

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 1, 2014

Opposition No. 91182881 (parent)
Opposition No. 91184044
Cancellation No. 92045173
Cancellation No. 92050014

Glenn Danzig

v.

Cycloplan Music, Inc.

Veronica P. White, Paralegal Specialist:

Proceedings Consolidated

The Board has reviewed the record in the four above-captioned proceedings, *i.e.*, 91182881, 91184044, 92045173, and 92050014.¹ The Board notes initially that answers have been filed in each proceeding.

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

¹ The Board notes the stipulated motions (filed March 21, 2014 in Opposition No. 91182881, and on March 28, 2014 in Opposition No. 91184044, Cancellation No. 92045173, and 92050014) to consolidate the proceedings.

Proceeding Nos. 91182881, 91184044, 92045173, and 92050014

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**.

Proceeding Nos. 91182881, 81184044, 92045173, and 92050014 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. 91182881** 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**. All motions and papers filed must caption all of the

consolidated proceeding numbers, listing the "parent case" first (see caption herein above).²

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.

Trial Schedule

Dates in the consolidated proceeding are reset as indicated below:

Plaintiff's Pretrial Disclosures	6/2/2014
Plaintiff's 30-day Trial Period Ends	7/17/2014
Defendant's Pretrial Disclosures	8/1/2014
Defendant's 30-day Trial Period Ends	9/16/2014
Plaintiff's Rebuttal Disclosures	9/30/2014
Plaintiff's 15-day Rebuttal Period Ends	10/30/2014

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.

² 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.