

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

am/gcp

Mailed: September 19, 2012

Opposition No. 91202967

Opposition No. 91202968

Shoe Show, Inc.

v.

Super Star International, Inc.

**George C. Pologeorgis,  
Interlocutory Attorney:**

It has come to the Board's attention that the above-captioned opposition proceedings involve common questions of law and fact and the parties are the same. When cases involving common questions of law or fact are pending before the Board, the Board may order the consolidation of the cases. 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). Accordingly, the Board, *sua sponte*, orders the consolidation of the above-captioned proceedings.

In view thereof, Opposition Nos. 91202967 and 91202968 are hereby consolidated.

The consolidated cases may be presented on the same record and briefs. See *Helene Curtis Industries Inc. v. Suave Shoe*

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*Corp.*, 13 USPQ2d 1618 (TTAB 1989) and *Hilson Research Inc. v. Society for Human Resource Management*, 26 USPQ2d 1423 (TTAB 1993).

The Board file for these consolidated cases will be maintained in Opposition No. 91202967 as the "parent" case. As a general rule, from this point on only a single copy of any paper or motion should be filed in the parent case of the consolidated proceedings, but that copy should bear both opposition proceeding numbers in its caption. The only exception is that the answer to each notice of opposition must be filed in the respective corresponding proceeding.<sup>1</sup>

The parties are further advised that despite being consolidated, each proceeding retains its separate character. 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.

In accordance with Board practice, discovery, disclosure and trial dates are reset to conform to the dates latest set in the proceedings that are being consolidated. In this instance, however, the Board notes that opposer filed a motion to compel

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<sup>1</sup> The Board notes that applicant has filed its answer in each of the proceedings consolidated herein.

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written discovery in each of the cases consolidated herein on September 17, 2012.

Accordingly, these now consolidated proceedings are suspended pending disposition of opposer's motions to compel, except as discussed below. The parties should not file any paper which is not germane to the motion to compel. See Trademark Rule 2.120(e)(2).

This suspension order does **not** toll the time for either party to make any required discovery disclosure, to respond to discovery requests which had been duly served prior to the filing and service of the motion to compel, or to appear for a discovery deposition which had been duly noticed prior to the filing and service of the motion to compel. See *Id.* The motions to compel will be decided in due course.

As a final matter, applicant's change of correspondence address and appearance of counsel on behalf of applicant filed on April 1, 2012 and April 14, 2012, respectively, in each of the proceedings consolidated herein are noted. Board records have been updated accordingly to reflect these filings.