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

Proceeding	92074531
Party	Plaintiff Coulter Ventures, LLC
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Submission	Motion to Consolidate
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Attachments	Cancellation 92074531 - Motion for Consolidation.pdf(137214 bytes )



2. The Proceedings involve the same parties, namely Rogue and Rogue Ridge LLC. (“Rogue Ridge”). Rogue is represented by the same counsel for both proceedings. Rogue Ridge is represented by counsel for Antoinette M. Tease, P.L.L.C. in Opposition No. 91252714. Antoinette M. Tease, P.L.L.C. is also counsel of record for Registration No. 6,059,112, which Rogue seeks to cancel in this cancellation proceeding.

3. The Proceedings involve Rogue Ridge’s application and registration for nearly identical marks, R ROGUE RIDGE and Design and ROGUE RIDGE, both of which include Rogue’s mark ROGUE. Opposition No. 91252714 involves Rogue Ridge’s application for the mark R ROGUE RIDGE and Design in International Class 12, and this pending Cancellation No. 92074531 involves Rogue Ridge’s registration for the mark ROGUE RIDGE in International Class 12.

4. In the Proceedings, Rogue has opposed Rogue Ridge’s application and sought to cancel Rogue Ridge’s registration for marks including ROGUE by asserting the same claims (i.e., priority and likelihood of confusion) and the same rights based on Rogue’s prior use and registration of its ROGUE Marks.<sup>1</sup> See *S. Industries Inc. v. Lamb-Weston Inc.*, 45 U.S.P.Q.2d 1293, 1297 (T.T.A.B. 1997) (granting motion to consolidate where both proceedings involved the same mark and virtually identical pleadings); *Wisconsin Chees Grp., LLC v. Comercializadora de Lacteos y Derivados*, 118 U.S.P.Q.2d 1262, 1262 (T.T.A.B. 2016) (granting motion to consolidate where both proceedings involve common questions of law and fact); *Hilson Research Inc. v. Society for Human Resource Management*, 27 USPQ2d 1423, 1424 n. 1 (TTAB 1993) (opposition and cancellation consolidated).

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<sup>1</sup> ROGUE asserts the following registrations in its opposition and cancellation against Rogue Ridge’s R ROGUE RIDGE and ROGUE RIDGE marks: ROGUE, USTM Reg. No. 4056202, in International Class 28; ROGUE, USTM Reg. No. 5524929 in International Class 28; ROGUE FITNESS, USTM Reg. No. 3501073 in International Class 41; ROGUE FITNESS, USTM Reg. No. 4055351, in International Class 28; and ROGUE BAR, USTM Reg. No. 5411489, in International Class 28.

5. Common questions of law and fact are presented in each of the Proceedings. *See e.g., One Jeanswear Grp. Inc. v Yogaglo, Inc.*, 127 U.S.P.W.2d 1793 (T.T.A.B. 2018) (both proceedings involved common issues of law and fact where parties were the same, marks in the opposed applications were virtually identical, both oppositions claimed likelihood of confusion, and the same four active registrations of Opposer were used as bases for the opposition).

6. The first-filed Proceeding, Opposition No. 91252714, is in the discovery stage, and the parties have not yet completed written discovery or taken any depositions.

7. Because the same parties, virtually identical marks, and same rights and claims are involved in both Proceedings, and the Proceedings involve common issues of law and fact, consolidation will result in considerable savings in time, effort, and expense. For example, Rogue intends to take similar discovery in both Proceedings, so consolidation would avoid duplication of efforts and redundant discovery. As Rogue's claims and asserted rights are the same in both Proceedings, Rogue Ridge likewise will not have to engage in duplicative discovery.

8. Furthermore, consolidation will also avoid any confusion concerning varying deadlines and it will not result in any prejudice or inconvenience to any party.

9. For the foregoing reasons, Rogue requests that the Board grant this motion and consolidate this Cancellation No. 92074531 with pending Opposition No. 91252714.

Respectfully submitted,  
BANNER & WITCOFF, LTD.  
Attorneys for Petitioner

Date: June 22, 2020

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**CERTIFICATE OF SERVICE**

I hereby certify that on June 22, 2020, a true copy of the foregoing PETITIONER COULTER VENTURES, LLC D/B/A ROGUE FITNESS'S MOTION TO CONSOLIDATE was served upon Registrant, via email, addressed as follows:

[mark@rogueridge.com](mailto:mark@rogueridge.com)

/ mark houston /