

UNITED STATES PATENT AND TRADEMARK
OFFICE
Trademark Trial and Appeal Board
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Alexandria, VA 22313-1451
General Contact Number: 571-272-8500

Mailed: January 29, 2015

Opposition No. 91211392
(Parent)
Opposition No. 91215884

Hallmark Licensing, LLC

v.

Hallmark Industries, Inc.

Millicent Canady, Paralegal Specialist:

On September 24, 2014, opposer filed a corrected notification of dismissal of the civil action which occasioned the suspension of the proceedings herein, and requested that the Board resume proceedings and reset all deadlines accordingly. Opposer's request is **granted**, and proceedings are **resumed**.

Furthermore, on September 24, 2014, opposer filed a motion to consolidate Opposition. Nos. 91211392 and 91215884. The Board notes initially that applicant has filed its answer in each proceeding for which consolidation is sought.

When cases involving common questions of law or fact are pending before the Board, the Board may order consolidation of the cases. *See* Fed. R. Civ. P. 42(a); *Regatta Sport Ltd. v. Telux-Pioneer Inc.*, 20 USPQ2d 1154

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(TTAB 1991); and *Estate of Biro v. Bic Corp.*, 18 USPQ2d 1382 (TTAB 1991).

In determining whether to consolidate proceedings, the Board will weigh the savings in time, effort, and expense which may be gained from consolidation, against any prejudice or inconvenience which may be caused thereby.

Consolidation is discretionary with the Board, and may be ordered upon motion granted by the Board, or upon stipulation of the parties approved by the Board, or upon the Board's own initiative. *See, e.g., Hilson Research Inc. v. Society for Human Resource Management*, 27 USPQ2d 1423 (TTAB 1993).

It is noted that the parties to these proceedings are identical, and the issues are similar or related. Accordingly, the motion to consolidate is **granted**. Opposition Nos. 91211392 and 91211392 are hereby consolidated and may be presented on the same record and briefs. *See Hilson Research Inc. v. Society for Human Resource Management, supra*; and *Helene Curtis Industries Inc. v. Suave Shoe Corp.*, 13 USPQ2d 1618 (TTAB 1989).

The Board file will be maintained in Opposition No. **91211392** as the “parent case.” From this point on, only a single copy of all motions and papers should be filed, and each such motion or paper should be filed in the parent case only, but caption all consolidated proceeding numbers, listing the “parent case” first.¹

¹ The parties should promptly inform the Board of any other Board proceedings or related cases within the meaning of Fed. R. Civ. P. 42, so that the Board can consider whether further consolidation is appropriate.

Despite being consolidated, 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; a copy of the decision shall be placed in each proceeding file.

Upon consolidation, the Board will reset dates for the consolidated proceeding, usually by adopting the dates as set in the most recently instituted of the cases being consolidated. Trial dates are reset as set forth below.

Discovery Opens	2/28/2015
Initial Disclosures Due	3/30/2015
Expert Disclosures Due	7/28/2015
Discovery Closes	8/27/2015
Plaintiff's Pretrial Disclosures	10/11/2015
Plaintiff's 30-day Trial Period Ends	11/25/2015
Defendant's Pretrial Disclosures	12/10/2015
Defendant's 30-day Trial Period Ends	1/24/2016
Plaintiff's Rebuttal Disclosures	2/8/2016
Plaintiff's 15-day Rebuttal Period Ends	3/9/2016

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.

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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 2.129.²

² The Board notes and updates its records accordingly, with respect to the Notices of Appearances filed on behalf of applicant on (May 23, 2014) and opposer on (September 18, 2014).