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

RK/mt

Mailed: August 23, 2012

Opposition Nos. **91203277 (parent)**
91203279

3D International, LLC

v.

Palm Beach Motoring
Accessories, Inc.

Yong Oh (Richard) Kim, Interlocutory Attorney:

On May 24, 2012, opposer filed a consented motion to consolidate Opposition Nos. 91203277 and 91203279.

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 hereby **GRANTED** and **Opposition Nos. 91203277 and 91203279, are hereby CONSOLIDATED** and may be presented on the same record and briefs.[1] The record will be maintained in **Opposition No. 91203277 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).

Stipulated Protective Order

The stipulated protective agreement (filed May 15, 2012) is noted and its use in this proceeding is **APPROVED**.[2] The

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

[2] Applicant's filing fails to indicate proof of service as required by Trademark Rule 2.119. In order to expedite this matter, opposer is referred to http://ttabvue.uspto.gov/ttabvue/v?pno=91203277&pty=OPP&eno=9 to view a copy of the filing.

parties are referred, as appropriate, to TBMP §§ 412.03 (3d ed. rev. 2012) (Duration of Protective Order), 412.04 (Filing Confidential Materials With Board), 412.05 (Handling of Confidential Materials by the Board).

The parties are advised that only confidential or trade secret information should be filed pursuant to a stipulated protective agreement. Such an agreement may not be used as a means of circumventing paragraphs (d) and (e) of 37 CFR § 2.27, which provide, in essence, that the file of a published application or issued registration, and all proceedings relating thereto, should otherwise be available for public inspection.

Schedule

For the consolidated trial schedule, the parties are to follow the latest schedule in the "child" case. As the schedules in the parent and child proceedings are identical, dates remain as last reset. For the parties' convenience, that schedule is reproduced below:

Expert Disclosures Due	**11/11/2012**
Discovery Closes	**12/11/2012**
Plaintiff's Pretrial Disclosures Due	**1/25/2013**
Plaintiff's 30-day Trial Period Ends	**3/11/2013**
Defendant's Pretrial Disclosures Due	**3/26/2013**
Defendant's 30-day Trial Period Ends	**5/10/2013**
Plaintiff's Rebuttal Disclosures Due	**5/25/2013**
Plaintiff's 15-day Rebuttal Period Ends	**6/24/2013**

Notwithstanding, strict compliance with Trademark Rule 2.119 is required by applicant in all future papers filed with the Board.

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.

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