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

Proceeding	92072243
Party	Plaintiff Skins IP Limited
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Submission	Motion to Consolidate
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Date	09/11/2019
Attachments	Motion to Consolidate Cancellation Proceedings4282934_1.pdf(21810 bytes)

**UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

SKINS IP LIMITED,

Proceeding No. 92072243

Petitioner,

Cancellation of U.S. Trademark Registration
Nos. 3499197, 4588981, 5061834, and
5230136

v.

SKINS INTERNATIONAL
TRADING AG,

Respondent.

_____ /

**MOTION TO CONSOLIDATE TRADEMARK CANCELLATION PROCEEDING
NUMBERS 92072185 AND 92072243**

Petitioner, SKINS IP LIMITED (“Petitioner”), by its undersigned attorney, submits the following Motion to Consolidate Trademark Cancellation Proceeding Numbers 92072185 and 92072243.

Pursuant to TBMP §511 and Fed. R. Civ. P. 42(a), Petitioner moves to consolidate the present Proceeding No. 92072243 with Proceeding No. 92072185. The grounds for the motion are as follows:

1. T.M.E.P. §511 states that:

When cases involving common questions of law or fact pending before the Board, the Board may order the consolidation of the cases. In determining whether to consolidate proceedings, the Board will weigh the savings in time, effort, and expense, which may be gained from consolidation, against any prejudice or inconvenience that may be caused thereby. Although identity of the parties is another factor

considered by the Board in determining whether consolidation should be ordered, it is not always necessary. Consolidation is discretionary with the Board, and may be ordered upon motion granted by the Board, or upon stipulation of the parties approved by the Board, or upon the Board's own initiative.

See also Fed. R. Civ. P. 42(a); *Wise F&I, LLC, et al. v. Allstate Insurance Co.*, 120 USPQ2d 1103, 1105 (TTAB 2016) (*sua sponte* consolidation due to common questions of law and fact).

2. The two parties involved in the present proceeding are also involved in another Trademark Trial and Appeal Board (TTAB) proceeding, namely Proceeding Number 92072185, involving the exact same parties and the same and/or related trademarks.

3. It is highly likely that common issues will arise in both proceedings, since Respondent's marks that are the subject of the two proceedings share literal elements and Petitioner has pled or is likely to plead the same facts in support of each proceeding. Discovery for both proceedings is likely to include similar (if not identical) requests regarding Respondent's use (or lack thereof) of its marks.

4. TBMP §511 and Fed. R. Civ. P. 42(a) provide for consolidation of TTAB proceedings that involve the same parties and the same and/or related trademarks.

5. For the above reasons, and pursuant to TBMP §511 and Fed. R. Civ. P. 42(a), in order to promote administrative efficiency and save time and expense for the parties, Petitioner moves and requests that the TTAB consolidate Proceeding Numbers 92072185 and 92072243.

6. The instant proceeding and Cancellation Proceeding No. 92072185 involve common questions of law or fact.

7. Further, both this proceeding and Cancellation Proceeding No. 92072185 are in their very early stages, thus no prejudice or undue burden would result on either party from consolidation.

WHEREFORE, Respondent respectfully requests that Proceeding Numbers 92072185 and 92072243 be consolidated pursuant to TBMP §511.

Respectfully submitted,

By: /s/ Mark. B. Mizrahi

Mark B. Mizrahi

Attorneys/Agents for Petitioner

Date: September 11, 2019

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CERTIFICATE OF SERVICE AND FILING

I hereby certify that a true and complete copy of the foregoing MOTION TO CONSOLIDATE, including any exhibits thereof, has been served on Respondent, by mailing said copy on Respondent, via First Class Mail, postage prepaid to Respondent's designated US representative as follows:

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