

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

RA

Mailed: February 17, 2010

Opposition No. 91192385
Cancellation No. 92051639

Cartier International N.V.
and Cartier NA

v.

Stuckey Diamond Inc.

Elizabeth A. Dunn, Attorney (571-272-4267):

This case comes up on applicant's motion to consolidate the above-listed proceedings, filed December 9, 2009. On December 23, 2009, opposers filed their consent to consolidation.

In Opposition No. 91192385, Cartier International N.V. and Cartier NA (hereafter, opposers) filed a notice of opposition against Application Serial No. 77716264 for the mark LOVE MARK (stylized) for diamonds and jewelry. Stuckey Diamond Inc. (hereafter, applicant) filed an answer and counterclaim, including the required fee, to cancel pleaded Registration Nos. 1005286 for the mark LOVE BRACELET for bracelets and 3637776 for the mark LOVE (stylized) for soaps,

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perfumery, essential oils, cosmetics, hair lotions. Opposers filed an answer to the counterclaim.

In Cancellation No. 92051639, opposers filed a petition to cancel Stuckey Diamond Inc.'s Registration No. 3143180 for the mark LOVEMARK for loose diamonds and finished jewelry incorporating diamonds. Applicant filed an answer and counterclaim to cancel the same two pleaded registrations. Opposers filed an answer to the counterclaim.

Because the parties are the same, and the two proceedings involve common issues of law and fact, the Board believes that the interest of judicial economy will be served by consolidation of Opposition No. 91192385 and Cancellation No. 92051639. See Fed. R. Civ. P. 42(a).

Accordingly, applicant's motion to consolidate is granted, and Opposition No. 91192385 and Cancellation No. 92051639 are consolidated, and may be presented on the same record and briefs.¹

Dates for the consolidated proceeding are reset below:

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| Deadline for Discovery Conference | March 17, 2010 |
| Discovery Opens | March 17, 2010 |
| Initial Disclosures Due | April 16, 2010 |
| Expert Disclosures Due | August 14, 2010 |
| Discovery Closes | September 13, 2010 |
| Plaintiff's Pretrial Disclosures | October 28, 2010 |

¹ The Board file will be maintained in Opposition No. 91192385 as the "parent" case, but all papers filed herein must include the proceeding numbers of all consolidated cases in ascending order.

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| 30-day testimony period for plaintiff's testimony to close | December 12, 2010 |
| Defendant/Counterclaim Plaintiff's Pretrial Disclosures | December 27, 2010 |
| 30-day testimony period for defendant and plaintiff in the counterclaim to close | February 10, 2011 |
| Counterclaim Defendant's and Plaintiff's Rebuttal Disclosures Due | February 25, 2011 |
| 30-day testimony period for defendant in the counterclaim and rebuttal testimony for plaintiff to close | April 11, 2011 |
| Counterclaim Plaintiff's Rebuttal Disclosures Due | April 26, 2011 |
| 15-day rebuttal period for plaintiff in the counterclaim to close | May 26, 2011 |
| Brief for plaintiff due | July 25, 2011 |
| Brief for defendant and plaintiff in the counterclaim due | August 24, 2011 |
| Brief for defendant in the counterclaim and reply brief, if any, for plaintiff due | September 23, 2011 |
| Reply brief, if any, for plaintiff in the counterclaim due | October 8, 2011 |

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.
