

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

COLLOPY/BUTLER

Mailed: June 27, 2013

**Opposition No. 91204493
Opposition No. 91207419
Cancellation No. 92056303**

L'Oreal USA, Inc.

v.

Too Faced Cosmetics LLC

Cheryl Butler, Attorney, Trademark Trial and Appeal Board:

Opposition No. 91204493 was filed on March 28, 2012. An answer was filed On May 7, 2013. Opposition No. 91207419 was filed on October 10, 2012. An answer was filed on November 13, 2013. Cancellation No. 92056303 was filed October 10, 2012. An answer was filed November 13, 2012. Plaintiff, on February 13, 2013, filed a petition to disqualify defendant's counsel in Opposition No. 91204493; and on February 13, 2013, filed a petition to disqualify defendant's counsel in Opposition No. 91207419 and Cancellation No. 92056303. On February 21, 2013, the Board suspended proceedings in each case pending consideration of defendant's petition to disqualify plaintiff's counsel.

Proceedings are Consolidated

The Board has reviewed each of the above-identified proceedings which involve the same parties and at least some of the same questions of law and fact. When the parties are involved in cases concerning common questions of law or fact pending before the Board, consolidation of such cases may be appropriate. Moreover, proceedings may be consolidated upon the Board's own initiative. See Fed. R. Civ. P. 42(a) and TBMP § 511 (3d ed. rev. 2012).

In addition to involving the same parties and at least some of the same issues of law and fact, the three proceedings presently have the same procedural posture. Accordingly, the Board finds it appropriate to consolidate the above-identified proceedings for purposes of judicial economy. Accordingly, Opposition No. 91204493, Opposition No. 91207419, and Cancellation No. 92056303 are hereby consolidated and may be presented on the same records and briefs. The record will be maintained in Opposition No. **91204493** as the "parent" case, but all papers filed in these cases should include all proceeding numbers in ascending order as shown in the caption of this order.

Defendant's Motion to Suspend is Granted

These cases now come up on defendant's motions, filed on June 20, 2013 in each case, to suspend for thirty days to allow

Opposition Nos. 91204493 and 91207419; Cancellation No. 92056303

the parties to continue their settlement negotiations. The consented motions are granted. See Trademark Rule 2.117(c); TBMP 510.02(a) (3d ed. rev. 2012).

In the event that there is no word from the parties concerning the status of the negotiations, proceedings will be resumed on **July 22, 2013**, to the extent that consolidated proceedings will remain suspended pending the Board's decision regarding the petition to disqualify.
