

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

JB

Mailed: July 15, 2013

Opposition No. 91207333

Opposition No. 91207598

RxD Media, LLC

v.

IP Application Development

LLC

Eric McWilliams, Supervisory Paralegal:

On May 28, 2013, opposer filed a motion, with applicant's consent, to consolidate Opposition Nos. 91207333 and 91207598. The Board notes initially that applicant has filed its answer in each proceeding for which consolidation is sought. See TBMP § 511.

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). 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. Consolidation will avoid duplication of effort concerning the factual issues and will thereby avoid unnecessary costs and delays.

In view thereof, opposer's motion to consolidate is hereby granted. Opposition Nos. 91207333 and 91207598 are hereby consolidated and may be presented on the same record and briefs. The record will be maintained in Opposition No. 91207333 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 the parent case by following it with: "(parent)," as in the case caption set forth above. Although the parties asked that the dates align with the current schedule in Opposition No. 91207598, the Board notes that applicant filed and was granted a motion to suspend on July 12, 2013 in Opposition No. 91207733. In view thereof, the dates are reset to the later dates as granted and are copied below:

Expert Disclosures Due	8/12/2013
Discovery Closes	9/11/2013
Plaintiff's Pretrial Disclosures	10/26/2013
Plaintiff's 30-day Trial Period Ends	12/10/2013
Defendant's Pretrial Disclosures	12/25/2013
Defendant's 30-day Trial Period Ends	2/8/2014
Plaintiff's Rebuttal Disclosures	2/23/2014

Plaintiff's 15-day Rebuttal Period Ends

3/25/2014

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.

***By the Trademark Trial
and Appeal Board***