

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

Mailed: November 13, 2013

Opposition No. 91195201

Franklin Loufrani

v.

Harvey Ball Smile Limited

Clara Vela, Paralegal Specialist:

On May 5, 2013, opposer filed a motion to consolidate Opposition Nos. 91195201, 91185409, 91186653, 91196707, 91201490 and Cancellation No. 92052829.

When actions involving common questions of law and/or fact are pending before the Board, it may order those actions consolidated. See Fed. R. Civ. P. 42(a); *Regatta Sport Ltd. v. Telux-Pioneer Inc.*, 20 USPQ2d 1154 (TTAB 1991); *World Hockey Ass'n v. Tudor Metal Products Corp.*, 185 USPQ 246 (TTAB 1975).

After reviewing the records of the different proceedings, however, the Board finds that given the different procedural postures of the cases, consolidation is not appropriate.

Accordingly, opposer's motion to consolidate Opposition Nos. 91195201, 91185409, 91186653, 91196707, 91201490 and Cancellation No. 92052829 is denied.

As regards Opposition No. 91195201, the record shows that on November 23, 2012, the Board suspended proceedings for completion of the depositions upon written questions. Trademark Rule 2.124(d)(2). The parties have not indicated the status of such depositions.

In view thereof, the parties are allowed until **thirty days** from the mailing date of this order to inform the Board of the status of the completion of the depositions upon written questions which occasioned the suspension of this proceeding. If no response to this order is received from either party, then proceedings will be resumed without further notice or order from the Board on December 10, 2013 and upon the schedule set out below.

Resumption Date	12/10/2013
Initial Disclosures Due	CLOSED
Expert Disclosures Due	CLOSED
Discovery Closes	CLOSED
Plaintiff's Pretrial Disclosures	CLOSED
Plaintiff's 30-day Trial Period Ends	1/9/2014
Defendant's Pretrial Disclosures	1/24/2014
Defendant's 30-day Trial Period Ends	3/10/2014
Plaintiff's Rebuttal Disclosures	3/25/2014
Plaintiff's 15-day Rebuttal Period Ends	4/24/2014

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 Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

If, during the suspension period, either of the parties or their attorneys should have a change of address, the Board should be so informed.