

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

nmt

Mailed: June 12, 2014

**Opposition No. 91216180
(PARENT CASE)**

Opposition No. 91216453

Sun Mark Ltd

v.

Cereales Y Pastas, S.A. De C.V.

Jennifer Krisp, Interlocutory Attorney:

CONSOLIDATION

On June 10, 2014, applicant filed, in each of the above-captioned proceedings, a motion to dismiss for lack of subject matter jurisdiction, and a motion to consolidate. The Board notes initially that applicant filed its motion to dismiss in lieu of filing an answer in both opposition proceedings of which consolidation is sought. *See* TBMP § 511 (2013).

The Board may consolidate pending cases that involve common questions of law or fact. *See* Fed. R. Civ. P. 42(a); *see also, Regatta Sport Ltd. v. Telux-Pioneer Inc.*, 20 USPQ2d 1154 (TTAB 1991). Here, 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.

In view thereof, applicant's motion to consolidate is granted. Opposition Nos. 91216180 and 91216453 are consolidated and may be presented on the same record and briefs. The record will be maintained in Opposition No. 91216180 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. Every filing from this point forward must caption the consolidated proceedings in ascending order, and the parent case should be designated as such, as in the case caption set forth above in this order.

However, because these proceedings are being consolidated before the filing of an answer, in the event that the Board resumes proceedings and allows applicant time in which to file its answers, applicant must file its answer in each respective opposition proceeding.

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* TBMP § 511 (2013).

SUSPENSION

Proceedings are suspended pending disposition of applicant's motion to dismiss (filed June 10, 2014). Any paper filed during the pendency of this

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motion which is not relevant thereto will be given no consideration. *See*
Trademark Rule 2.127(d).

The motion to dismiss will be decided in due course.