

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

nmt

Mailed: May 19, 2010

Opposition No. 91182377 (parent)

RCN Telecom Services, Inc.

v.

RCN Televisión, S.A.

Opposition No. 91192058

Opposition No. 91192065

Opposition No. 91192239

Opposition No. 91194069

Cancellation No. 92052167

Cancellation No. 92051509

Cancellation No. 92052330

RCN Televisión, S.A.

v.

RCN Telecom Services, Inc.

Linda Skoro, Interlocutory Attorney

On April 20, 2010, plaintiff filed a motion to consolidate Cancellation Nos. 92052330, 92052167 and Opposition No. 91194069, with the above-captioned consolidated cases.¹ The Board notes initially that registrant has not yet filed its answer in Cancellation No.

¹ Opposition No. 91194069 and Cancellation No. 92052167 involve separate, pending requests to consolidate.

92052330 or Opposition No. 91194069. See TBMP § 511 (2d. ed. Rev. 2004).

The Board may consolidate pending cases that involve common questions of law or fact. See Fed. R. Civ. P. 42(a). Inasmuch as the parties to the respective proceedings are the same and the proceedings involve common questions of law or fact, the Board finds that consolidation of the above-referenced proceedings is appropriate. Consolidation will avoid duplication of effort concerning the factual issues and will thereby avoid unnecessary costs and delays.

In view thereof, plaintiff's motion to consolidate is hereby granted. Cancellation No. 92052330, 92052167 and Opposition 91194069 are hereby consolidated and added to the pending "parent" proceeding, and may be presented on the same record and briefs. The record will be maintained in Opposition No. 91182377 as the "parent" case. The parties should no longer file separate papers in connection with each proceeding, but file only a single copy of each paper in the parent case. However, because these proceedings are being consolidated before the filing of the answers in Cancellation No. 92052330 and Opposition 91194069, registrant/applicant must file its answers in those proceedings within THIRTY DAYS of the mailing date of

this order, following which subsequent filings should be filed only in the parent case.

Each paper filed should bear the numbers of all consolidated proceedings in ascending order, and the parent case should be designated as the parent case by following it with: "(parent)," as in the case caption set forth above.

Consolidated cases do not lose their separate identity because of consolidation. 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 and a copy of the final decision shall be placed in each proceeding file. See Wright & Miller, Federal Practice and Procedure: Civil §2382 (1971).

In that the parent case is currently suspended pending a decision on motions to dismiss, proceedings herein and in the other two newly added proceedings are suspended as well.

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