

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

Mailed: September 24, 2012

Opposition No. 91204880
(PARENT CASE)

Opposition No. 91205900

Your Hats Desire, Inc. d/b/a

New Dimensions, Inc.

v.

The Keep A Breast Foundation

Jennifer Krisp, Interlocutory Attorney:

CONSOLIDATION

The Board may consolidate pending cases that involve common questions of law or fact. 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). Inasmuch as the parties to the two above-captioned opposition proceedings are the same, and the proceedings involve common questions of law and/or fact, the Board finds that consolidation is appropriate.

In view thereof, Opposition Nos. 91204880 and 91205900 are hereby consolidated and may be presented on the same record and briefs. The record will be maintained in

Opposition No. 91204880 as the "parent case." The parties should no longer file separate motions and papers in each proceeding, but file only a single copy of each motion or paper in the parent case only. Each motion or paper filed must caption all consolidated proceedings in ascending order, listing and identifying the parent case first, as in the 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.

SUSPENSION

On August 30, 2012, applicant filed in Opposition No. 91205900 a motion to suspend this opposition proceeding pending the outcome of a civil action, *New Dimensions, Inc. v. The Keep a Breast Foundation*, Case 5:11-cv-00766-NAM-DEP, pending in the United States District Court for the Northern District of New York.¹

¹ Applicant's filing does not include proof of service of a copy of the motion on counsel for opposer, as required by Trademark Rule 2.119(a). Strict compliance with Trademark Rule 2.119 is required in all further papers, and the Board may decline to

Applicant's motion to suspend is hereby granted. 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). Also, it is noted that in Opposition No. 91204880, the Board issued an order suspending that opposition pursuant to Trademark Rule 2.117(a) on July 26, 2012.

Accordingly, these consolidated 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 consolidated case up for any appropriate action.² During the suspension period, the parties shall notify the Board of any address changes for the parties or their attorneys.

consider any future motions or papers filed by applicant in these proceedings which do not include proof of service.

² A proceeding is considered to have been finally determined when a decision on the merits of the case (i.e., a dispositive ruling that ends litigation on the merits) has been rendered, and no appeal has been filed therefrom, or all appeals filed have been decided. See TBMP § 510.02.