

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

EJW/vw

Mailed: March 25, 2014

Opposition No. 91213088 (parent)
Opposition No. 91213090
Opposition No. 91213092

Dr. Matthias Rath

v.

Chaban Wellness LLC

ELIZABETH J. WINTER, INTERLOCUTORY ATTORNEY:

Proceedings Consolidated

On January 30, 2014, opposer filed a consent motion to consolidate the above-captioned proceedings, *i.e.*, Opposition Nos. 91213088, 91213090, and 91213092. The Board notes initially that applicant has filed its answer and counterclaim in each proceeding for which consolidation is sought. See TBMP Section 511 (3d ed. rev.2 2013).

The Board may consolidate pending cases that involve common questions of law or fact. See Fed. R. Civ. P. 42(a); Trademark Rule 2.116(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, the proceedings involve common questions of law or fact, and the

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parties agree to consolidation, 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 of the foregoing, opposer's consent motion to consolidate is hereby **granted**. See Fed. R. Civ. P. 42(a); and Trademark Rule 2.127(a). Accordingly, Opposition Nos. 91213088, 91213090, and 91213092 are hereby consolidated and may be presented on the same record and briefs. The record will be maintained in **Opposition No. 91213088** as the "parent" case. Unless directed otherwise, the parties should no longer file separate papers in connection with each proceeding. Instead, parties should file only a single copy of each paper in the parent case. Each paper filed, however, should bear the numbers of both consolidated proceedings in ascending order, and the parent case should be designated as the parent case, as in the case caption set forth above.

The parties are reminded that 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

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decision shall be placed in each proceeding file. See Wright & Miller, 9A Fed. Prac. & Proc. Civ. § 2382 (3d ed. 2009). The parties are instructed to promptly inform the Board of any other related cases within the meaning of Fed. R. Civ. P. 42.

Proceedings Suspended

Opposer's motions (filed on January 21, 2014 and on January 30, 2014, in the respective proceedings) to dismiss applicant's counterclaims and to strike or dismiss applicant's affirmative defenses are noted.¹

Proceedings herein are **SUSPENDED** pending disposition of said motions. The parties should not file any paper during the pendency of said motion which is not germane thereto. See Trademark Rule 2.127(d).

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¹ Opposer's certificate of service for its motion to dismiss (filed January 21, 2014) in Opp. No. 91213088 is noted.