

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

Cancellation No. 92059099
Cancellation No. 92059167

Carnevora, Inc.

v.

Dog Haus LLC

Millicent Canady, Paralegal Specialist:

On August 22, 2014, petitioner filed a motion to consolidate 92059099 and 92059164. The Board notes initially that respondent has filed its answer in each proceeding for which consolidation is sought.

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 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. 92059099 and 92059167 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 Cancellation No. **92059099** 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, but caption all consolidated proceeding numbers, listing the “parent case” first.¹

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.

Upon consolidation, the Board will reset dates for the consolidated proceeding, usually by adopting the dates as set in the most recently

¹ 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.

instituted of the cases being consolidated. Trial dates including counterclaim dates are reset as indicated below.

Initial Disclosures Due	November 19, 2014
Expert Disclosures Due	March 19, 2015
Discovery Closes	April 18, 2015
Plaintiff's Pretrial Disclosures	June 2, 2015
30-day testimony period for plaintiff's testimony to close	July 17, 2015
Defendant/Counterclaim Plaintiff's Pretrial Disclosures	August 1, 2015
30-day testimony period for defendant and plaintiff in the counterclaim to close	September 15, 2015
Counterclaim Defendant's and Plaintiff's Rebuttal Disclosures Due	September 30, 2015
30-day testimony period for defendant in the counterclaim and rebuttal testimony for plaintiff to close	November 14, 2015
Counterclaim Plaintiff's Rebuttal Disclosures Due	November 29, 2015
15-day rebuttal period for plaintiff in the counterclaim to close	December 29, 2015
Brief for plaintiff due	February 27, 2016
Brief for defendant and plaintiff in the counterclaim due	March 28, 2016
Brief for defendant in the counterclaim and reply brief, if any, for plaintiff due	April 27, 2016
Reply brief, if any, for plaintiff in the counterclaim due	May 12, 2016

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.