____, 2013

Trademark Trial and Appeal Board

CERTIFICATE OF SERVICE

I hereby certify that on August 7, 2013, I caused the following document:

STIPULATION TO CONSOLIDATE CANCELLATION PROCEEDINGS;
[PROPOSED] ORDER

to be sent via email (per the agreement of the parties) to:

Martin E. Hsia
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Email: *mhsia@cades.com*

Attorneys for Petitioner
HAWAIIAN AIRLINES, INC.

Dated: August 7, 2013



Jennifer L. Barry