

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

RK/vb

Mailed: August 15, 2011

Opposition Nos. **91197053 (parent)**
91199117

Merial

v.

Sergeant's Pet Care Products, Inc.

Yong Oh (Richard) Kim, Interlocutory Attorney:

On April 18, 2011, applicant filed a motion to consolidate Opposition Nos. 91197053 and 91199117. Opposer filed a brief in opposition thereto on May 2, 2011 and subsequently filed its consent to consolidation on July 1, 2011.¹

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.

¹The Board notes that applicant has filed its answer in each proceeding for which consolidation is sought. See TBMP § 511 (3d ed. 2011).

Opposition Nos. 91197053 (parent) and 91199117

Inasmuch as the parties to the respective proceedings 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. Applicant's motion to consolidate is hereby **GRANTED** and Opposition Nos. 91197053 and 91199117 are hereby consolidated and may be presented on the same record and briefs.² The record will be maintained in **Opposition No. 91197053 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 Wright & Miller, Federal Practice and Procedure: Civil Section 2382 (1971).

² The parties are instructed to promptly inform the Board of any other related cases within the meaning of Fed. R. Civ. P. 42.

Opposition Nos. 91197053 (parent) and 91199117

For the consolidated trial schedule, the parties are to follow the latest schedule in the "child" case. For the parties' convenience, that schedule is reproduced below.

Expert Disclosures Due	10/29/2011
Discovery Closes	11/28/2011
Plaintiff's Pretrial Disclosures	1/12/2012
Plaintiff's 30-day Trial Period Ends	2/26/2012
Defendant's Pretrial Disclosures	3/12/2012
Defendant's 30-day Trial Period Ends	4/26/2012
Plaintiff's Rebuttal Disclosures	5/11/2012
Plaintiff's 15-day Rebuttal Period Ends	6/10/2012

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 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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