

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

Mailed: December 29, 2003

Opposition Nos. 113622; ✓  
113829; 113910; 114047;  
114217; 114406; 114435;  
114509; 114510; (114853);  
153231; 155097; 155103;  
155549; 155566; 157382;  
and 157469

TRUSTEES OF THE TRUST  
NUMBER SR-1

v.

SLC TURNBERRY LIMITED

Cindy B. Greenbaum, Attorney:

Additional Consolidation

On February 7, 2000, the Board consolidated the first ten oppositions listed in the caption above. As has now become apparent to the Board, the parties are involved in seven additional opposition proceedings. However, despite ordinary Board practice, and the Board's explicit statement in the consolidation order that the parties should inform the Board if they also are, or during the pendency of the proceeding become, parties to other Board proceedings involving related marks, neither party raised the issue of the additional potential consolidation. The parties again are reminded of their responsibility to keep the Board informed of any other additional related Board proceedings

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so that the Board may determine whether to further consolidate proceedings.<sup>1</sup>

Fed. R. Civ. P. 42(a), as made applicable by Trademark Rule 2.116(a), provides with respect to consolidation of proceedings that, when actions involve a common question of law or fact, the Board may order a joint hearing or trial of any or all of the matters in issue in the actions; it may order all the actions consolidated; and it may make such orders concerning proceedings therein as may tend to avoid unnecessary costs or delay.

It is adjudged that the additional seven oppositions and ten previously consolidated oppositions noted in the caption present a sufficient commonality of factual issues in the proceedings that further consolidation is appropriate. Further consolidation will avoid duplication of effort concerning the factual issues and will thereby avoid unnecessary costs and delays. Accordingly, Opposition Nos. 153231; 155097; 155103; 155549; 155566; 157382; and 157469 are hereby consolidated with the other ten opposition proceedings listed in the caption of this order. All of the consolidated oppositions may be presented on the same record and briefs. **Opposition No. 91113622** remains the "parent"

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<sup>1</sup> On a related issue, the parties are reminded for a third time that Nitto World Company, Ltd. is not a joint defendant and should not be listed as such in the caption of any filings in this proceeding. See February 7, 2000 and June 14, 2000 Board orders.

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case in which all papers shall be filed. However, every paper must henceforth reference all proceeding numbers as shown in the caption of this order.

The only exceptions to the rule that all papers must be filed in the "parent" case are that: (1) applicant must file a separate answer or other response for opposition nos. 91155103, 91155566 and 91155549, which answer or response only references that proceeding number, within THIRTY DAYS from the mailing date of this order;<sup>2</sup> and (2) applicant must file a separate response to the notices of default set forth below in opposition nos. 91113829, 91114047, 91114435, 91114853 and 91157382.

**Notices of Default: Opposition Nos. 91113829, 91114047, 91114435, 91114853 and 91157382**

Answers were due (as last reset) in Opposition Nos. 91113829, 91114047, 91114435 and 91114853 on July 14, 2000, and in Opposition No. 91157382 on November 26, 2003. Inasmuch as it appears that no answers have been filed, nor has applicant filed a motion to further extend its time to answer, notice of default is hereby entered against applicant under Fed. R. Civ. P. 55(a).<sup>3</sup>

Applicant is allowed until thirty days from the mailing date of this order to show cause why judgment by default

<sup>2</sup> In light of the procedural posture of the consolidated cases, proceedings are resumed in Opposition Nos. 91155103, 91155566 and 91155549 solely for the purpose of allowing applicant time to file an answer or other response to the notices of opposition.

<sup>3</sup> The Board notes that this is the second time the Board has had to issue a notice of default regarding Opposition Nos. 91113829, 91114047, 91114435 and 91114853. See April 29, 2000 Board order.

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should not be entered against applicant in each of the five listed oppositions in accordance with Fed. R. Civ. P. 55(b).

Proceedings are otherwise suspended.

In view of the foregoing, opposer's consented motion (filed November 3, 2003) in Opposition No. 91113622, and any other outstanding motion in any of the other proceedings, to extend discovery and trial dates are moot. Upon resumption, discovery and trial dates will be reset.