

UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Trademark Trial and Appeal Board  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

MAILED

Skoro

OCT 07 1998

PAT. & T.M. OFFICE

Opposition No. 110,811  
110,969  
Cancellation No. [REDACTED]

These cases now come up on opposer's motion to consolidate filed August 28, 1998. A review of the pleadings in the above-identified opposition and cancellation proceedings indicates that the parties are the same and the proceedings involve substantially identical questions of fact and law.

Since the marks sought to be registered by applicant in each of its applications and the registration here involved are very similar, and inasmuch as opposer has in each instance challenged applicant's right of registration on the basis that the phrase "all in one" in relation to dental care products is merely descriptive, it is believed that these proceedings may be presented on the same record without appreciable inconvenience or confusion. Moreover, the consolidation would be equally advantageous to both parties in the avoidance of the duplication of effort, loss of time, and the extra expense involved in conducting the proceedings individually. See Rule 42(a) of the Federal Rules of Civil Procedure.

Opposition Nos. 110,811; 110,969 and Cancellation No. 27,735

The consolidated cases may be presented on the same record and briefs. See, Helene Curtis Industries Inc. v. Suave Shoe Corp., 13 USPQ2d 1618 (TTAB 1989). As a general rule, from this point on only a single copy of any paper or motion should be filed herein; but that copy should bear all proceeding numbers in its caption. Exceptions to the general rule of one copy involve stipulated extensions of the discovery and trial dates and briefs on the case, which require additional copies. See Trademark Rules 2.121(d) and 2.128.

Despite being consolidated, each proceeding retains its separate character. 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 decision shall be placed in each proceeding file.

In accordance with standard Board practice, the discovery and trial schedule for the consolidated cases are the dates in the "youngest" case. Thus, in these cases the operative schedule would be found in Opposition No. 110,969. The parties are further advised that they are to periodically inform the Board if any subsequent oppositions are instituted which involve the same parties and the same issues.

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