

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

MW

Mailed: May 17, 2017

Opposition No. 91231958 (Parent)

Primavera Life GmbH

v.

Amorepacific Corporation

Cancellation No. 92065305

Amorepacific Corporation

v.

Primavera Life GmbH

Michael Webster, Interlocutory Attorney:

It has come to the Board's attention that Opposition No. 91231958 and Cancellation No. 92065305 involve the same parties, similar marks and related claims. The Board notes initially that an answer has been filed in each proceeding.

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 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).

Inasmuch as the parties to these proceedings are identical, and the issues are related, the Board finds it appropriate to consolidate these proceedings in order to concurrently once all matters are briefed. Accordingly, Opposition No. 91231958 and Cancellation No. 92065305 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. 91231958 as the “parent case.” From this point on, only a single copy of all motions and submissions should be filed, and each submission should be filed in the parent case only, but caption all consolidated proceeding numbers, listing and identifying the “parent case” first as set forth in this order.¹

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.

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.

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. Trial dates are reset as set forth below.

Expert Disclosures Due	September 5, 2017
Discovery Closes	October 5, 2017
Opposer's Pretrial Disclosures	November 19, 2017
30-day testimony period for Opposer's testimony to close	January 3, 2018
Defendant/Counterclaim Petitioner's Pretrial Disclosures	January 18, 2018
30-day testimony period for defendant and Petitioner in the counterclaim to close	March 4, 2018
Counterclaim Defendant's and Opposer's Rebuttal Disclosures Due	March 19, 2018
30-day testimony period for defendant in the counterclaim and rebuttal testimony for Opposer to close	May 3, 2018
Counterclaim Petitioner's Rebuttal Disclosures Due	May 18, 2018
15-day rebuttal period for Petitioner in the counterclaim to close	June 17, 2018
Brief for Opposer due	August 16, 2018
Brief for defendant and Petitioner in the counterclaim due	September 15, 2018
Brief for defendant in the counterclaim and reply brief, if any, for Opposer due	October 15, 2018
Reply brief, if any, for Petitioner in the counterclaim due	October 30, 2018

Generally, the Federal Rules of Evidence apply to Board trials. Trial testimony is taken and introduced out of the presence of the Board during the assigned testimony periods. The parties may stipulate to a wide variety of matters, and many requirements relevant to the trial phase of Board proceedings are set forth in Trademark Rules 2.121 through 2.125. These include pretrial disclosures, matters in evidence,

the manner and timing of taking testimony, and the procedures for submitting and serving testimony and other evidence, including affidavits, declarations, deposition transcripts and stipulated evidence. Oral argument at final hearing will be scheduled only upon the timely submission of a separate notice as allowed by Trademark Rule 2.129(a).