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

MBA/vb

Mailed: July 9, 2012

Opposition No. 91196926

GMA Accessories, Inc.

v.

Dorfman-Pacific Co.

Opposition No. 91203351

Dorfman-Pacific Co., Inc.

v.

GMA Accessories, Inc.

Michael B. Adlin, Interlocutory Attorney:

Pursuant to the Board's order of November 4, 2011, Opposition No. 91196926 is suspended pending final resolution of a pending civil action between the parties herein (GMA Accessories, Inc. v. Dorfman-Pacific Co., Inc., Case No. 1:11-cv-03731-RJH-THK, pending in the U.S. District Court for the Southern District of New York) (the "Federal Case"). Because Opposition No. 91203351 is closely related to Opposition No. 91196926 (and the Federal Case), it is hereby consolidated with Opposition No. 91196926 and thereby also suspended.

Consolidation

When cases involving common questions of law or fact are pending before the Board, the Board may order consolidation of the cases. *See* Fed. R. Civ. P. 42(a); *Regatta Sport Ltd. v. Telux-Pioneer Inc.*, 20 USPQ2d 1154 (TTAB 1991); and *Estate of Biro v. Bic Corp.*, 18 USPQ2d 1382 (TTAB 1991). In determining whether to consolidate proceedings, the Board will weigh the savings in time, effort, and expense which may be gained from consolidation, against any prejudice or inconvenience which may be caused thereby. *See, e.g.*, Wright & Miller, *Federal Practice and Procedure*: Civil 2d § 2383 (1999); and *Lever Brothers Co. v. Shaklee Corp.*, 214 USPQ 654 (TTAB 1982).

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, e.g.*, *Hilson Research Inc. v. Society for Human Resource Management*, 27 USPQ2d 1423 (TTAB 1993); and *Regatta Sport Ltd. v. Telux-Pioneer Inc.*, 20 USPQ2d 1154 (TTAB 1991).

Inasmuch as the parties to the two proceedings are identical and the issues are similar or related, Opposition Nos. 91196926 and 91203351 are **hereby consolidated.** The consolidated cases may be presented on the same record and briefs. *See Hilson Research Inc. v. Society for Human*

Resource Management, *supra*; and *Helene Curtis Industries Inc. v. Suave Shoe Corp.*, 13 USPQ2d 1618 (TTAB 1989).

The Board file will be maintained in Opposition No. **91196926 as the "parent" case**. As a general rule, from this point on only a single copy of any paper or motion should be filed herein, but each copy should bear both proceeding numbers in its caption.

Despite being consolidated, each proceeding retains its separate character and requires entry of a separate judgment. *See* Wright & Miller, *Federal Practice and Procedure, supra*. 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 decision to file Opposition No. 91203351 was curious indeed, given the Board's November 4, 2011 order in Opposition No. 91196926 and especially the Federal Case. **The parties are strongly advised to bring all issues between them into the Federal Case and to refrain from filing any related Board cases, at least until after the Federal Case is resolved.**

Suspension

Proceedings herein are and will remain suspended pending final disposition of the Federal Case. Within **TWENTY DAYS** after the final determination of the Federal Case, the

parties shall so notify the Board and call this case up for any appropriate action. During the suspension period the Board shall be notified of any address changes for the parties or their attorneys. Consideration of the pending motion to dismiss is **DEFERRED**, and the motion will be taken up, if appropriate, upon resumption.

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