

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Mailed: January 20, 2006

Opposition No. 91153553
Opposition No. 91153763
Opposition No. 91153841
Opposition No. 91154254
Opposition No. 91154345
Opposition No. 91161298
Opposition No. 91167762

LUSTER PRODUCTS, INC.

v.

V SECRET CATALOGUE, INC.

Cindy B. Greenbaum, Attorney:

ADDITIONAL CONSOLIDATION 91161298 and 91167762

It has come to the attention of the Board that Opposition Nos. 91161298 and 91167762 involve the same parties and common questions of law and fact as previously consolidated Cancellation Nos. 91153553 et al. It would therefore be appropriate to consolidate these proceedings pursuant to Fed. R. Civ. P. 42(a).

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, for example, Wright & Miller, Federal Practice and Procedure: Civil §2383 (2004);

Regatta Sport Ltd. V. Telux-Pioneer Inc., 20 USPQ2d 1154
(TTAB 1991) (Board's initiative).

Accordingly, the above-noted opposition proceedings are hereby added to the previously consolidated cancellations, and may be presented on the same record and briefs. Opposition No. 91153553 remains the parent case in which all papers should be filed. However, every paper must henceforth reference all proceeding numbers as shown in the caption of this order. The parties are instructed to promptly inform the Board of any other related cases within the meaning of Fed. R. Civ. P. 42.

91161298 ORDER TO SHOW CAUSE

In response to the December 8, 2005 order to show cause why the Board should not treat opposer's failure to file a main brief as a concession of the case, opposer states that it filed a motion on July 16, 2004 to consolidate Opposition No. 91161298 with previously consolidated Opposition Nos. 91153553 et al., and that it filed a follow-up motion on February 4, 2005, neither of which had been acted on by the Board.¹ Opposer's response to the order to show cause is sufficient to discharge the order to show cause. In view thereof, the December 8, 2005 order to show charge is discharged.

¹ These papers were filed in Opposition No. 91153841, and likely were not reviewed because Opposition No. 91153841 is not the parent case.

SUSPENSION

Proceedings remain suspended pursuant to the terms of the August 19, 2005 Board order in Opposition No. 91153553.