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

kk

Mailed: March 25, 2016

Opposition No. 91224026 (Parent)
Opposition No. 91224028
Opposition No. 91225138

Synergent

v.

Credit Union 24, Incorporated

Geoffrey M. McNutt, Interlocutory Attorney:

Now before the Board are (1) the parties' February 24, 2016, stipulated motion for consolidation of Opposition Nos. 91224026, 91224028, and 91225138; and (2) the parties' stipulated motion to extend Applicant's deadline for responding to Opposer's motion for judgment on the pleadings.

Consolidation

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 Nos. 91224026, 91224028 and 91225138 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. **91224026** as the "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.[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.

[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.

Opposer's Motion for Judgment on the Pleadings

Proceedings are **SUSPENDED** pending disposition of Opposer's February 26, 2016, motion for judgment on the pleadings (filed separately in each of the three now-consolidated cases). Any paper filed during the pendency of this motion which is not relevant thereto will be given no consideration. *See* Trademark Rule 2.127(d). This suspension also tolls the time for responding to any outstanding discovery requests.

Applicant's consented motion for an extension of its time to respond to Opposer's motion is granted. Applicant's response is due by **March 30, 2016**. In view of the consolidation of these proceedings, Applicant is directed to file a single brief in response to Opposer's motion, and Opposer, in turn, is directed to file a single reply brief. As noted above, the parties' briefs should be filed only in the parent case. Applicant's response and Opposer's reply must comply with the page limitation set forth in Trademark Rule 2.127(a).

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