

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

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Mailed: January 3, 2013

Opposition No. 91203236

Opposition No. 91203238

KC Brang's Food & Beverage
Company LLC

v.

Casella Wines Pty. Limited

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

Proceedings herein are CONSOLIDATED and suspended pending disposition of the cross-motions for summary judgment. Proceedings are suspended retroactive to the filing of applicant's motion on October 31, 2012.¹ Any paper filed during the pendency of this motion which is not relevant thereto will be given no consideration. See Trademark Rule 2.127(d).

Casella Wines Pty. Limited seeks to register the same mark comprising brackets for "spirits" (application Serial No. 85331223, the subject of Opposition No. 91203236) and "wines" (application Serial No. 85331226, the subject of

¹ Applicant's change of correspondence filed September 12, 2012 is noted. The proceeding file has been updated with applicant's new contact information.

Opposition Nos. 91203236 and 91203238

Opposition No. 91203238). KC Brang's Food & Beverage Company LLC filed essentially identical notices of opposition against the two applications. Applicant filed answers denying the salient allegations of the notices of opposition.

The Board notes that the parties have treated the two oppositions listed above as consolidated for briefing the motions for summary judgment. Each party filed a single motion for summary judgment listing both oppositions in both of the proceedings.²

Because the parties are the same, and the two proceedings involve common issues of law and fact, the Board believes that the interest of judicial economy will be served by consolidation of Opposition Nos. 91203236 and 91203238. See Fed. R. Civ. P. 42(a) and TBMP §511 (3rd ed. rev. 2012). Accordingly, Opposition Nos. 91203236 and 91203238 are consolidated, and may be presented on the same record and briefs.³

² In Opposition No. 91203238, the Board issued a December 4, 2012 order allowing applicant until January 4, 2012 to file a combined response to opposer's cross-motion for summary judgment and reply brief in support of its motion for summary judgment. If opposer makes the same filing in Opposition No. 91203236, it will be accepted in view of this consolidation order.

³ The Board file will be maintained in Opposition No. 91203236 as the "parent" case, but all papers filed herein must include the proceeding numbers of all consolidated cases in ascending order. To be clear, there should be no further duplicative filings but a single paper filed in the parent case which lists both proceedings.

Opposition Nos. 91203236 and 91203238

Proceedings herein are suspended pending disposition of the cross motions for summary judgment in this consolidated proceeding.
