

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

RK/cv

Mailed: March 18, 2013

Opposition Nos. **91197504 (parent)**
91197505

Omega SA (Omega AG) (Omega Ltd.)

v.

Alpha Phi Omega

Yong Oh (Richard) Kim, Interlocutory Attorney:

On February 19, 2013, opposer filed a consented motion to consolidate Opposition Nos. 91197504 and 91197505.

The Board may consolidate pending cases that involve common questions of law or fact. See Fed. R. Civ. P. 42(a); see also, *Regatta Sport Ltd. v. Telux-Pioneer Inc.*, 20 USPQ2d 1154 (TTAB 1991) and *Estate of Biro v. Bic Corp.*, 18 USPQ2d 1382 (TTAB 1991). Consolidation will avoid duplication of effort concerning the factual issues and will thereby avoid unnecessary costs and delays.

Inasmuch as the parties to the respective proceedings are the same, the proceedings involve common questions of law or fact, and the parties consent thereto, the Board finds that consolidation of the above-referenced proceedings is appropriate. In view thereof, the motion to consolidate is

Opposition Nos. 91197504 (parent) and 91197505 (child)

hereby **GRANTED** and **Opposition Nos. 91197504 and 91197505, are hereby CONSOLIDATED** and may be presented on the same record and briefs.¹ The record will be maintained in **Opposition No. 91197504 as the "parent" case**. The parties should no longer file separate papers in connection with each proceeding, but file only a single copy of each paper in the parent case. Each paper filed should bear the numbers of all consolidated proceedings in ascending order, and the parent case should be designated as such in the case caption as set forth above.

Consolidated cases do not lose their separate identity because of consolidation. Each proceeding retains its separate character and requires entry of a separate judgment. The decision on the consolidated cases shall take into account any differences in the issues raised by the respective pleadings and a copy of the final decision shall be placed in each proceeding file. See 9A Wright, Miller, Kane & Marcus, Fed. Prac. & Proc. Civ. § 2382 (3d ed. 2012).

For the consolidated trial schedule, parties generally follow the latest schedule in the "child" case. However, as the schedules in these proceedings are identical, dates remain as last reset in opposer's consented motion of December 27, 2012. For the parties' convenience, that schedule is reproduced below:

¹ The parties are instructed to promptly inform the Board of any other related cases within the meaning of Fed. R. Civ. P. 42.

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Expert Disclosures Due	5/20/2013
Discovery Closes	6/19/2013
Plaintiff's Pretrial Disclosures Due	8/3/2013
Plaintiff's 30-day Trial Period Ends	9/17/2013
Defendant's Pretrial Disclosures Due	10/2/2013
Defendant's 30-day Trial Period Ends	11/16/2013
Plaintiff's Rebuttal Disclosures Due	12/1/2013
Plaintiff's 15-day Rebuttal Period Ends	12/31/2013

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 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.

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