

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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RSC/VV

October 2, 2019

Opposition No. 91225634 (Parent Case)

Opposition No. 91249276

Cancellation No. 92071706

Fair Isaac Corporation

v.

Fido Alliance, Inc.

Rebecca Stempien Coyle, Interlocutory Attorney:

On September 23, 2019, the Board consolidated Opposition No. 91225634 and Cancellation No. 92071706. 60 TTABVUE.

It has come to the attention of the Board that the parties to Opposition No. 91249276 are the same as the parties in the already consolidated Opposition No. 91225634 and Cancellation No. 92071706, and the proceedings involve common questions of law or fact. Accordingly, the Board finds it appropriate to sua sponte consolidate Opposition 91249276 with Opposition No. 91225634 and Cancellation No. 92071706. Fed. R. Civ. P. 42(a); *Regatta Sport Ltd. v. Telux-Pioneer Inc.*, 20 USPQ2d 1154 (TTAB 1991) (consolidation on Board's initiation); *Estate of Biro v. Bic Corp.*, 18 USPQ2d 1382 (TTAB 1991). Consolidation is discretionary with the Board, and may

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be ordered upon the Board's own initiative. *See, Wise F&I, LLC v. Allstate Ins. Co.*, 120 USPQ2d 1103, 1105 (TTAB 2016); *Regatta Sport Ltd.*, 20 USPQ2d 1154; *Estate of Biro*, 18 USPQ2d 1382.

Therefore, Opposition Nos. 91225634, 91249276 and Cancellation No. 92071706 are now consolidated and may be presented on the same record and briefs. *See Helene Curtis Indus. Inc. v. Suave Shoe Corp.*, 13 USPQ2d 1618 (TTAB 1989); *see also Hilson Research Inc. v. Society for Human Resource Mgmt.*, 26 USPQ2d 1432 (TTAB 1993). The Board file will be maintained in **Opposition No. 91225634** 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.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.

Trial dates **remain as set** in the Board's order dated September 23, 2019.

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.