

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

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Mailed: May 19, 2011

Opposition No. 91195136 (parent)
Cancellation No. 92053354

University of Kentucky

v.

North American Beverages, LLC

**Robert H. Coggins,
Interlocutory Attorney:**

These cases now come up on opposer's motions, filed in Opposition No. 91195136, to consolidate (filed February 3, 2011) and to reopen discovery (filed May 10, 2011).

Motion to Consolidate

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); and *Helene Curtis Industries Inc. v. Suave Shoe Corp.*, 13 USPQ2d 1618 (TTAB 1989) (stipulation). The Board has reviewed the records of the two proceedings, and concludes that Opposition No. 91195136 and Cancellation No. 92053354 involve the same parties and

Opposition No. 91195136 and Cancellation No. 92053354

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 and cancellation proceedings are hereby consolidated and may be presented on the same record and briefs.

The Board file will be maintained in Opposition No. 91195136 as the "parent" case. 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 parties are instructed to promptly inform the Board of any other related cases within the meaning of the Fed. R. Civ. P. 42.

Motion to Reopen

In view of the consolidation granted hereinabove, opposer's consented motion to reopen discovery in the opposition proceeding is granted. It is noted that the schedule sought by the parties in the motion to reopen is the current schedule for the cancellation proceeding.

Accordingly, dates for these consolidated cases are reset as follows.

Expert Disclosures Due	7/11/2011
Discovery Closes	8/10/2011
Plaintiff's Pretrial Disclosures	9/24/2011
Plaintiff's 30-day Trial Period Ends	11/8/2011

Defendant's Pretrial Disclosures	11/23/201
Defendant's 30-day Trial Period Ends	1/7/2012
Plaintiff's Rebuttal Disclosures	1/22/2012
Plaintiff's 15-day Rebuttal Period Ends	2/21/2012

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.