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: March 29, 2016

Opposition No. 91218720(Parent)

Affordable Naturals, LLC

v.

NutraMarks, Inc.

Cancellation No. 92062793

NutraMarks, Inc.

v.

Affordable Naturals, LLC

Karl Kochersperger, Paralegal Specialist:

On December 10, 2015, Affordable Naturals, LLC filed a notice of related proceeding of Opposition No. 91218720 and Cancellation No. 92062793. The Board notes initially that Affordable Naturals, LLC has not yet filed its answer in each proceeding for which consolidation is sought.

When cases involving common questions of law or fact are pending before the Board, the Board may order consolidation of the cases. *See* Fed. R. Civ. P. 42(a); *Regatta Sport Ltd. v. Telux-Pioneer Inc.*, 20 USPQ2d 1154 (TTAB 1991); and *Estate of Biro v. Bic Corp.*, 18 USPQ2d 1382 (TTAB 1991). In determining whether to consol-

idate proceedings, the Board will weigh the savings in time, effort, and expense which may be gained from consolidation, against any prejudice or inconvenience which may be caused thereby.

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, e.g.*, *Hilson Research Inc. v. Society for Human Resource Management*, 27 USPQ2d 1423 (TTAB 1993); and *Regatta Sport Ltd. v. Telux-Pioneer Inc.*, 20 USPQ2d 1154 (TTAB 1991).

It is noted that the parties to these proceedings are identical and the issues are similar or related. Accordingly, the motion to consolidate is granted. Opposition No. 91218720 and Cancellation No. 92062793 are hereby consolidated and may be presented on the same record and briefs. *See Hilson Research Inc. v. Society for Human Resource Management*, *supra*; and *Helene Curtis Industries Inc. v. Suave Shoe Corp.*, 13 USPQ2d 1618 (TTAB 1989).

The Board file will be maintained in Opposition No. **91218720** as the "parent case." From this point on, only a single copy of any motion and any paper should be filed, and each such motion or paper should be filed in the parent case only, but caption all consolidated proceeding numbers, listing the parent case first. However, inasmuch as these proceedings are being consolidated prior to joinder of the issues in each proceeding, Applicant/Respondent should file a separate answer in each pro-

ceeding before commencing the practice of filing a single copy of all motions and papers in the parent case.[1]

Despite being consolidated, 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; a copy of the decision shall be placed in each proceeding file.

Upon consolidation, the Board will reset dates for the consolidated proceeding, usually by adopting the dates as set in the most recently instituted of the cases being consolidated.

The Board has been notified that the civil action which occasioned the suspension of these proceedings is still pending as of January 2016.

Accordingly, proceedings remain suspended pending final determination of the civil action. *See* Trademark Rule 2.117(a).

Within twenty days after such final determination, the parties shall notify the Board so that this proceeding may be called up for appropriate action. Such notification to the Board should include a copy of any final order or final judgment which issued in the civil action.

During the suspension period, the parties shall notify the Board of any address changes for the parties or their attorneys.

[1] The parties should promptly inform the Board of any other Board proceedings or related cases within the meaning of Fed. R. Civ. P. 42, so that the Board can consider whether further consolidation is appropriate.