

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: September 22, 2014

Opposition No. 91216623(Parent)
Opposition No. 91216624

Proscap Technologies, Inc.

v.

Appmachine B.V.

Karl Kochersperger, Paralegal Specialist:

On July 30, 2014, applicant filed an unconsented motion, to consolidate Opposition Nos. 91216623 and 91216624. The Board notes initially that applicant has 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); 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, and opposer has not objected, the Board finds that consolidation of the above-referenced proceedings is appropriate. Consolidation will avoid

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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. 91216623 and 91216624 are hereby consolidated and may be presented on the same record and briefs. The record will be maintained in Opposition No. 91216623 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. 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. Disclosure, discovery, trial and other dates in the now-consolidated cases are reset as follows:

Deadline for Discovery Conference	10/10/2014
Discovery Opens	10/10/2014
Initial Disclosures Due	11/9/2014

Expert Disclosures Due	3/9/2015
Discovery Closes	4/8/2015
Plaintiff's Pretrial Disclosures	5/23/2015
Plaintiff's 30-day Trial Period Ends	7/7/2015
Defendant's Pretrial Disclosures	7/22/2015
Defendant's 30-day Trial Period Ends	9/5/2015
Plaintiff's Rebuttal Disclosures	9/20/2015
Plaintiff's 15-day Rebuttal Period Ends	10/20/2015

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.