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

Proceeding	92060993
Party	Plaintiff On the Rocks Restaurants Holdings, LLC
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Submission	Motion to Consolidate
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Date	07/30/2015
Attachments	GreenCrushConsolidation.pdf(107312 bytes )

CERTIFICATE OF MAILING VIA ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being filed with the United States Patent and Trademark Office via the Electronic System for Trademark Trials and Appeals on July 30, 2015.

/Michelle Alvey/

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

On the Rocks Restaurants	)	
Holdings, LLC.	)	Registration No.: 4330917
	)	Mark: GREEN CRUSH
	)	Proceeding No. 92060993
Petitioner/Opposer,	)	
	)	Serial No. 86208025
	)	Mark: GREEN CRUSH & Design
v.	)	Proceeding No. 91218341
	)	
	)	
Green Crush, LLC	)	
	)	
Registrant/Applicant.	)	
	)	

**MOTION TO CONSOLIDATE PROCEEDING NOS. 92060993 AND 91218341**

COMES NOW Petitioner/Opposer On the Rocks Restaurants Holdings, LLC. (“On the Rocks”), by and through its undersigned counsel, and hereby moves for consolidation of Proceeding Nos. 92060993 and 91218341 (the “Proceedings”) pursuant to Fed. R. Civ. P. 42(a), Trademark Rule of Practice 2.120 and TBMP §511. In support of this Motion, On the Rocks states as follows:

1. On the Rocks filed a Notice of Opposition to Application No. 86208025 for GREEN CRUSH and Design for “Fast-food restaurant services; Restaurant services” in Class 43 on September 15, 2014.

2. The parties engaged in settlement negotiations and extended the deadlines in the opposition proceeding during such negotiations.

3. On the Rocks filed a Petition to Cancel Registration No. 4330917 for the mark GREEN CRUSH for “Fast-food restaurant services” in Class 43 on March 5, 2015. The parties continued their settlement discussions and extended the deadlines in the cancellation proceeding during such negotiations.

4. The parties have not yet engaged in discovery in the Proceedings, but have conducted the discovery conference and exchanged initial disclosures in the Proceedings.

5. The parties in the Proceedings are identical, and the Proceedings involve common questions of law and/or fact. *See World Hockey Ass’n v. Tudor Metal Products Corp.*, 185 U.S.P.Q. 246, 248 (TTAB 1975) (granting consolidation for oppositions involving similar marks); *Fed. Dept. Stores, Inc. v. Gold Circle Insurance Co.*, 266 U.S.P.Q. 262, 264 (TTAB 1985)(same); *Hilson Research Inc. v. Society for Human Resource Management*, 27 USPQ2d 1423, 1424 & n. 1 (TTAB 1993) (opposition and cancellation consolidated).

6. While the Proceedings involve a registration and an application, the marks that are the subject of the application and the registration involve common questions of law and/or fact in that both of the marks at issue contain the term “GREEN CRUSH” and the Proceedings involve nearly identical goods.

7. The Proceedings are at similar stages. Specifically, as stated above, the parties have conducted the discovery conference and exchanged initial disclosures, but have not yet exchanged discovery. The next deadline (for expert disclosures) is October 20, 2015 in Proceeding No. 91218341 and November 11, 2015 in Proceeding No. 92060993.

8. The purpose of this Motion is not to harass or delay, but rather to reduce trial preparation costs.

9. Consolidation of these two actions will save time and the resources of both parties and the Board, without prejudice or inconvenience to either.

10. Applicant/Registrant has not consented to this request.

WHEREFORE, On the Rocks respectfully requests that Proceeding Nos. 91218341 and 92060993 be consolidated.

Respectfully Submitted,

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*Attorneys For On The Rocks Restaurants  
Holdings, LLC*

### **CERTIFICATE OF SERVICE**

The undersigned counsel hereby certifies that a copy of the foregoing was served by electronic as well as First Class Mail, postage prepaid on this 30<sup>th</sup> day of July 2015, upon:

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/Michelle Alvey/