

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500

Mailed: August 17, 2016

Opposition No. 91169102 (parent)
Opposition No. 91174871

Kelemata S.p.A.

v.

The Gillette Company

Geoffrey M. McNutt, Interlocutory Attorney:

These proceedings had been suspended pending the final disposition of a civil action between the parties in the Civil Court of Milan, Italy, case number R.G. n.r. 84148/04. The civil action involved the interpretation of the parties' 2002 settlement agreement, which was to be construed in accordance with the laws of Italy.

The Civil Action

In a submission dated March 18, 2016,¹ Applicant notified the Board that the Italian Court of Appeals ruled in favor of Applicant, and that the Italian Supreme Court subsequently issued a final decision fully dismissing Opposer's appeal. Applicant also submitted certified copies of the Italian Supreme Court decision and

¹ This filing was made in Opposition No. 91169102 (Docket Entry No. 53). A similar filing was made in Opposition No. 91174871 on June 14, 2016 (Docket Entry No. 56).

Opposition Nos. 91169102 (parent) and 91174871

the Italian Court of Appeals decision, along with certified English translations of both decisions. In view of the final determination of the Italian courts, proceedings herein are resumed in accordance with the schedule set forth at the end of this order.

Consolidation

When cases involving common questions of law or fact are pending before the Board, the Board may order consolidation of the cases. *See* Fed. R. Civ. P. 42(a); *Regatta Sport Ltd. v. Telux-Pioneer Inc.*, 20 USPQ2d 1154 (TTAB 1991); and *Estate of Biro v. Bic Corp.*, 18 USPQ2d 1382 (TTAB 1991). In determining whether to consolidate proceedings, the Board will weigh the savings in time, effort, and expense which may be gained from consolidation, against any prejudice or inconvenience which may be caused by consolidation.

Consolidation is discretionary with the Board and may be ordered upon the Board's own initiative. *See, e.g., Hilson Research Inc. v. Soc. for Human Res. Mgmt.*, 27 USPQ2d 1423 (TTAB 1993).

Here the parties to both proceedings are identical, and the issues are similar or related. Accordingly, the Board *sua sponte* consolidates Opposition Nos. 91169102 and 91174871. The cases now may be presented on the same record and briefs. *Id.* *See also Helene Curtis Indus. Inc. v. Suave Shoe Corp.*, 13 USPQ2d 1618 (TTAB 1989).

The Board file will be maintained in Opposition No. **91169102** as the "parent case." From this point on, only a single copy of all motions and papers should be filed,

and each such motion or paper should be filed in the parent case only, but caption all consolidated proceeding numbers, listing the “parent case” first.²

Despite being consolidated, each proceeding retains its separate character and requires entry of a separate judgment. The decision on the consolidated cases shall take into account any differences in the issues raised by the respective pleadings; a copy of the decision shall be placed in each proceeding file.

Resumption of Proceedings

Proceedings are resumed on the following schedule.

Deadline for Discovery Conference	9/19/2016
Discovery Opens	9/19/2016
Initial Disclosures Due	10/19/2016
Expert Disclosures Due	2/16/2017
Discovery Closes	3/18/2017
Plaintiff’s Pretrial Disclosures	5/2/2017
Plaintiff’s 30-day Trial Period Ends	6/16/2017
Defendant’s Pretrial Disclosures	7/1/2017
Defendant’s 30-day Trial Period Ends	8/15/2017
Plaintiff’s Rebuttal Disclosures	8/30/2017
Plaintiff’s 15-day Rebuttal Period Ends	9/29/2017

In each instance, a copy of the transcript of testimony together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rules 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.³

² The parties should promptly inform the Board of any other Board proceedings or related cases within the meaning of Fed. R. Civ. P. 42, so that the Board can consider whether further consolidation is appropriate.

³ The June 14, 2016, notice of appearance filed by Respondent’s counsel in each proceeding has been noted and entered into the record.