

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

MBA/tdc

Mailed: September 6, 2011

Opposition No. 91198127 (parent)

Opposition No. 91198128

Cofra Holding AG

v.

11 Good Energy, Inc.

Michael B. Adlin, Interlocutory Attorney:

When cases involving common questions of law or fact are pending before the Board, the Board may order the consolidation of the cases. Consolidation may be ordered on the Board's own initiative. See Fed. R. Civ. P. 42(a); and TBMP § 511 (3d ed. rev. 2011). Inasmuch as the parties to Opposition Nos. 91198127 and 91198128 are the same and the proceedings involve common questions of law or fact, the Board finds that consolidation of the above-referenced proceedings is appropriate. Consolidation will avoid duplication of effort concerning the factual issues and will thereby avoid unnecessary costs and delays.

Accordingly, Opposition Nos. 91198127 and 91198128 are hereby consolidated and may be presented on the same record and briefs. The record will be maintained in **Opposition**

Opposition Nos. 91198127 and 91198128

No. 91198127 as the "parent" case. The parties should no longer file separate papers in connection with each proceeding, but should instead 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 the parent case by following it with: "(parent)," as in the case caption 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 Wright & Miller, Federal Practice and Procedure: Civil § 2382 (1971).

The parties are instructed to promptly inform the Board of any other related cases within the meaning of Fed. R. Civ. P. 42. Disclosure, discovery, trial and other dates remain as set in the Board's May 23, 2011 order in Opposition No. 91198128.
