

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

Mailed: October 12, 2005

Opposition No. 91165655

Opposition No. 91165656

SparkNet Holdings, Inc.

v.

WCLR, Inc.

Cindy B. Greenbaum, Attorney:

OPPOSITION NO. 91165656

On September 6, 2005, applicant was ordered to show cause why judgment should not be entered against it in Opposition No. 91165656 in accordance with Fed. R. Civ. P. 55(b).

Applicant's response clearly shows that its failure to file a timely answer in this opposition proceeding was neither willful nor unduly prejudicial, but due to confusion arising from applicant's potential involvement in several opposition proceedings pertaining to the same or related applications. The Board is persuaded that the foregoing reason constitutes good cause to set aside applicant's default. See *Fred Hayman Beverly Hills, Inc. v. Jacques Bernier, Inc.*, 21 USPQ2d 1556 (TTAB 1991).

Accordingly, applicant's motion to set aside its default is granted. Applicant is allowed until THIRTY DAYS from the mailing date hereof to file an answer or other responsive pleading to the notice of opposition.

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. 91165655 and 91165656, 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. 91165655 and 91165656 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. 91165655** will be designated the "parent" 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 exception to this filing rule is that applicant must file an answer in Opposition No. 91165656 which answer only references said opposition.

The parties are instructed to promptly inform the Board of any other related cases within the meaning of Fed. R. Civ. P. 42.

The newly consolidated cases currently have the same discovery and trial schedules. Accordingly, dates remain as set.