

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451  
General Contact Number: 571-272-8500

mc/apb

Mailed: August 25, 2014

Opposition No. 91207392  
Opposition No. 91207393  
Opposition No. 91207514

MHO, LLC

v.

Pearls MiiHome IP Pty Ltd ACN 124  
991 368

Opposition No. 91216213

MHO, LLC

v.

Pearls MiiHome IP Pty Ltd

**By the Trademark Trial and Appeal Board:**

Opposition No. 91207392 and 91207393 are duplicate oppositions. Opposer, however, submitted a filing fee for a one-class opposition. Accordingly, 91207393 is dismissed as a nullity. The withdrawal of that opposition that Opposer filed on July 10, 2014 is moot.

The Board's August 4, 2014 order in which it consolidated Opposition Nos. 91207392 and 91207514 is vacated. Opposer's consented motion (filed July 10, 2014) to consolidate and suspend for settlement negotiations Opposition Nos. 91207392, 91207514, and 91216213 is hereby granted to the extent that such oppositions are hereby consolidated. *See* Fed. R. Civ. P. 42(a); *Regatta*

*Sport Ltd. v. Telux-Pioneer Inc.*, 20 USPQ2d 1154 (TTAB 1991); *Estate of Biro v. Bic Corp.*, 18 USPQ2d 1382 (TTAB 1991); TBMP § 511 (2014).

The consolidated cases may be presented on the same record and briefs. See *Helene Curtis Industries Inc. v. Suave Shoe Corp.*, 13 USPQ2d 1618 (TTAB 1989); *Hilson Research Inc. v. Society for Human Resource Management*, 26 USPQ2d 1423 (TTAB 1993). The Board file will be maintained in Opposition No. 91207392 as the "parent" case. As a general rule, from this point onward, only a single copy of any submission should be filed herein. That copy, however, should include all of the consolidated proceeding numbers in the caption thereof.

Despite being consolidated, each proceeding retains its separate character. The decision on the consolidated cases shall take into account any differences in the issues raised by the respective pleading; a copy of the decision shall be placed in each proceeding file.

Regarding the consented motion to suspend for settlement negotiations, the Board notes that the next date on the proposed schedule is the deadline for the parties' mandatory discovery conference in Opposition No. 91216213. The Board generally does not grant motions to extend or suspend for settlement negotiations between the filing of an answer and the deadline for a discovery conference because the discovery conference presents an opportunity to discuss settlement. See *Boston Red Sox Baseball Club LP v. Chaveriat*, 87 USPQ2d 1767, 1767 n.1 (TTAB 2008); *Miscellaneous Changes to Trademark Trial and*

*Appeal Board Rules*, 72 Fed. Reg. 42242, 42245 (August 1, 2007); TBMP § 510.03(a). The Board finds that varying from its general practice is unwarranted in this case. Accordingly, the motion to suspend is denied.

The Board deems the filing of the motion to consolidate to have tolled the running of dates herein. Proceedings are hereby resumed. Remaining dates are reset as follows.

Deadline for Discovery Conference in Opposition No. 91216213	8/14/2014
Discovery Opens in Opposition No. 91216213/Resumes in Remaining Consolidated Oppositions	8/14/2014
Initial Disclosures Due in Opposition No. 91216213	9/13/2014
Expert Disclosures Due in All Proceedings	1/11/2015
Discovery Closes in All Proceedings	2/10/2015
Plaintiff's Pretrial Disclosures Due in All Proceedings	3/27/2015
Plaintiff's 30-day Trial Period Ends in All Proceedings	5/11/2015
Defendant's Pretrial Disclosures Due in All Proceedings	5/26/2015
Defendant's 30-day Trial Period Ends in All Proceedings	7/10/2015
Plaintiff's Rebuttal Disclosures Due in All Proceedings	7/25/2015
Plaintiff's 15-day Rebuttal Period Ends in All Proceedings	8/24/2015

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

Opposition No. 91207392

oral hearing will be set only upon request filed as provided by Trademark  
Rule 2.129.