

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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Alexandria, VA 22313-1451
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CME

Mailed: December 2, 2015

Cancellation No. 92062420 (parent)

3M Company

v.

PGI Polymer, Inc.

Cancellation No. 92062429

3M Company

v.

Avintiv Specialty Materials Inc.

By the Trademark Trial and Appeal Board:

It has come to the Board's attention that Cancellation Nos. 92062420 and 92062429 involve related marks and common questions of law and fact. When cases involving common questions of law or fact are pending before the Board, the Board may consolidate them.

Consolidation is discretionary with the Board, and may be ordered upon a motion granted by the Board, a stipulation of the parties approved by the Board, or the Board's own initiative. *See* Fed. R. Civ. P. 42(a); TBMP § 511 (2015); *see also Regatta Sport Ltd.*

v. Telux-Pioneer Inc., 20 USPQ2d 1154 (TTAB 1991) (Board's initiative). The Board finds that consolidating the above-captioned cases is appropriate because the Petitioner is the same in each proceeding, the Respondents appear to be related¹ and are represented by the same law firm, and the proceedings involve related marks and the same claims, namely, that the involved marks are generic and have been abandoned. Consolidation will avoid duplication of effort concerning the factual issues, and therefore, will avoid unnecessary costs and delays.

Accordingly, the above-captioned cancellation proceedings are 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), and *Hilson Research Inc. v. Society for Human Res. Mgmt.*, 26 USPQ2d 1432 (TTAB 1993). The record will be maintained in Cancellation No. 92062420 as the "parent" case. The parties should no longer file separate papers in connection with each proceeding, but should instead 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.

Despite being consolidated, each proceeding retains its separate character. 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. *See Dating DNA LLC v. Imagini Holdings Ltd.*, 94 USPQ2d 1889, 1893 (TTAB 2010).

¹ The assignment records for the involved registrations as well as the pleadings in the civil action addressed *infra* suggest that the parties are related.

The Respondent in each consolidated proceeding filed a motion on November 4, 2015, to suspend proceedings pending disposition of the following civil action: *Polymer Group, Inc. and PGI Polymer, Inc. v. 3M Company, et. al*, Case No. 3:15-cv-00212-FDW-DSC, pending in the United States District Court for the Western District of North Carolina (the “Federal Case”). Respondents’ motions to suspend are **GRANTED** as well taken and conceded. See Trademark Rule 2.127(a); *Central Mfg., Inc. v. Third Millennium Tech., Inc.*, 61 USPQ2d 1210, 1211 (TTAB 2001); *Boston Chicken, Inc. v. Boston Pizza Int’l, Inc.*, 53 USPQ2d 1053, 1054 (TTAB 1999). Accordingly, these consolidated proceedings are suspended pending final disposition of the Federal Case. Within **TWENTY DAYS** after the final determination of the Federal Case, the parties shall so notify the Board, including a copy of the court’s final order, and call these consolidated cases up for any appropriate action. During the suspension period, the Board shall be notified of any address changes for the parties or their attorneys.

In view of the foregoing, Respondents’ motions to dismiss, filed November 23, 2015, are **denied without prejudice**. If, upon resumption of these consolidated proceedings, Respondents believe that their motions to dismiss denied herein have not been resolved or made moot by the final disposition of the Federal Case, Respondents may renew their motions to dismiss by filing a single renewed motion in the parent case.
