

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

Baxley

Mailed: September 11, 2009

Opposition No. 91188606

Home Box Office, Inc.

v.

Michael Machat

Opposition No. 91188606

TI Beverages Group, Ltd.

v.

Home Box Office, Inc.

Andrew P. Baxley, Interlocutory Attorney:

A review of the pleadings in the above-captioned proceedings indicates that the above-captioned proceedings involve common questions of law or fact.¹ Accordingly, the Board, in exercising its inherent authority to control the scheduling and conduct of cases on its docket, hereby orders their consolidation.² See Fed. R. Civ. P. 42(a);

¹ Indeed, inasmuch as TI Beverage Group, Ltd. ("TI") alleges in the notice of opposition in Opposition No. 91191425 that it is the exclusive licensee of Michael Machat ("Machat"), the claims under Trademark Act Section 2(a), 15 U.S.C. Section 1052(a), in the respective notices of opposition may mirror one another.

² Machat is TI's attorney of record. Accordingly, unless Machat and TI appoint an alternative lead counsel, the Board presumes that Machat

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Regatta Sport Ltd. v. Telux-Pioneer Inc., 20 USPQ2d 1154 (TTAB 1991); *Estate of Biro v. Bic Corp.*, 18 USPQ2d 1382 (TTAB 1991); and TBMP Section 511 (2d ed. rev. 2004).

The consolidated cases may be presented on the same record and briefs. 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 1423 (TTAB 1993).

The Board file will be maintained in Opposition No. 91188606 as the "parent" case. As a general rule, from this point onward, only a single copy of any submission should be filed herein. That copy, however, should include both consolidated proceeding numbers in the caption thereof.

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 pleading; a copy of the decision shall be placed in each proceeding file.

On August 20, 2009, Machat and TI filed essentially identical motions to suspend these proceedings pending final determination of a civil action styled *TI Beverage*

will serve as their lead counsel in these consolidated proceedings. See TBMP Section 511 (2d ed. rev. 2004).

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Group, Ltd. v. Omni Consumer Products, LLC, Case No. CV09-05936, filed in the United States District Court for the Central District of California. Home Box Office, Inc.'s ("HBO") attorney consented to these motions by telephone on September 10 and 11, 2009.

Accordingly, Machat's and TI's motions to suspend these proceedings pending final determination of Case No. CV09-05936 are granted. These consolidated proceedings are hereby suspended pending final determination, i.e., including any appeals and/or remands, of Case No. CV09-05936.

The Board will make annual inquiry as to the status of the civil action. Within twenty days after the final determination of the civil action, one of the parties should notify the Board so that this case can be called up for appropriate action. During the suspension period, the parties shall notify the Board of any address changes for the parties or their attorneys.