

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 15, 2016

Opposition No. 91222493 (Parent Case)  
Opposition No. 91222494  
Opposition No. 91224001

*Westlake Chemical Corporation*

*v.*

*Westlake Plastics Company*

**Tyrone Craven, Lead Paralegal Specialist:**

On February 3, 2016, the parties' filed a stipulated motion to consolidate Opposition No. 91224001 with Consolidated Opposition Nos. 91222493 (Parent) and 91222494. The Board notes that Applicant has filed its answer in Opposition No. 91224001.

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 consolidate 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).

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. 91224001 is hereby consolidated with Opposition Nos. 91222493 and 91222494 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 continue to be maintained in **Opposition No. 91222493 (Parent case)**. From this point on, only a single copy of all motions and papers 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.<sup>1</sup>

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.

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<sup>1</sup> 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.

Accordingly, trial dates remain as set forth in Opposer's April 13, 2016 motion filed in Opposition No. 91222493 (Parent Case). For the parties' convenience, trial dates are copied below.

Expert Disclosures Due	<b>5/27/2016</b>
Discovery Closes	<b>6/26/2016</b>
Plaintiff's Pretrial Disclosures	<b>8/10/2016</b>
Plaintiff's 30-day Trial Period Ends	<b>9/24/2016</b>
Defendant's Pretrial Disclosures	<b>10/9/2016</b>
Defendant's 30-day Trial Period Ends	<b>11/23/2016</b>
Plaintiff's Rebuttal Disclosures	<b>12/8/2016</b>
Plaintiff's 15-day Rebuttal Period Ends	<b>1/7/2017</b>

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.