

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/lg

Mailed: February 29, 2016

Cancellation No. 92061859

Adelman Katz & Mond LLP

v.

*Jalinski Advisory Group, Inc. (substituted for
Investment Financial Services, Inc.)*

Opposition No. 91224412 (Parent)

Adelman Katz & Mond LLP

v.

Jalinski Advisory Group, Inc.

Michael Webster, Interlocutory Attorney:

On January 15, 2016, Applicant filed a consented motion to substitute party in Cancellation No. 92061859, to consolidate Opposition Nos. 91224412 and Cancellation No. 92061859 and to suspend proceedings.

Motion to Substitute

Respondent moves to substitute as party Respondent Jalinski Advisory Group, Inc. for Investment Financial Services, Inc. Respondent recorded the assignment

Opposition No. 91224412 and Cancellation No. 92061859

with the U.S. Patent and Trademark Assignment Branch on August 12, 2015 at Reel/Frame 598/0730.

Respondent's motion is **GRANTED** and Jalinski Advisory Group, Inc. is hereby substituted as party Respondent in Cancellation No. 92061859.

Motion to Consolidate

The Board notes initially that Applicant/Respondent has filed its answer in each proceeding for which consolidation is sought. See TBMP § 511.

The Board may consolidate pending cases that involve common questions of law or fact. See Fed. R. Civ. P. 42(a); see also, *Regatta Sport Ltd. v. Telux-Pioneer Inc.*, 20 USPQ2d 1154 (TTAB 1991) and *Estate of Biro v. Bic Corp.*, 18 USPQ2d 1382 (TTAB 1991). Inasmuch as the parties to the respective proceedings are the same and the proceedings involve common questions of law or fact, the Board finds that consolidation of the above-referenced proceedings is appropriate. Consolidation will avoid duplication of effort concerning the factual issues and will thereby avoid unnecessary costs and delays.

In view thereof, Applicant/Respondent's motion to consolidate is hereby **GRANTED**. Opposition Nos. 91224412 and Cancellation No. 92061859 are hereby consolidated and may be presented on the same record and briefs. The record will be maintained in Opposition No. 91224412 as the "parent" case. The parties should no longer file separate papers in connection with each proceeding, but file only a single copy of each paper in the parent case. Each paper filed should bear the numbers of all consolidated proceedings in ascending order, and the parent case should be

designated as the parent case by following it with “(parent),” as in the case caption set forth above.

Consolidated cases do not lose their separate identity because of consolidation. 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 and a copy of the final decision shall be placed in each proceeding file. See Wright & Miller, Federal Practice and Procedure: Civil §2382 (1971).

The parties are instructed to promptly inform the Board of any other related cases within the meaning of Fed. R. Civ. P. 42(a).

Motion to Suspend

The motion to suspend this proceeding for sixty (60) days is **GRANTED**. Because the parties are negotiating for possible settlement of this case, proceedings herein suspended for sixty (60) days, subject to the right of either party to request resumption at any time. See Trademark Rule 2.117(c).

In the event that there is no word from either party concerning the progress of their negotiations, upon conclusion of the suspension period, proceedings shall resume without further notice or order from the Board, upon the schedule set out below:

Initial Disclosures Due	3/26/2016
Expert Disclosures Due	7/24/2016
Discovery Closes	8/23/2016
Plaintiff's Pretrial Disclosures	10/7/2016
Plaintiff's 30-day Trial Period Ends	11/21/2016
Defendant's Pretrial Disclosures	12/6/2016

Defendant's 30-day Trial Period Ends	1/20/2017
Plaintiff's Rebuttal Disclosures	2/4/2017
Plaintiff's 15-day Rebuttal Period Ends	3/6/2017

In each instance, a copy of the transcript of testimony together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

If, during the suspension period, either of the parties or their attorneys should have a change of address, the Board should be so informed.