

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

BUO

Mailed: December 1, 2015

**Opposition No. 91221325 (Parent)**  
Cancellation No. 92061202

*Red Bull GmbH*

*v.*

*Jordi Nogues, S.L.*

**Benjamin U. Okeke, Interlocutory Attorney:**

***Consolidation***

Whenever it comes to the Board's attention that cases involving common questions of law or fact are pending before the Board, the Board may order the consolidation of the cases. Such consolidation may be ordered on the Board's own initiative. *See* Fed. R. Civ. P. 42(a); and TBMP § 511. Inasmuch as the parties to Opposition No. 91221325 and Cancellation No. 92061202 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.

Accordingly, Opposition No. 91221325 and Cancellation No. 92061202 are consolidated and may be presented on the same record and briefs. **The**

**record will be maintained in Opposition No. 91221325 as the “parent” case.** The Board notes initially that Applicant/Respondent has filed its answers in each proceeding which is being consolidated by this order. *See* TBMP § 511. 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.<sup>1</sup>

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 Dating DNA LLC v. Imagini Holdings Ltd.*, 94 USPQ2d 1889, 1893 (TTAB 2010).

Upon consolidation, the Board will generally reset dates for the consolidated proceeding, usually by adopting the dates as set in the most recently instituted of the cases being consolidated. The dates herein will be reset upon resolution of Opposer/Petitioner’s motion for judgment on the pleadings.

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<sup>1</sup> The parties are instructed to promptly inform the Board of any other related cases within the meaning of Fed. R. Civ. P. 42, so that the Board can consider whether further consolidation is appropriate.

***Suspension***

The proceeding is **SUSPENDED** pending disposition of Petitioner's motion for judgment on the pleadings, filed November 12, 2015. Any paper filed during the pendency of this motion which is not relevant thereto will be given no consideration.<sup>2</sup> See Trademark Rule 2.127(d).

This suspension order does not toll the time for either party to respond to any outstanding discovery or to serve expert or pretrial disclosures.

The motion for judgment on the pleadings will be decided in due course.

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<sup>2</sup> Inasmuch as the proceeding was considered suspended as of the filing date of Petitioner's motion for judgment on the pleadings, Respondent's motion to compel will be given no consideration. If judgment is not entered by way of Petitioner's motion, Respondent will then have an opportunity to raise its motion to compel if it is still warranted.