

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451  
General Contact Number: 571-272-8500

Mailed: July 16, 2015

Opposition No. 91221418(Parent)  
Opposition No. 91221888

*SALUS Haus Dr. med. Otto Greither Nachf.  
GmbH & Co. KG*

*v.*

*Mad Maverick, LLC*

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Opposition No. 91222545

*Mad Maverick, LLC*

*v.*

*SALUS Haus Dr. med. Otto Greither Nachf.  
GmbH & Co. KG*

**Karl Kochersperger, Paralegal Specialist:**

Counterclaim in Opposition No. 91221418

On June 16, 2015, Applicant filed an answer to the opposition and a counterclaim to cancel Opposer's pleaded registration, namely Registration No. 1740638. Applicant submitted the required fee on June 26, 2015.

Opposer and counterclaim Defendant, SALUS Haus Dr. med. Otto Greither Nachf. GmbH & Co. KG, is allowed until August 14, 2015 to file an answer to the counterclaim. *See* Trademark Rule 2.106(b)(2)(iii).

Consolidation

On July 15, 2015, Opposer filed a motion, with Applicant's consent, to consolidate Opposition Nos. 91221418, 91221888, and 91222545. The Board notes initially that Applicant has not yet 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 concerning the factual issues and will thereby avoid unnecessary costs and delays.

In view thereof, Opposer's motion to consolidate is hereby granted. Opposition Nos. 91221418, 91221888, and 91222545 are hereby consolidated and may be presented on the same record and briefs. The record will be maintained in Opposition No. 91221418 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 answer in Opposition 91222545 and answer(s) to the counterclaim(s) filed against Registration No. 1740638 in Opposition Nos. 91222418 and 91221888, Applicant and counterclaim Opposer must each file its answers in each proceeding, 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 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, trial and other dates in the now-consolidated cases shall be coextensive with the schedule in Opposition No. 91221888.