

UNITED STATES PATENT AND TRADEMARK OFFICE
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December 29, 2021

Opposition No. 91270500 (parent case)
Opposition No. 91270501
Cancellation No. 92077648

VBNJ, Inc.

v.

Weed Cellars Inc.

Katie Bukrinsky, Interlocutory Attorney:

Sua Sponte Consolidation

It has come to the Board's attention that Opposition. Nos. 91270500 and 91270501, and Cancellation. No. 92077648, involve the same parties and common questions of law or fact. In all three cases Petitioner/Opposer VBNJ, Inc. ("VBNJ") asserts the same marks as the basis for its likelihood of confusion and fraud claims against Respondent/Applicant Weed Cellars Inc.'s ("WCI") registration for WEED (Reg. No. 6381999) and applications for WEED LIGHT (Application Serial Nos. 90215696 and 90215691).

Accordingly, the Board orders consolidation of the above-captioned 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). The consolidated cases may be presented on the same record and briefs. *See Helene Curtis*

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Indus. Inc. v. Suave Shoe Corp., 13 USPQ2d 1618 (TTAB 1989); *Hilson Res. Inc. v. Soc. For Human Resource Mgmt.*, 26 USPQ2d 1423 (TTAB 1993).

The Board file will be maintained in **Opposition No. 91270500** 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 However, inasmuch as WCI has not yet filed its answer to the amended complaint in each proceeding, WCI should file its answer separately in each proceeding before commencing the practice of filing in the parent proceeding only. Similarly, if WCI asserts a counterclaim, VBNJ should file its answer to the counterclaim in the respective proceeding.

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.

Consolidated Proceedings Suspended

The Board notes that WCI is involved in a bankruptcy proceeding filed November 23, 2021. *See, e.g.*, Opp. No. 91270500, 14 TTABVUE 4. Accordingly, proceedings herein are suspended under the automatic stay provisions of Section 362 of the United States Bankruptcy Code, 11 U.S.C. § 362, pending final determination of the bankruptcy

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.

case. See *In re Checkers of North America Inc.*, 23 USPQ2d 1451 (Comm'r 1992); TBMP § 510.03(a).

In view thereof, all pending motions in these consolidated proceedings are **denied without prejudice**. Upon resumption of this proceeding, if any party believes its motions denied by this order were not resolved or made moot, it may file a request, in the parent case, to renew one or more of its motions.²

Within twenty days after the final determination of the bankruptcy case, the interested party should notify the Board so that this case may be called up for appropriate action. During the suspension period the Board should be notified of any address or email address changes for the parties or their attorneys.

² If any party files a request to renew its motions, the parties need not file new briefs unless instructed to do so by the Board.