

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

MT

Mailed: July 20, 2009

Opposition No. 91190416

Opposition No. 91190563

The General Hospital
Corporation d/b/a
Massachusetts General
Hospital

v.

Ross W. Greene

Jennifer Krisp, Interlocutory Attorney:

Applicant filed on July 9, 2009 in Opposition No. 91190416 a motion to reopen and to suspend, and filed on July 13, 2009 in Opposition No. 91190563 a motion to suspend.¹ By way of both motions, applicant requests suspension of the opposition pending final determination of a civil action between the parties, and includes a copy of the complaint filed in the U.S. District Court for the

¹ To the extent that applicant's motion filed in Opposition No. 91190416 seeks a reopening of applicant's time to file an answer, said motion is granted. The Board will revisit the issue of applicant's time to answer at such time as these proceedings are resumed subsequent to the suspension period commenced herein.

District of Massachusetts, in Civil Action No. 09-CV-10937-DFW.²

Consolidation

When cases involving common questions of law or fact are pending before the Board, the Board may, in its discretion, order consolidation upon motion granted by the Board, or upon stipulation of the parties approved by the Board, or upon the Board's own initiative. See Fed. R. Civ. P. 42(a). See also TBMP § 511 (2d ed. rev. 2004).

A review of the records in both Opposition No. 91190416 and Opposition No. 91190563 reveals that the proceedings involve similar marks, parties, and claims and defenses. Accordingly, the above-captioned opposition proceedings are hereby consolidated and may be presented on the same record and briefs.

When consolidating proceedings, it is generally the Board's practice to designate the first-filed proceeding as the "parent case." See TBMP § 511 (2d ed. rev. 2004). Opposition No. 91190416 is designated the "parent case." The parties shall no longer file separate motions or papers in each of these now consolidated proceedings; rather, only a single copy of each motion or paper shall be filed in the

² The civil case is captioned *Ross Greene v. J Stuart Ablon and The General Hospital Corporation d/b/a Massachusetts General*

parent case. Each paper filed in the parent case must bear the caption as set forth above, such caption including both of the proceeding numbers and listing the parent case first. See TBMP §511 (2d ed. rev. 2004).

Suspension

Inasmuch as counsel for opposer has indicated by telephone inquiry that opposer consents to suspension, the motions to suspend are hereby granted. It is the policy of the Board to suspend proceedings when the parties are involved in a civil action, which may be dispositive of or have a bearing on the Board case. See Trademark Rule 2.117(a).

Accordingly, these now consolidated proceedings are suspended pending final disposition of the civil action between the parties.³

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.

Hospital.

³A proceeding is considered to have been finally determined when a decision on the merits of the case (i.e. a dispositive ruling that ends litigation on the merits) has been rendered, and no appeal has been filed therefrom or all appeals filed therefrom have been decided. See TBMP § 510.02(b) (2d ed. rev. 2004).

