

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

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Mailed: September 14, 2013

Opposition Nos. **91212032**
(Parent)
91212034
91212035
91212036¹
91212038

Champion Roofing, Inc.

v.

Champion Window
Manufacturing and Supply
Co., LLC AKA Champion Window

Karl Kochersperger, Paralegal Specialist:

On August 19, 2013, applicant filed a motion, with opposer's consent,² to consolidate Opposition Nos. 91212032, 92121034, 91212035, 91212036 and 91212038. The Board notes initially that applicant has not yet filed its answer in each proceeding for which consolidation is sought. See TBMP Section 511 (2d ed. rev. 2004).

The Board may consolidate pending cases that involve common questions of law or fact. See Fed. R. Civ. P. 42(a);

¹ Notice of opposition filed against Class 37 only in application Serial No. 85749389.

² Opposer provided its consent to applicant's motion to consolidate in a response filed August 23, 2013.

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, applicant's motion to consolidate is hereby granted. Opposition Nos. 91212032, 91212034, 01212035, 01212036 and 91212038 are hereby consolidated and may be presented on the same record and briefs. The record will be maintained in Opposition No. 91212032 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. However, because these proceedings are being consolidated before the filing of answer(s) in each case, applicant must file its answers in each proceeding, following which subsequent filings should be filed only 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 Section 2382 (1971).

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

Applicant's motion (filed August 19, 2013) to suspend these proceedings pending final determination of a civil action between the parties is hereby granted as well taken.³ It is the policy of the Board to suspend proceedings when the parties are involved in a civil action, which may be dispositive of or have a bearing on the Board case. See Trademark Rule 2.117(a).

Accordingly, proceedings are suspended pending final disposition of the civil action between the parties.

³ Opposer provided its consent to applicant's motion to suspend in a response filed August 23, 2013.

Within twenty days after the final determination of the civil action, the parties shall so notify the Board and call this case up for any appropriate action. During the suspension period, the parties shall notify the Board of any address changes for the parties or their attorneys.