

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

Winter/jh

Mailed: February 9, 2010

Cancellation No. 92051714

Cancellation No. 92051790

Cancellation No. 92051821

Zoba International Corp.

v.

DVD Format / Logo Licensing
Corporation

ELIZABETH J. WINTER, INTERLOCUTORY ATTORNEY:

Proceedings Consolidated

On December 11, 2009, respondent filed a consented motion to consolidate the above-identified proceedings.

The Board may, in its discretion, order cases consolidated prior to joinder of issue. See Trademark Rule 2.104(b), 37 C.F.R. § 2.104(b); TBMP § 511 (2d ed. rev. 2004). On review of the petitions for cancellation, the Board notes that in each proceeding listed above, petitioner brings claims of fraud and abandonment in connection with respondent's registered "DVD and design" marks (U.S. Reg. Nos. 2295726, 2381677, and 2711602, respectively). Because the parties are the same, the three proceedings involve common issues of law and fact, and respondent has consented

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to the consolidation, the Board believes that the interest of judicial economy will be served by consolidation of Cancellation Nos. 92051714, 92051790 and 92051821. See Fed. R. Civ. P. 42(a) and TBMP § 511 (2nd ed. rev. 2004). Accordingly, petitioner's motion to consolidate is granted.

Cancellation Nos. 92051714, 92051790 and 92051821 may hereafter be presented on the same records and briefs. The record will be maintained in Cancellation No. 92051714 as the "parent" case, but all papers filed in these cases should include all three proceeding numbers in ascending order. See Fed. R. Civ. P. 42(a); and TBMP § 511 (2d ed. rev. 2004). However, should respondent's motions to dismiss (discussed *infra*) be denied and these proceedings resume, respondent's time to file an answer in each of the consolidated proceedings will be reset, and respondent will be required to file an answer in each proceeding.¹

Consented Extension of Time to File Responsive Brief

The Board notes petitioner's consented motion (filed in each proceeding on January 28, 2010) for an extension of time until February 19, 2010² to file its brief in

¹ Consolidated cases do not lose their separate identity because of consolidation. Each proceeding retains its separate character and requires entry of a separate judgment. See Wright & Miller, 9A Fed. Prac. & Proc. Civ. § 2382 (3d ed. 2009).

² Petitioner mistakenly stated "2007" in the motion, which the Board construes to be the current calendar year.

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opposition to respondent's respective motions to dismiss. Inasmuch as respondent has consented to such extension, the motion is granted. See Trademark Rule 2.127(a); and TBMP § 509.02 (2d ed. rev. 2004). Accordingly, petitioner's brief in response to the motions to dismiss must be filed with the Board no later than February 19, 2010.

Proceedings Suspended

These consolidated proceedings are **SUSPENDED** pending disposition of respondent's motions to dismiss filed in the respective cancellation proceedings on January 21, 2010. Any paper filed during the pendency of these motions which is not relevant thereto will be given no consideration. See Trademark Rule 2.127(d).
