

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Baxley

Mailed: August 29, 2003

Cancellation No. 92/040,616

DAMIANI DADA ENTERPRISES, INC.

v.

DADA CORP.

Cancellation No. 92/040,714

DADA CORP.

v.

DAMIANI DADA ENTERPRISES, INC.

Andrew P. Baxley, Interlocutory Attorney:

The Board hereby orders the consolidation of Cancellation Nos. 40,616 and 40,714 inasmuch as the parties are the same, and the two proceedings involve common questions of law or fact.¹ 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) and *Hilson Research Inc. v. Society for Human Resource Management*, 26 USPQ2d 1423 (TTAB 1993).

¹ When cases involving common questions of law or fact are pending before the Board, the Board may order the consolidation of the cases. See Fed. R. Civ. P. 42(a); see also, *Regatta Sport Ltd. v. Telux-Pioneer Inc.*, 20 USPQ2d 1154 (TTAB 1991) and *Estate of Biro v. Bic Corp.*, 18 USPQ2d 1382 (TTAB 1991).

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The Board filed will be maintained in Opposition No. 40,616 as the "parent" case. 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 two proceeding numbers in its caption. However, and because the involved proceedings were consolidated prior to joinder of the issues in Cancellation No. 40,616, Dada Corp. ("Dada") should file an answer in that proceeding before commencing the practice of filing a single copy of any paper in the parent case. Other exceptions to the general rule involve stipulated extensions of the discovery and trial dates, see Trademark Rule 2.121(d), and briefs on the case, see Trademark Rule 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 pleading; a copy of the decision shall be placed in each proceeding file.

Dada's consented motion (filed August 18, 2003) to extend time to answer in Cancellation No. 40,616 is noted. Inasmuch as that motion is the second consented motion to extend time to answer that Dada has filed since the Board resumed proceedings in Cancellation No. 40,616 in a May 19, 2003 order, the Board presumes that the parties are discussing settlement of these consolidated proceedings. Accordingly,

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proceedings herein are **suspended** until **six months** from the mailing date of this action, subject to the right of either party to request resumption at any time. See Trademark Rule 2.117(c).

If there is no word from either party concerning the progress of their negotiations within the next six months, the Board will issue an order resuming proceedings and resetting the time for Dada to file an answer or other response to the petition to cancel in Cancellation No. 40,616 and addressing the counterclaim that Damiani Dada Enterprises, Inc. ("Damiani") filed in Cancellation No. 40,714.

If, during the suspension period, either of the parties or their attorneys should have a change of address, the Board should be so informed.