

UNITED STATES PATENT AND TRADEMARK
OFFICE
Trademark Trial and Appeal Board
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VV

Mailed: February 6, 2015

Cancellation No. 92059632
(Parent)
Cancellation No. 92060387

PRL USA Holdings, Inc.

v.

Fabian Claudio Olemberg¹

Eric McWilliams, Supervisory Paralegal:

On December 3, 2014, petitioner filed a motion to consolidate Cancellation Nos. 92059632 and 92060387. 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

¹ Registrant's change of correspondence address (filed August 25, 2014) in Opposition No. 92059632 is noted. The Board's records have been updated to reflect registrant's current address.

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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. Cancellation Nos. 92059632 and 92060387 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. 92059632 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.²

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 typically resets the dates for the consolidated proceeding, by adopting the dates as set in the most recently instituted of the cases being consolidated. Accordingly, the trial dates as requested are copied below.

| | |
|---|-------------------|
| Time to Answer | 12/28/2014 |
| Deadline for Discovery Conference | 1/27/2015 |
| Discovery Opens | 1/27/2015 |
| Initial Disclosures Due | 2/26/2015 |
| Expert Disclosures Due | 6/26/2015 |
| Discovery Closes | 7/26/2015 |
| Plaintiff's Pretrial Disclosures | 9/9/2015 |
| Plaintiff's 30-day Trial Period Ends | 10/24/2015 |
| Defendant's Pretrial Disclosures | 11/8/2015 |
| Defendant's 30-day Trial Period Ends | 12/23/2015 |
| Plaintiff's Rebuttal Disclosures | 1/7/2016 |
| Plaintiff's 15-day Rebuttal Period Ends | 2/6/2016 |

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.

² 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 consideration is appropriate.