UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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Mailed: October 19, 2016

Cancellation No. 92060914

Snow Ball's Chance, Ltd.

v.

SnoWizard, Inc.

Eric McWilliams, Supervisory Paralegal:

On May 4, 2016, Respondent filed a motion to consolidate Cancellation Nos. 92060914, 92060915 and 92062751.[1]

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).

[1] The Board apologizes for the delay in turning its attention to this motion.

After a review of the pleadings and marks in each case, the Board finds consolidation of the three referenced proceedings inappropriate. Although Respondent's motion was not contested, a review of the three marks in question reveals that the marks are very different.

Accordingly, Respondent's motion is hereby denied without prejudice and each of the proceedings will remain uncosolidated. Trial dates, including the close of discovery, remain as previously set.