

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

Mailed: May 10, 2007

Opposition Nos. 91176108 (parent)  
91176114  
91176122  
91176127  
91176247  
91176303

Congregation Talmud Torah  
D'Chasidei Bobov of Monsey

v.

United Bobov International, Inc.

---and---

Opposition Nos. 91176109  
91176113  
91176123  
91176124  
91176248  
91176304

Baruch C. Greenfeld

v.

United Bobov International, Inc.

**Robert H. Coggins,  
Interlocutory Attorney:**

This case now come up on applicant's motion (filed in each of the captioned oppositions) to dismiss for lack of subject matter jurisdiction. Opposers have filed briefs in opposition thereto in each of their respective oppositions except Opposition Nos. 91176248 and 91176303.

Opposition Nos. 91176108, 91176109, 91176113, 91176114, 91176122, 91176123, 91176124, 91176127, 91176247, 91176248, 91176303, and 91176304

Before addressing the motion to dismiss, the Board addresses the issues of consolidation and suspension.

### Consolidation

It has come to the attention of the Board that opposer Congregation Talmud Torah D'Chasidei Bobov of Monsey and applicant United Bobov International, Inc. are parties to six opposition proceedings involving similar marks and common questions of law and fact; and Baruch C. Greenfeld and United Bobov International, Inc. are parties to six opposition proceedings involving similar marks and common questions of law and fact. Moreover, the opposition proceedings between Congregation Talmud Torah D'Chasidei Bobov of Monsey and United Bobov International, Inc. involve the same applications as the opposition proceedings between Baruch C. Greenfeld and United Bobov International, Inc.; and both Congregation Talmud Torah D'Chasidei Bobov of Monsey and Baruch C. Greenfeld are represented by the same counsel.

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

Opposition Nos. 91176108, 91176109, 91176113, 91176114, 91176122, 91176123, 91176124, 91176127, 91176247, 91176248, 91176303, and 91176304

orders concerning proceedings therein as may tend to avoid unnecessary costs or delay.

Consolidation is discretionary with the Board, and may be ordered upon motion granted by the Board, 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); and *Regatta Sport Ltd. v. Telux-Pioneer Inc.*, 20 USPQ2d 1154 (TTAB 1991) (Board's initiative).

It is adjudged that in Opposition Nos. 91176108, 91176109, 91176113, 91176114, 91176122, 91176123, 91176124, 91176127, 91176247, 91176248, 91176303, and 91176304, there is a sufficient commonality of factual issues 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. 91176108, 91176109, 91176113, 91176114, 91176122, 91176123, 91176124, 91176127, 91176247, 91176248, 91176303, and 91176304 are hereby consolidated and may be presented on the same record. *See Helene Curtis Industries Inc. v. Suave Shoe Corp.*, 13 USPQ2d 1618 (TTAB 1989), and *Hilson Research Inc. v. Society for Human Resource Management*, 26 USPQ2d 1432 (TTAB 1993).

From this date forward, Opposition No. 91176108 is designated as the "parent" case in which all papers shall be

Opposition Nos. 91176108, 91176109, 91176113, 91176114, 91176122, 91176123, 91176124, 91176127, 91176247, 91176248, 91176303, and 91176304

filed. The parties should no longer file separate papers (except for the answers) in connection with each proceeding. As a general rule, from this point on, only a single copy of any paper or motion should be filed herein, but that copy should bear each proceeding number in its caption. An exception to the general rule involves filing answers and briefs on the case. See Trademark Rules 2.106 and 2.128.

Despite being consolidated, each proceeding retains its separate character. 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.

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

#### Suspension

Whenever it comes to the attention of the Board that a party or parties to a case pending before it are involved in a civil action, proceedings before the Board may be suspended until final determination of the civil action. See Trademark Rule 2.117(a); and *General Motors Corp. v. Cadillac Club Fashions Inc.*, 22 USPQ2d 1933 (TTAB 1992). This is so even if the civil action involves only one of the parties to a Board proceeding. See *Argo & Co. v. Carpetsheen Manufacturing Inc.*, 187 USPQ 336 (TTAB

Opposition Nos. 91176108, 91176109, 91176113, 91176114, 91176122, 91176123, 91176124, 91176127, 91176247, 91176248, 91176303, and 91176304

1975) (state court action between applicant and third party to determine ownership of applicant's mark and authority of applicant to file application). Suspension of a Board case is appropriate even if the civil case may not be dispositive of the Board case, so long as the ruling may have a bearing on the rights of the parties in the Board case. *See Martin Beverage Co. Inc. v. Colita Beverage Company*, 169 USPQ 568, 570 (TTAB 1971).

Inasmuch as Baruch C. Greenfeld appears to be a party to civil action Index No. 12509/05 in the Supreme Court of the State of New York for the County of Kings, and the civil case may have a bearing on the rights of the parties in the consolidated Board proceedings, the Board hereby suspends the consolidated opposition proceedings pending final determination of the civil action.

Within twenty days after the final determination of the civil action, the parties shall so notify the Board so that this consolidated case may be called up for appropriate action. If, during the suspension period, either of the parties or their attorneys should have a change of address, the Board should be so informed.

Motion to Dismiss

In view of the suspension hereinabove, consideration of applicant's motion to dismiss is deferred.

\*\*\*