

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

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Mailed: February 14, 2013

**Opposition No. 91208631
(Parent)**

Opposition No. 91208632

Intersurgical Limited

v.

Insurgical LLC

Jennifer Krisp, Interlocutory Attorney:

On February 7, 2013, opposer filed in Opposition No. 91208631 a motion to consolidate Opposition Nos. 91208631 and 91208632, with applicant's consent. Applicant has filed its answer in each proceeding for which consolidation is sought. See TBMP Section 511.

The Board may consolidate pending cases that involve common questions of law or fact. See Fed. R. Civ. P. 42(a); see also, *Regatta Sport Ltd. v. Telux-Pioneer Inc.*, 20 USPQ2d 1154 (TTAB 1991) and *Estate of Biro v. Bic Corp.*, 18 USPQ2d 1382 (TTAB 1991). 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

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concerning the factual issues and will avoid unnecessary costs and delays.

In view thereof, opposer's motion to consolidate is hereby granted. Opposition Nos. 91208631 and 91208632 are hereby consolidated and may be presented on the same record and briefs.

The record will be maintained in **Opposition No. 91208631 as the "parent" case**. The parties shall no longer file separate motions, briefs or papers in each proceeding, but rather must **file only a single copy in the parent case**. Each paper filed should caption all of the consolidated proceedings in ascending order, and the parent case should be designated as such (see 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. See Wright & Miller, Federal Practice and Procedure: Civil Section 2382 (1971).

The parties are instructed to promptly inform the Board of any other related cases within the meaning of the Fed. R. Civ. P. 42. Disclosure, discovery and trial dates in the now-

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consolidated oppositions remain as set in the December 27,
2012 orders instituting each of these proceedings.