

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

Mailed: August 17, 2009

Opposition No. 91188537¹
Opposition No. 91189523
Opposition No. 91189872
Opposition No. 91189874
Opposition No. 91189875

Moroccanoil, Inc.

v.

Moroccan Gold, LLC

George C. Pologeorgis, Interlocutory Attorney:

The parties' stipulation (filed May 28, 2009) in Opposition No. 91188537 to suspend that proceeding pending final determination of a civil action between the parties is hereby granted as well taken. It is the policy of the Board to suspend proceedings when the parties are involved

¹ The Board notes that all rights and title in the subject application in Opposition No. 91188537 was assigned from Fantasia Industries Corporation to Moroccan Gold LLC prior to the institution of the aforementioned proceeding and such assignment has been recorded with the Assignment Branch of the USPTO. See Reel/Frame 3875/0397. Accordingly, per its own initiative, the Board has substituted Moroccan Gold, LLC as party defendant in Opposition No. 91188537. See TBMP § 512.01 (2nd ed. rev. 2004).

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in a civil action, which may be dispositive of or have a bearing on the Board case. See Trademark Rule 2.117(a).²

Accordingly, proceedings in Opposition No. 91188537 are suspended pending final disposition of the civil action between the parties.

Furthermore, it has come to the attention of the Board that Opposition Nos. 91188537, 91189523, 91189872, 91189874, and 91189875 involve the same parties and common questions of law and fact. It would therefore be appropriate to consolidate these proceedings pursuant to Fed. R. Civ. P. 42(a).

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

² Civil Action No., CV 08-05356-RGK (PLAx), in the United States District Court for the Central District of California.

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Accordingly, the above-noted opposition proceedings are hereby consolidated and may be presented on the same record and briefs.

The Board file will be maintained in Opposition No. 91188537 as the "parent" case. The parties should no longer file separate papers in connection with each proceeding. Only a single copy of each paper should be filed by the parties and each paper should bear the case captions as set forth above.³

In accordance with Board practice, discovery and trial dates are reset to conform to the dates latest set in the opposition proceedings that are being consolidated. The Board notes, however, that each of these now consolidated proceedings have been suspended pending the final disposition of the identical civil action between the parties therein.

In view thereof, these now consolidated proceedings are suspended pending the final disposition of the civil action between the parties.

³ The parties should promptly inform the Board in writing of any other related *inter partes* proceedings. See Fed. R. Civ. P. 42(a).

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Within twenty days after the final determination of the civil action, the parties shall so notify the Board and call this case up for any appropriate action. During the suspension period, the parties shall notify the Board of any address changes for the parties or their attorneys.