

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

wbc

Mailed: October 9, 2014

Opposition No. 91213891 (parent)
91214938

Baldor Electric Company

v.

KSB Aktiengesellschaft

Wendy Boldt Cohen, Interlocutory Attorney:

It has come to the Board's attention that the parties are involved in Opposition No. 91214938 concerning the same and/or similar marks at issue in Opposition No. 91213891. When cases involving common questions of law or fact are pending before the Board, the Board may order the consolidation of the cases. 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* Fed. R. Civ. P. 42(a); TBMP § 511 (2014). Inasmuch as the parties to Opposition No. 91214938 are the same as the parties in Opposition No. 91213891 and the proceedings involve common questions of law and fact, the Board finds that consolidation of the proceedings is appropriate. Consolidation will avoid duplication of effort concerning the factual issues and will thereby avoid unnecessary costs and delays.

Opposition Nos. 91213891 and 91214938

Accordingly, Opposition Nos. 91213891 and 91214938 are hereby consolidated and may be presented on the same record and briefs. The record will be maintained in Opposition No. 91213891 as the “parent” case. The parties should no longer file separate papers in connection with each proceeding, but should instead file only a single copy of each paper in the parent case, except as noted below. 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* 9A Wright, Miller, Kane & Marcus, *Fed. Prac. & Proc. Civ.* § 2382 (Westlaw update 2013).

Notwithstanding the foregoing, Applicant must file a separate answer in each individual proceeding.¹ Thereafter, the parties should no longer file separate papers but instead should file one single copy of each paper in the parent case, as discussed above. Dates are hereby reset as follows:

¹ Applicant’s answer filed in Opposition No. 91213891 on June 25, 2014 is noted.

Opposition Nos. 91213891 and 91214938

Time to Answer in Opp. No. 91214938 ²	10/25/2014
Deadline for Discovery Conference	11/24/2014
Discovery Opens	11/24/2014
Initial Disclosures Due	12/24/2014
Expert Disclosures Due	4/23/2015
Discovery Closes	5/23/2015
Plaintiff's Pretrial Disclosures	7/7/2015
Plaintiff's 30-day Trial Period Ends	8/21/2015
Defendant's Pretrial Disclosures	9/5/2015
Defendant's 30-day Trial Period Ends	10/20/2015
Plaintiff's Rebuttal Disclosures	11/4/2015
Plaintiff's 15-day Rebuttal Period Ends	12/4/2015

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 Rules 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

² The Board's October 2, 2014 order in Opposition No. 91214938 gave Applicant 20 days from the date of the order in which to file an answer. Inasmuch as the order herein consolidates Opposition Nos. 91213891 and 91217938 and resets dates, Applicant's answer in Opposition No. 91214938 is reset and due October 25, 2014.

To the extent the parties have already conducted a discovery conference in Opposition No. 91213891, the parties, by agreement, may forego the discovery conference indicated in the schedule above if they believe and agree that the discovery conference already conducted adequately addresses the issues to be addressed in both proceedings. *See* Fed. R. Civ. P. 26(f); Trademark Rule 2.120(a)(2). Further, to the extent the parties may have already served discovery, the responding party has thirty days from the date of the order herein to respond to any discovery already properly served and not yet responded to. Thereafter, the discovery dates are reset as noted in the schedule above.