

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

nmt/sb/gcp

Mailed: December 22, 2009

Opposition No. 91187874
Opposition No. 91187875
Opposition No. 91187876
Opposition No. 91187877
Opposition No. 91191741
Cancellation No. 92051396

Panthers Football LLC
PDB Sports, Ltd.
Dallas Cowboys Football
Club, Ltd.
Atlanta Falcons Football
Club, LLC
Detroit Lions, Inc.
Oakland Raiders
NFL Properties LLC

v.

Super Bakery, Incorporated

George C. Pologeorgis, Interlocutory Attorney:

It has come to the attention of the Board that
Opposition Nos. 91187874, 91187875, 91187876, 91187877,
91191741, as well as Cancellation No. 92051396, involve the

Opposition No. 91187874
Opposition No. 91187875
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Cancellation No. 92051369

same parties and common questions of law and fact.¹ It would therefore be appropriate to consolidate these proceedings pursuant to Fed. R. Civ. P. 42(a).

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, for example, *Wright & Miller, Federal Practice and Procedure: Civil* §2383 (2004); *Regatta Sport Ltd. v. Telux-Pioneer Inc.*, 20 USPQ2d 1154 (TTAB 1991) (Board's initiative).

Accordingly, the above-noted opposition and cancellation proceedings are hereby consolidated and may be presented on the same record and briefs.²

The Board file will be maintained in Opposition No. 91187874 as the "parent" case. The parties should no

¹The Board notes opposer's/petitioner's consented motion to consolidate Opposition nos. 91187874, 91187875, 91187876, 91187877, 9191741, as well as Cancellation No. 92051369 filed on November 9, 2009 in Opposition No. 91187874.

²Notwithstanding the consolidation of the cases, the fifty-five page limit for main briefs and twenty-five page limit for reply briefs may not be exceeded, except by prior leave of the Board, which is rarely granted. See Trademark Rule 2.128(b); TBMP §537 (2nd ed. rev. 2004). Similarly, the total number of written interrogatories a party may serve shall not exceed seventy-five, but the Board may allow additional interrogatories upon motion for good cause shown or upon stipulation of the parties. See Trademark Rule 2.120(d)(1).

Opposition No. 91187874
Opposition No. 91187875
Opposition No. 91187876
Opposition No. 91187877
Opposition No. 91191741
Cancellation No. 92051369

longer file separate papers in connection with each proceeding. Only a single copy of each paper should be filed by the parties and each paper should bear the case captions as set forth above.³

In accordance with Board practice, discovery and trial dates are reset to conform to the dates latest set in the proceedings that are being consolidated. However, in light of the slight delay in consolidating these proceedings, conferencing and disclosure deadlines, as well as discovery and trial dates, for these now consolidated proceedings are reset as follows:

Deadline for Discovery Conference	1/22/2010
Discovery Opens	1/22/2010
Initial Disclosures Due	2/21/2010
Expert Disclosures Due	6/21/2010
Discovery Closes	7/21/2010
Plaintiff's Pretrial Disclosures	9/4/2010
Plaintiff's 30-day Trial Period Ends	10/19/2010
Defendant's Pretrial Disclosures	11/3/2010
Defendant's 30-day Trial Period Ends	12/18/2010
Plaintiff's Rebuttal Disclosures	1/2/2011
Plaintiff's 15-day Rebuttal Period Ends	2/1/2011

³The parties should promptly inform the Board in writing of any other related *inter partes* proceedings. See Fed. R. Civ. P. 42(a).

Opposition No. 91187874
Opposition No. 91187875
Opposition No. 91187876
Opposition No. 91187877
Opposition No. 91191741
Cancellation No. 92051369

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.