

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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COLLOPY/BUTLER

Mailed: June 7, 2013

Opposition No. 91207552
Opposition No. 91209887
Opposition No. 91210104
Opposition No. 91210136
Opposition No. 91210563

Gregory A. Lewis

v.

Kingsley Ventures Corporation

Cheryl Butler, Attorney, Trademark Trial and Appeal Board:

Opposition No. 91207552 commenced on October 17, 2012. An answer was filed on November 27, 2012. On January 22, 2013, opposer filed an amended notice of opposition. In response, applicant moved to dismiss the proceedings and to suspend proceedings pending disposition of the motion to dismiss. Proceedings were hereby suspended on March 14, 2013 and remain suspended pending disposition of applicant's now fully-briefed motion to dismiss as well as opposer's fully-briefed motion to strike, filed March 29, 2013; opposer's second motion to strike, filed on April 9, 2013, to which applicant filed a response; applicant's fully-briefed motion, filed April 15, 2013, for

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sanctions; and "applicant's memorandum in support of its motion for sanctions and motion to dismiss," filed May 22, 2013.¹

Opposition No. 91209887 was filed March 20, 2013. Applicant filed a motion to dismiss with an answer on April 25, 2013. Proceedings were suspended pending the disposition of the motion to dismiss on April 29, 2013. Opposer filed a response to the motion to dismiss on May 13, 2013 and a motion to strike applicant's exhibits submitted with the April 25, 2013 motion to dismiss, to which applicant filed a response on May 20, 2013. Applicant filed a motion for sanctions on May 24, 2013. Opposer is not to file a response to the motion.²

Opposition No. 91210136 was filed April 3, 2013. Applicant filed a motion to dismiss with an answer on May 17, 2013, which is now fully-briefed. Opposer, on June 4, 2013, filed a motion to strike applicant's exhibits submitted with the May 17, 2013 motion to dismiss, to which applicant has filed a response.

¹ Applicant's May 22, 2013 filing is improper. Applicant is not allowed a second brief on its pending motions to dismiss and for sanctions. It is noted, too, that applicant's filing is directed to statements made in opposer's pleaded application Serial No. 85680188. Such application is presently suspended, pending before the Trademark Examining Operation. As such, the veracity of any statements made therein is not before the Board. Consequently, the May 22, 2013 filing is not being considered and opposer need not file a response. Applicant has its opportunity to be heard on its pending motions to dismiss and for sanctions.

² Applicant's motion for sanctions is fully-briefed in Opposition No. 91207552, is nearly identical to the motions for sanctions filed in the other oppositions, and will be addressed further in the order determining the motions in this now-consolidated case. There is no need for duplicative filings.

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Applicant, on June 7, 2013, filed a motion for sanctions.

Opposer is not to file a response to the motion for the reasons stated in footnote 2.

Opposition No. 91210104 was filed April 3, 2013. Applicant filed a motion to dismiss with an answer on May 14, 2013, which is now fully-briefed. Opposer, on June 4, 2013, filed a motion to strike certain exhibits submitted with applicant's motion to dismiss, to which applicant has filed a response. Applicant, on June 7, 2013, filed a motion for sanctions. Opposer is not to file a response to the motion for the reasons stated in footnote 2.

Opposition No. 91210563 was filed May 1, 2013. Notice and trial dates were sent on May 13, 2013. Applicant's answer is due June 22, 2013.

Proceedings are Consolidated

The Board has reviewed each of the above-identified proceedings which involve the same parties and at least some of the same questions of law and fact. When the parties are involved in cases concerning common questions of law or fact pending before the Board, consolidation of such cases may be appropriate. The Board, in its discretion, may order cases consolidated prior to joinder of issue (i.e., before an answer has been filed in each case). Further, proceedings may be

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consolidated upon the Board's own initiative. See Fed. R. Civ. P. 42(a) and TBMP § 511 (3d ed. 2011).

The Board finds it appropriate to consolidate the above-identified proceedings for purposes of judicial economy. Accordingly, Opposition No. 91207552, Opposition No. 91209887, Opposition No. 91210104, Opposition No. 91210136, and Opposition No. 91210563 are hereby consolidated and may be presented on the same records and briefs. The record will be maintained in Opposition No. **91207552** as the "parent" case, but all papers filed in these cases should include both proceeding numbers in ascending order as shown in the caption of this order.

Proceedings are Suspended

Proceedings are hereby suspended in Opposition No. 91210563 pending disposition of the motions in the related cases. Upon resumption, applicant's time to answer will be reset.

Proceedings are hereby suspended in Opposition Nos. 91210104 and 91210136 pending disposition of the pending motions. A reply (if any), to opposer's motion to strike, may be filed in accordance with Trademark Rule 2.127(a). No other motions may be filed. Any paper filed during the pendency of the pending motions which is not relevant thereto will be given no consideration. See Trademark Rule 2.127(d).

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Proceedings Remain Suspended

Proceedings remain suspended in Opposition Nos. 91207552 and 91209887 pending disposition of the pending motions. No other motions may be filed. Any paper filed during the pendency of the pending motions which is not relevant thereto will be given no consideration. See Trademark Rule 2.127(d).
