

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Mailed: May 6, 2003

Opposition No. 91124549
Opposition No. 91124851
Opposition No. 91125619
Opposition No. 91125716
Opposition No. 91150591
Opposition No. 91151604
Opposition No. 91151773
Opposition No. 91152524

AMERICAN MULTI-CINEMA, INC.

v.

HUBBARD MEDIA GROUP LLC

Cheryl Goodman, Interlocutory Attorney:

This case now comes up on applicant's consented motion to suspend in Opposition No. 91124549 and notice of related proceedings, filed March 28, 2003; and applicant's response to notice of default in Opposition No. 125,619, filed December 12, 2002.

Consolidation

Applicant has advised the Board of the related proceedings involving the parties. These proceedings are Opposition Nos. 124,549, 124,851, 125,619, 125,716, 150,591, 151,604, 151,773, and 152,524.

The Board has reviewed these proceedings and finds that each proceeding involves the same parties, similar marks, and at least some of the same questions of law and fact. When cases involving questions of law or fact are pending before the Board, the Board may order the consolidation of the cases. Such consolidation may be ordered on the Board's own initiative. See Fed. R. Civ. P. 42(a); *Regatta Sports Ltd., v. Telux-Pioneer, Inc.*, 20 USPQ2d 1154 (TTAB 1991); *Estate of Biro v. Bic Corp.*, 18 USPQ2d 1382 (TTAB 1991); and TBMP Section 511. The Board finds consolidation appropriate herein.

Accordingly, Opposition Nos. 124,549, 124,851, 125,619, 125,716, 150,591, 151,604, 151,773 and 152,524 are hereby consolidated. Although each proceeding retains its separate character, the cases may be presented on the same record and briefs. The record will be maintained at the Board in Opposition No. 124,549 as the "parent" case, but all papers filed in these cases should include all proceeding numbers in ascending order

Notice of Default Set Aside in Opposition No. 91125619

Answer was due on July 17, 2002. On December 3, 2002, the Board issued notice of default for failure of applicant to file an answer or other response to the notice of opposition. The Board allowed applicant time to show cause

why default judgment should not be entered against it under Fed. R. Civ. P. 55.

On December 12, 2002, applicant responded indicating that it timely filed an answer; and that since the Board institution order identified the wrong proceeding number for this Opposition proceeding, apparently the answer was never associated with the proper proceeding file. As support for its response, applicant has included a copy of its answer filed with the Board and a postcard evidencing proof of filing with the Office.

Inasmuch as applicant timely filed its answer, and a clerical error by the Board resulted in the answer not being associated with the proper proceeding file, notice of default is set aside and applicant's answer is accepted and entered.

Suspension

Applicant has requested suspension of proceedings in Opposition Nos. 125,619 and 124,549 in view of the parties settlement negotiations.

Applicant's motion is granted.

Consolidated proceedings are suspended for settlement negotiations until six months from the mailing date of this order, subject to the right of either party to request resumption at any time. See Trademark Rule 2.117(c).

In the event that there is no word from either party concerning the progress of their negotiations within the next six months, the Board will issue an order resuming proceedings and resetting trial dates, including the time for discovery.

If, during the suspension period, either of the parties or their attorneys should have a change of address, the Board should be so informed.