

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

Mailed: January 5, 2005

Opposition No. 91159504

STARBUCKS U.S. BRANDS
CORPORATION AND STARBUCKS
CORPORATION D/B/A STARBUCKS
COFFEE COMPANY

v.

REX WAYNE BELL

Opposition No. 91162993
Opposition No. 91162995

REX WAYNE BELL

v.

STARBUCKS U.S. BRANDS, LLC

Cindy B. Greenbaum, Attorney:

PROCEEDINGS CONSOLIDATED

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 in Opposition Nos. 91159504, 91162993 and 91162995, there is a sufficient commonality of factual issues in the proceedings that consolidation is appropriate. Consolidation will avoid duplication of effort concerning the factual issues and will thereby avoid unnecessary costs and delays.

Accordingly, Opposition Nos. 91159504, 91162993 and 91162995 are hereby consolidated and may be presented on the same record and briefs. See Helene Curtis Industries Inc. v. Suave Shoe Corp., 13 USPQ2d 1618 (TTAB 1989). From this date forward, **Opposition No. 91159504** will be designated the "parent" case in which all papers shall be filed. However, every paper must henceforth reference both 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.

The only exception to the rule that all papers must be filed in the "parent" case is that defendants must file a separate answer for each proceeding, which answer only references that proceeding number, upon resumption of this consolidated proceeding.

PROCEEDINGS SUSPENDED

Proceedings remain suspended pending final disposition of the civil action between the parties, as discussed in the May 19, 2004 Board order in Opposition No. 91159504.