

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

Baxley

Mailed: September 30, 2004

Opposition No. **91162245**

Opposition No. **91162246**

Hoshino Gakki Co., Ltd. and
Hoshino USA Inc.

v.

Fender Musical Instruments
Corporation

Andrew P. Baxley, Interlocutory Attorney:

The Board, by its own initiative, hereby orders the consolidation of the above-referenced proceedings inasmuch as the parties are the same, and the proceedings involve common questions of law or fact.¹ In view thereof, Opposition Nos. 91162245 and 91162246 are hereby consolidated.

The consolidated cases may be presented on the same record and briefs. See *Helene Curtis Industries Inc. v. Suave Shoe Corp.*, 13 USPQ2d 1618 (TTAB 1989) and *Hilson Research Inc. v. Society for Human Resource Management*, 26 USPQ2d 1423 (TTAB 1993).

¹ When cases involving common questions of law or fact are pending before the Board, the Board may order the consolidation of the cases. See Fed. R. Civ. P. 42(a); see also, *Regatta Sport Ltd. v. Telux-Pioneer Inc.*, 20 USPQ2d 1154 (TTAB 1991) and *Estate of Biro v. Bic Corp.*, 18 USPQ2d 1382 (TTAB 1991).

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The Board filed will be maintained in Opposition No. 91162245 as the "parent" case. As a general rule, from this point on only a single copy of any paper or motion should be filed herein; but that copy should bear two proceeding numbers in its caption. However, and because the involved proceedings were consolidated prior to joinder of the issues therein, applicant should file an answer in each opposition before commencing the practice of filing a single copy of any paper in the parent case.

Despite being consolidated, each proceeding retains its separate character. The decision on the consolidated cases shall take into account any differences in the issues raised by the respective pleading; a copy of the decision shall be placed in each proceeding file.

The Board notes that numerous notices of opposition to the registration of the proposed marks in application Serial Nos. 76515928 and 76516127 have been filed. In view of the substantial number of oppositions based on essentially similar claims that have been brought against the involved applications, the Board, flowing from its inherent authority to control the scheduling of cases on its docket, finds that any and all issues relating to the pleadings in these proceedings should be resolved before the proceedings move any further forward. Accordingly, proceedings in these consolidated cases are hereby **suspended**, except for purposes

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of filing answers and papers in connection with motions related to the pleadings in these proceedings and any proceedings yet to be instituted against the involved applications.

Once answers are filed and issues related to the pleadings are resolved in all of the proceedings at issue, the Board will consider the issue of further consolidation with the previously filed opposition proceedings and/or continued suspension of the proceedings. See Fed. R. Civ. P. 42(a); Trademark Rule 2.117(a); and TBMP Sections 510.02(a) and 511.