

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

EJW

Mailed: July 8, 2016

Opposition No. 91227647 (parent)

Funkhouser Vegosen Liebman & Dunn Ltd.

v.

The Craft Beer Attorney, APC

Opposition No. 91227650

Nossaman LLP

v.

The Craft Beer Attorney, APC

Opposition No. 91227651

GrayRobinson, P.A.

v.

The Craft Beer Attorney, APC

Opposition No. 91227673

*Tannenbaum Helpern Syracuse &
Hirschtritt LLP*

v.

The Craft Beer Attorney, APC

Opposition Nos. 91227647, 91227650, 91227651, 91227673, 91227681, 91227689, 91227691, 91227703, 91227705, 91227706, and 91227783

Opposition No. 91227681

Lehrman Beverage Law, PLLC

v.

The Craft Beer Attorney, APC

Opposition No. 91227689

Davis Wright Tremaine LLP

v.

The Craft Beer Attorney, APC

Opposition No. 91227691

Ward and Smith PA

v.

The Craft Beer Attorney, APC

Opposition No. 91227703

Strike & Techel LLP

v.

The Craft Beer Attorney, APC

Opposition No. 91227705

Martin Frost & Hill PC

v.

The Craft Beer Attorney, APC

Opposition Nos. 91227647, 91227650, 91227651, 91227673, 91227681, 91227689, 91227691, 91227703, 91227705, 91227706, and 91227783

Opposition No. 91227706

Spaulding Mccullough & Tansil LLP

v.

The Craft Beer Attorney, APC

AND

Opposition No. 91227783

Wendel Rosen Black & Dean LLP

v.

The Craft Beer Attorney, APC

ELIZABETH J. WINTER, INTERLOCUTORY ATTORNEY:

On June 8, 2016, Applicant, The Craft Beer Attorney, APC, filed a motion in each of the above-referenced opposition proceedings to consolidate the eleven proceedings. None of the opposers has filed a response to Applicant's motions.

As an initial matter, the Board notes that Applicant filed an answer in each of the proceedings.

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

Opposition Nos. 91227647, 91227650, 91227651, 91227673, 91227681, 91227689, 91227691, 91227703, 91227705, 91227706, and 91227783

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).

The Board notes that the applicant in these proceedings and the involved mark are identical, and that the facts and legal issues involved are the same or related. In view thereof, Applicant's motion to consolidate is granted as conceded and as well taken. Accordingly, Opposition Nos. 91227647, 91227650, 91227651, 91227673, 91227681, 91227689, 91227691, 91227703, 91227705, 91227706, and 91227783 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. **91227647** as the "parent case." From this point forward, only a single copy of all motions and papers should be filed, and each such motion or paper should be filed in the parent case only, but the caption should list all consolidated proceeding numbers with the "parent case" listed first.¹

¹ The parties should promptly inform the Board of any other Board proceedings or related cases within the meaning of Fed. R. Civ. P. 42, so that the Board can consider whether further consolidation is appropriate.

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Although these cases are now 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 generally resets dates for the consolidated proceeding, usually by adopting the dates as set in the most recently instituted of the cases being consolidated. However, inasmuch as a motion to strike Applicant's affirmative defenses has been filed in Opposition Nos. 91227647, 91227650, and 91227651, the Board will not reset trial dates at this time. Rather, these proceedings are hereby **SUSPENDED** pending the Board's consideration of the motions to strike filed in the three identified proceedings.

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