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: August 12, 2014

Cancellation No. 92058605 **(parent)**
Cancellation No. 92058662

Nick Mascitelli Imports Pty Ltd.

v.

Brando Enterprises, L.P.

Tyrone Craven, Lead Paralegal Specialist:

Petitioner's motion to extend time filed July 1, 2014 is noted.[1] To date, a brief in response to the motion has not been received. Accordingly, petitioner's motions filed July 1, 2014, to extend the time in which to respond to respondent's first set of discovery requests are granted as conceded. Trademark Rule 2.127(a).

A review of record reveals that the parties are also involved in Cancellation No. 92058662. 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). Inasmuch as the parties to Cancellation Nos. 92058605 and

[1] Petitioner filed its motion to extend time in both Cancellation No. 92058605 and 92058662.

92058662 are the same and the proceedings involve common questions of law or fact, the Board finds that consolidation of the above-referenced proceedings is appropriate. Consolidation will avoid duplication of effort concerning the factual issues and will thereby avoid unnecessary costs and delays.

Accordingly, Cancellation Nos. 92058605 and 92058662 are hereby consolidated and may be presented on the same record and briefs. The record will be maintained in Cancellation No. 92058605 as the "parent" case. The Board notes initially that registrant has filed its answer in each proceeding for which consolidation is sought. See TBMP § 511 (2d ed. rev. 2004). The parties should no longer file separate papers in connection with each proceeding, but file only a single copy of each paper in the parent case. Each paper filed should bear the numbers of all consolidated proceedings in ascending order, and the parent case should be designated as the parent case by following it with: "(parent)," as in the case caption set forth above.

Consolidated cases do not lose their separate identity because of consolidation. 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 and a copy of the final decision shall be placed in each proceeding file. See Wright & Miller, Federal Practice and Procedure: Civil §2382 (1971).

The parties are instructed to promptly inform the Board of any other related cases within the meaning of Fed. R. Civ. P. 42.

Trial dates for the consolidated proceedings remain as set below:

Expert Disclosures Due 9/19/2014
Discovery Closes 10/19/2014
Plaintiff's Pretrial Disclosures 12/3/2014
Plaintiff's 30-day Trial Period Ends 1/17/2015
Defendant's Pretrial Disclosures 2/1/2015
Defendant's 30-day Trial Period Ends 3/18/2015
Plaintiff's Rebuttal Disclosures 4/2/2015
Plaintiff's 15-day Rebuttal Period Ends 5/2/2015

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]

[2] Petitioner's notice of appearance of counsel filed July 1, 2014 and registrant's change of address dated March 17, 2014, are both noted. The Board records have been updated accordingly.