

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: September 30, 2015

Opposition No. 91222110 (Parent)
Opposition No. 91222111

Security Equipment Corporation

v.

Paul Howell

Lalita Greene, Paralegal Specialist:

On August 17, 2015, Opposer filed its consented motion to amend its notice of opposition and its amended notice of oppositions in Opposition Nos. 91222110 and 91222111 with consent. Additionally, on August 18, 2015, Opposer filed consented motions to consolidate in Opposition Nos. 91222110 and 91222111.

Motion to Amend the Notice of Oppositions

Opposer's motions to amend the notice of oppositions are granted and the amended notices of oppositions are accepted as Opposer's operative pleading in both proceedings. *See* Trademark Rule 2.127(a).

Motion to Consolidate (Opposition Nos. 91222110 and 91222111)

The Board notes initially that Applicant has not yet filed its amended answer to the amended notice of oppositions.

When cases involving common questions of law or fact are pending before the

Opposition Nos. 91222110 and 91222111

Board, the Board may order consolidation of the cases. *See* Fed. R. Civ. P. 42(a); *Regatta Sport Ltd. v. Telux-Pioneer Inc.*, 20 USPQ2d 1154 (TTAB 1991); and *Estate of Biro v. Bic Corp.*, 18 USPQ2d 1382 (TTAB 1991). In determining whether to consolidate proceedings, the Board will weigh the savings in time, effort, and expense which may be gained from consolidation, against any prejudice or inconvenience which may be caused thereby.

Consolidation is discretionary with the Board, and may be ordered upon motion granted by the Board, or upon stipulation of the parties approved by the Board, or upon the Board's own initiative. *See, e.g., Hilson Research Inc. v. Society for Human Resource Management*, 27 USPQ2d 1423 (TTAB 1993); and *Regatta Sport Ltd. v. Telux-Pioneer Inc.*, 20 USPQ2d 1154 (TTAB 1991).

It is noted that the parties to these proceedings are identical and the issues are similar or related. Accordingly, the motion to consolidate is granted. Opposition Nos. 91222110 and 91222111 are hereby consolidated and may be presented on the same record and briefs. *See Hilson Research Inc. v. Society for Human Resource Management, supra*; and *Helene Curtis Industries Inc. v. Suave Shoe Corp.*, 13 USPQ2d 1618 (TTAB 1989).

The Board file will be maintained in **Opposition No. 91222110** as the "Parent case." From this point on, only a single copy of any motion and any paper should be filed, and each such motion or paper should be filed in the parent case only, but caption all consolidated proceeding numbers, listing the parent case first. However, inasmuch as these proceedings are being consolidated prior to joinder of

the issues in each proceeding, Applicant should file a separate answer in each opposition before commencing the practice of filing a single copy of all motions and papers in the parent case.

Despite being consolidated, 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; a copy of the decision shall be placed in each proceeding file.

Upon consolidation, the Board will reset dates for the consolidated proceeding, usually by adopting the dates as set in the most recently instituted of the cases being consolidated. Applicant is allowed until **October 24, 2015** in which to file an answer to the amended notice of oppositions. Discovery, conferencing, disclosure and trial dates are reset as follows.

Amended Answer Due	10/30/2015
Deadline for Discovery Conference	11/29/2015
Discovery Opens	11/29/2015
Initial Disclosures Due	12/29/2015
Expert Disclosures Due	4/27/2016
Discovery Closes	5/27/2016
Plaintiff's Pretrial Disclosures	7/11/2016
Plaintiff's 30-day Trial Period Ends	8/25/2016
Defendant's Pretrial Disclosures	9/9/2016
Defendant's 30-day Trial Period Ends	10/24/2016
Plaintiff's Rebuttal Disclosures	11/8/2016
Plaintiff's 15-day Rebuttal Period Ends	12/8/2016

In each instance, a copy of the transcript of testimony together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125.

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Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.