

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Baxley

Mailed: November 2, 2007

Opposition No. 91175634

Opposition No. 91176421

AOL LLC

v.

C-Mac Invotronics Inc. d/b/a
Solectron Invotronics

(as consolidated)

Andrew P. Baxley, Interlocutory Attorney:

On October 30, 2007, opposer filed an unconsented motion to extend discovery and testimony periods in Opposition No. 91175634 for settlement negotiations. That motion is rendered moot by the following.

The Board 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 See TBMP Section 511 (2d ed. rev. 2004).

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*

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); *Regatta Sport Ltd. v. Telux-Pioneer Inc.*, 20 USPQ2d 1154 (TTAB 1991); *Estate of Biro v. Bic Corp.*, 18 USPQ2d 1382 (TTAB 1991).

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Research Inc. v. Society for Human Resource Management, 26 USPQ2d 1423 (TTAB 1993).

The Board file will be maintained in Opposition No. 91175634 as the "parent" case. As a general rule, from this point onward, only a single copy of any submission should be filed herein; that copy, however, include both proceeding numbers in its caption. However, because the involved proceedings were consolidated prior to joinder of the issues in either proceeding, once proceedings herein are resumed, applicant should file **a separate answer for 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.

Pursuant to the Board's August 29, 2007 orders, applicant's answer in Opposition No. 91176421 was due on September 28, 2007, and its answer in Opposition No. 91175634 was due on October 8, 2007. Inasmuch as neither an answer nor a motion to further extend time to answer is of record in either proceeding, notice of default is hereby entered against applicant under Fed. R. Civ. P. 55(a) in both of the above-captioned proceedings.

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Applicant is allowed until thirty days from the mailing date of this order to show cause why judgment by default should not be entered against applicant in accordance with Fed. R. Civ. P. 55(b) in each of these proceedings.

Proceedings herein are otherwise suspended.