

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Apple, Inc. : BEFORE THE
Trademark: APPLE MUSIC 1 : TRADEMARK TRIAL
MUSIC 1 and apple design :
Serial Nos.: 90177287 and 90177346 : AND
Attorney: Thomas R. La Perle : APPEAL BOARD
Address: ONE APPLE PARK WAY : ON APPEAL
CUPERTINO, CA 95014
UNITED STATES

MOTION TO CONSOLIDATE

Applicant is seeking registration on the Principal Register of APPLE MUSIC 1 (Serial No. 90177287) and MUSIC 1 and design (Serial No. 90177346). Both applications were refused pursuant to Section 2(d) of the Lanham Act for likelihood of confusion with U.S. Registration No. 3879579.

The examining attorney notes that the legal issues involved in these cases are virtually identical.

As the applicant has filed an *ex parte* appeal to the Board in each case, and Serial Nos. 90177287 and 90177346 involve common issues of law and fact; the examining attorney requests that the Board issue an Order consolidating these appeals for purposes of efficiency and ease of prosecution. TBMP §1214.

Additionally, as the examining attorney's appeal brief for Serial No. 90177287 is due on December 10, 2022, and the examining attorney appeal brief for Serial No. 90177346 is due on December 11, 2022, the examining attorney respectfully requests that the consolidated brief for the two cases both be due on Monday, December 13, 2022.

Respectfully submitted,

/Whitley Mumm/
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