

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

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Mailed: August 27, 2013

Opposition No. 91197518 (**Parent**)

Opposition No. 91206079

Athletics Investment Group LLC
d/b/a The Oakland Athletics
Baseball Company

v.

3P Learning Pty Limited

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

Consolidation

Opposer's consented motion (filed June 5, 2013, in Opposition No. 91197518) to consolidate Opposition Nos. 91197518 and 91206079 is granted. Fed. R. Civ. P. 42(a); TBMP § 511. In view thereof, these oppositions may be presented on the same record and briefs.

The record will be maintained in Opposition No. 91197518 as the "parent" case. Except for the answer, which must be filed in Opposition No. 91206079, the parties should no longer file separate papers in connection with each proceeding; instead, (except for the answer) the

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parties should 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 so designated as in the case caption set forth above.

Answer and Conference

An answer must be filed and the discovery conference must be held in child Opposition No. 91206079 on the schedule below. In view of consolidation and the procedural history of both proceedings, the deadlines for an answer and conference in Opposition No. 91206079 will not be extended absent extraordinary circumstances.

Motions to Suspend

Opposer's consented motions (filed August 26, 2013, in each proceeding) to continue suspension are denied in view of the consolidation and the uneven procedural posture of the consolidated cases.

Detailed Report Required

The parties are reminded that they are under a strict requirement to provide a detailed report to establish good cause for any future motion to extend, suspend, or reopen.¹ The detailed report must recite (1) the dates on which the

¹Only after an answer is filed and the parties conduct the discovery conference for Opposition No. 91206079 will the Board entertain a scheduling motion for these consolidated proceedings.

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parties have communicated since the last motion, (2) the method of each communication (e.g., telephone, email, in-person, etc.), (3) the general nature of each communication, (4) a list of issues that have been resolved, (5) a list of issues that remain to be resolved or remain for trial, and (6) a proposed timetable for resolution of the unresolved issues; failing which, the prospective motion may not be approved, even if consented by the parties.

Schedule

Dates are reset as follows.

Time to Answer in Opposition No. 91206079 ²	9/16/2013
Deadline for Discovery Conference in Opposition No. 91206079 ³	10/16/2013
Discovery Opens in Opposition No. 91206079	10/16/2013
Initial Disclosures Due ⁴	11/15/2013
Expert Disclosures Due	3/15/2014 4/14/2014

² This date will not be extended; answer must be filed. See discussion, *supra*.

³ This date will not be extended; the conference must be conducted. See discussion, *supra*.

⁴ The Board presumes that the parties' earlier agreement to waive initial disclosures in the parent case (See Board order dated November 22, 2011, in Opposition No. 91197518) will also apply to the child case (Opposition No. 91206079). This presumption notwithstanding, a date is provided since the parties agreed to adopt the schedule in the child case.

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Discovery Closes

Plaintiff's Pretrial Disclosures	5/29/2014
Plaintiff's 30-day Trial Period Ends	7/13/2014
Defendant's Pretrial Disclosures	7/28/2014
Defendant's 30-day Trial Period Ends	9/11/2014
Plaintiff's Rebuttal Disclosures	9/26/2014
Plaintiff's 15-day Rebuttal Period Ends	10/26/2014

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.