

UNITED STATES PATENT AND TRADEMARK OFFICE  
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EJW

February 13, 2019

**Opposition No. 91245440** (parent case)

*Textron Innovations Inc.*

*v.*

*Shenzhen Bell Creative Science and  
Education Co., Ltd.,*

Opposition No. 91245441

*Bell Helicopter Textron Inc.*

*v.*

*Shenzhen Bell Creative Science and  
Education Co., Ltd.,*

and

Opposition No. 91245619

*Textron Innovations Inc.*

*v.*

*Shenzhen Bell Creative Science and  
Education Co., Ltd.,*

**ELIZABETH J. WINTER, INTERLOCUTORY ATTORNEY:**

It has come to the Board's attention Opposition Nos. 91245440, 91245441, and 91245619, involving application Serial Nos. 87855302 and 87528838, involve the

same parties and common questions of law and fact.<sup>1</sup> It is therefore appropriate to consolidate these proceedings pursuant to Fed. R. Civ. P. 42(a). *See* TBMP § 511 (June 2018).

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 Wise F&I, LLC v. Allstate Ins. Co.*, 120 USPQ2d 1103, 1105 (TTAB 2016) (consolidation is discretionary with the Board and may be ordered *sua sponte*); *Regatta Sport Ltd. v. Telux-Pioneer Inc.*, 20 USPQ2d 1154 (TTAB 1991) (Board's initiative); *see also* 9A Wright & Miller, Fed. Prac. & Proc. Civ. § 2383 (3d ed. April 2018 update).

Accordingly, the above-referenced proceedings are hereby **CONSOLIDATED** and may be presented on the same record and briefs. The Board file will be maintained in Opposition No. **91245440** as the "parent" case. Accordingly, the parties should no longer file separate papers in connection with each proceeding. Only a single copy of each paper should be filed by the parties and each paper should bear the case caption as set forth above, including Opposer Bell Helicopter Textron, Inc.'s response to the motion to dismiss filed in Opposition No. 91245441.<sup>2</sup>

The parties are reminded that consolidated cases do not lose their separate identity because of consolidation. Each proceeding retains its separate character and

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<sup>1</sup>The Board also notes that issue has been joined in Opp. Nos. 91245440 and 91245619.

<sup>2</sup>The parties should promptly inform the Board in writing of any other related *inter partes* proceedings. *See* Fed. R. Civ. P. 42(a).

Opposition Nos. 91245440, 91245441, and 91245619

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, 9A Fed. Prac. & Proc. Civ. § 2382.*

Finally, it is the Board's practice to reset the trial dates for consolidated proceedings in accordance with the most recently instituted of the consolidated cases which, in this case, is Opposition No. 91245619. However, the Board notes that a motion to dismiss is pending in Opposition No. 91245441 and that said proceeding has been suspended pending the Board's consideration of that motion. In view thereof, the now consolidated proceedings are hereby **SUSPENDED** pending the Board's consideration of the referenced motion to dismiss.

The motion to dismiss will be considered in due course.

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