

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

Mailed: April 14, 2014

Opposition No. 91214912
(parent case)
Opposition No. 91215842

Versalis S.p.A.

v.

Berry Plastics Corporation

Nicole Thier, Paralegal Specialist:

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. See Fed. R. Civ. P. 42(a); see also, *Regatta Sport Ltd. v. Telux-Pioneer Inc.*, 20 USPQ2d 1154 (TTAB 1991). Accordingly, the Board hereby consolidates Opposition Nos. 91214912 and 91215842. The Board notes initially that applicant has not filed its answer in either proceeding. See TBMP § 511 (2d ed. Rev.2 2014).

The record will be maintained in Opposition No. 91214912 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 an answer, applicant **MUST** file its answer in each proceeding, following subsequent filings should be filed only in the parent case.

Each paper should bear the numbers of all consolidated proceedings in ascending order, and the parent case should be designated as the parents 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).

Accordingly, trial dates remain as set forth in the Board’s April 2, 2014 order, copied below.¹

Proceedings Resume	7/1/2014
Time to Answer	7/31/2014
Deadline for Discovery Conference	8/30/2014
Discovery Opens	8/30/2014
Initial Disclosures Due	9/29/2014
Expert Disclosures Due	1/27/2015
Discovery Closes	2/26/2015
Plaintiff's Pretrial Disclosures	4/12/2015
Plaintiff's 30-day Trial Period Ends	5/27/2015
Defendant's Pretrial Disclosures	6/11/2015
Defendant's 30-day Trial Period Ends	7/26/2015
Plaintiff's Rebuttal Disclosures	8/10/2015
Plaintiff's 15-day Rebuttal Period Ends	9/9/2015

¹ Opposer’s January 27, 2014 consented motion to suspend filed in Opposition No. 91215842 is noted. In view of the consolidation, the motion will receive no further consideration.

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.