

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

Mailed: January 10, 2014

Opposition No. 91210643
parent case
Cancellation No. 92057408

Tristar Products, Inc.

v.

Blue Gentian, LLC¹

Rochelle Adams, Paralegal Specialist:

Opposer's consented motion to consolidate the above proceedings filed on October 15, 2013 is noted. The Board also wishes to note the parties' stipulated motion to suspend filed on November 20, 2013 pending Board's ruling on the consolidation request and to reset all dates are hereby noted.

Accordingly, the October 15, 2013 consolidation request is granted and Opposition Nos. 91210643 and 92057408 are hereby consolidated and may be presented on the same record and briefs. The record will be maintained in Opposition No. 91210643 as the "parent" case. The Board notes initially that defendant has filed the answer in each proceeding for

¹ Applicant's September 20, 2013 answer and change of address is hereby noted.

which consolidation is sought. See TBMP § 511. 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.

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.

In view thereof such dates are reset as indicated below:

Deadline for Discovery Conference	2/9/2014
Discovery Opens	2/9/2014
Initial Disclosures Due	3/11/2014
Expert Disclosures Due	7/9/2014
Discovery Closes	8/8/2014
Plaintiff's Pretrial Disclosures	9/22/2014
Plaintiff's 30-day Trial Period Ends	11/6/2014
Defendant's Pretrial Disclosures	11/21/2014

Defendant's 30-day Trial Period Ends	1/5/2015
Plaintiff's Rebuttal Disclosures	1/20/2015
Plaintiff's 15-day Rebuttal Period Ends	2/19/2015

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.