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

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Mailed: December 25, 2009

Opposition No. 91192402
Opposition No. 91192413
Opposition No. 91192414
Opposition No. 91192434
Opposition No. 91192435
Opposition No. 91192507
Opposition No. 91192508
Opposition No. 91192568
Opposition No. 91192626
Opposition No. 91192634
Opposition No. 91192635
Opposition No. 91192639
Opposition No. 91192643
Opposition No. 91192647
Opposition No. 91192650

Disney Consumer Products Inc. and Disney Destinations LLC

v.

THOIP

Elizabeth A. Dunn, Attorney (571-272-4267):

On December 1, 2009, the applicant filed a consented motion to consolidate Opposition Nos. 91192402, 91192413, 91192414, 91192434, 91192435, 91192507, 91192508, 91192568, 91192626, 91192634, 91192635, 91192639, 91192643, 91192647

and 91192650, and to suspend the proceedings pending final determination of a civil action between the parties.

Motion to Consolidate is Granted

Upon review of the above-identified oppositions, the Board finds that consolidation is appropriate because the parties consent to it, and each proceeding involves the same parties and related questions of law and fact.[1] *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 §511 (2d ed. rev. 2004). Accordingly, applicant's motion to consolidate is granted. Trademark Rule 2.127(a). Opposition Nos. 91192402 (MR. GRUMPY), 91192413 (MR. HAPPY), 91192414 (MR. STUBBORN), 91192434 (MR. RUDE), 91192435 (MR. BUMP), 91192507 (MR. BOUNCE), 91192508 (MR. NOISY), 91192568 (LITTLE MISS NAUGHTY), 91192626 (LITTLE MISS BOSSY), 91192634 (LITTLE MISS GIGGLES), 91192635 (MR. MESSY), 91192639 (LITTLE MISS DAREDEVIL), 91192643 (LITTLE MISS SCARY), 91192647 (MR. SMALL) and 91192650 (LITTLE MISS

[1] While joint opposers Disney Consumer Products Inc. and Disney Destinations LLC are listed as plaintiff in the numbered paragraphs attached to each ESTTA notice of opposition form, the Board notes that Disney Consumer Products Inc. is listed as sole plaintiff on the ESTTA form in Opposition Nos. 91192434 and 91192439.

GIGGLES) are hereby consolidated and may be presented on the same record and briefs. The record will be maintained at the Board in Opposition No. **91192402** as the "parent" case.

Separate pleadings must be filed for each consolidated proceeding, and upon resumption applicant's time to file an individual answer in each proceeding will be reset. Otherwise, the parties should no longer file separate papers in connection with each proceeding. Only a single copy of each paper should be filed by the parties in parent Opposition No. **91192402,** and each paper should bear the numbers of all consolidated proceedings in ascending order, as in the case caption set forth above.

Motion to Suspend is Granted

The motion to suspend the proceedings pending final determination of a civil action between the parties is hereby granted.[2] It is the policy of the Board to suspend proceedings when the parties are involved in a civil action, which may be dispositive of or have a bearing on the Board case. See Trademark Rule 2.117(a).

[2] Civil Action No. 08-Civ-6823-SAS in the Southern District of New York.

Accordingly, proceedings are suspended pending final disposition of the civil action between the parties.

Within twenty days after the final determination of the civil action, the parties shall so notify the Board and call this case up for any appropriate action. During the suspension period, the parties shall notify the Board of any address changes for the parties or their attorneys.

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