

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

MBA/nmt

Mailed: April 15, 2011

Opposition No. 91198614 (parent)

Opposition No. 91198615

Opposition No. 91198616

Traci Macaro and Ooh La
La! Ladies Consignment
Boutique, Inc.

v.

Ooh La La! Jewelry and
Accessories, Inc.

Michael B. Adlin, Interlocutory Attorney:

On March 30, 2011, applicant filed a motion, with opposer's consent, to consolidate Opposition Nos. 91198614, 91198615, and 91198616. Applicant has filed its answer in each proceeding for which consolidation is sought. See TBMP § 511 (2d ed. Rev. 2004).

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-Pioneed Inc.*, 20 USPQ2d 1154 (TTAB 1991). Inasmuch as the parties to the respective proceedings are the same and the proceedings involve common questions of law or fact, the Board finds

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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. Furthermore, opposer consents to consolidation. Trademark Rule 2.127(a).

In view thereof, applicant's motion to consolidate is hereby **GRANTED**. Opposition Nos. 91198614, 91198615, and 91198616 are hereby consolidated and may be presented on the same record and briefs. The record will be maintained in Opposition No. 91198614 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 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

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shall be placed in each proceeding file. See Wright & Miller, Federal Practice and Procedure: Civil § 2382 (1971).

Conferencing, disclosure, discovery and trial dates are reset as follows:

Deadline for Discovery Conference	4/27/2011
Discovery Opens	4/27/2011
Initial Disclosures Due	5/27/2011
Expert Disclosures Due	9/24/2011
Discovery Closes	10/24/2011
Plaintiff's Pretrial Disclosures	12/8/2011
Plaintiff's 30-day Trial Period Ends	1/22/2012
Defendant's Pretrial Disclosures	2/6/2012
Defendant's 30-day Trial Period Ends	3/22/2012
Plaintiff's Rebuttal Disclosures	4/6/2012
Plaintiff's 15-day Rebuttal Period Ends	5/6/2012

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 the taking of testimony. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rules 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.
