

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

Mailed: April 14, 2010

Opposition Nos. 91193207
91193209
91193210
91193212
91193680

Kentucky Distillers'
Association

v.

Sazerac Company, Inc.

Linda Skoro, Interlocutory Attorney

The Board has reviewed the records in the above cases, and concludes that they involve the same parties and common questions of law and fact. It would therefore be appropriate to consolidate these proceedings pursuant to Fed. R. Civ. P. 42(a). Accordingly, opposer's motion is granted and the above-noted opposition proceedings are hereby consolidated and may be presented on the same record and briefs.

The Board file will be maintained in Opposition No. 91193207 as the "parent" case. It is noted that applicant has filed counterclaims in the first four proceedings and opposer has answered each of the counterclaims, thus, the parties should no 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 caption as set forth above.

The Board notes that on March 17, 2010 applicant filed a motion to extend time to file its answer in Opposition No. 91193680, to which opposer objected. The answer was filed on March 24, 2010. In that applicant set forth a sufficient showing of good cause for an extension to file the answer, the motion is granted. The answer in Opposition No. 91193680 is of record and considered timely filed.

The trial schedule is reset to reflect the dates as last reset in the "parent" case¹ and to incorporate the counterclaims. The trial schedule is reproduced below for ease of reference.

Deadline for Discovery Conference	April 28, 2010
Discovery Opens	April 28, 2010
Initial Disclosures Due	May 28, 2010
Expert Disclosures Due	September 25, 2010
Discovery Closes	October 25, 2010
Plaintiff's Pretrial Disclosures	December 9, 2010
30-day testimony period for plaintiff's testimony to close	January 23, 2011
Defendant/Counterclaim Plaintiff's Pretrial Disclosures	February 7, 2011
30-day testimony period for defendant and plaintiff in the counterclaim to close	March 24, 2011

¹ While standard Board practice is to reset the dates in accordance with the "child" case, in this instance the dates were most recently resent in the '207 proceeding, making those the newest dates that the parties have been working under.

Counterclaim Defendant's and Plaintiff's Rebuttal Disclosures Due	April 8, 2011
30-day testimony period for defendant in the counterclaim and rebuttal testimony for plaintiff to close	May 23, 2011
Counterclaim Plaintiff's Rebuttal Disclosures Due	June 7, 2011
15-day rebuttal period for plaintiff in the counterclaim to close	July 7, 2011
Brief for plaintiff due	September 5, 2011
Brief for defendant and plaintiff in the counterclaim due	October 5, 2011
Brief for defendant in the counterclaim and reply brief, if any, for plaintiff due	November 4, 2011
Reply brief, if any, for plaintiff in the counterclaim due	November 19, 2011

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 Rules 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

.oOo.