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

Mailed: March 13, 2014

Opposition Nos. 91210282 (parent)
91214537

Red Bull GmbH

v.

Stockmarket Burger, Inc.

Veronica P. White, Paralegal Specialist:

Opposer's motion (filed January 17, 2014) for leave to file its first amended notice of opposition along with its amended notice of opposition for proceeding 91210282, and its motion (filed January 21, 2014) to consolidate Opposition Nos. 91210282 and 91214537 are noted. Additionally, applicant's answer (filed February 26, 2014) to the amended notice of opposition is noted.[1]

Amended Pleading

This case now comes up for consideration of opposer's motion for leave to file its first amended notice of opposition, which pertains solely to proceeding 91210282.

[1] The Board also notes applicant filed its answer in proceeding 91214537 for which consolidation is sought.

In that there has been no objection to the amended notice of opposition, it is hereby granted and is of record, as is the answer.

Consolidation

Turning next to opposer's motion to consolidate opposition proceedings 91210282 and 91214537.

Federal R. Civ. P. 42(a), made applicable to these proceedings by Trademark Rule 2.116(a), provides with respect to consolidation of proceedings that, when actions involve a common question of law or fact, the Board may join for hearing or trial any or all of the matters at issue in the actions; may consolidate the actions; and may issue any other orders to avoid unnecessary costs or delay. *See* TBMP § 511.

The Board has reviewed the records in Opposition Nos. 91210282 and 91214537, and concludes that these cases involve identical parties, similar marks, 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, applicant's motion to consolidate is granted as conceded and well-taken. The above-noted proceedings are hereby consolidated and may be presented on the same record and briefs.[1] *See* Regatta Sport Ltd. v. Telux-Pioneer Inc., 20 USPQ2d 1154 (TTAB 1991) and Estate of Biro v. Bic Corp., 18 USPQ2d 1382 (TTAB 1991).

The Board file will be maintained in **Opposition No. 91210282 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 in the "parent" case, and each paper should bear the case caption as set forth above. In keeping with Board practice, the schedule for the most recently filed case is set as the schedule for this now consolidated proceeding.

Schedule

The schedule for these consolidated proceedings are reset to coincide with the trial schedule from the child case and is copied below.

Deadline for Discovery Conference	**3/28/2014**
Discovery Opens	**3/28/2014**
Initial Disclosures Due	**4/27/2014**
Expert Disclosures Due	**8/25/2014**
Discovery Closes	**9/24/2014**
Plaintiff's Pretrial Disclosures	**11/8/2014**
Plaintiff's 30-day Trial Period Ends	**12/23/2014**
Defendant's Pretrial Disclosures	**1/7/2015**
Defendant's 30-day Trial Period Ends	**2/21/2015**
Plaintiff's Rebuttal Disclosures	**3/8/2015**
Plaintiff's 15-day Rebuttal Period Ends	**4/7/2015**

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 Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.l29.

If, either of the parties or their attorneys should have a change of address, the Board should be so informed.[2]

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[2] The Board's records have been updated to reflect both parties' change of correspondence address (opposer's filed January 21, 2014 and applicant's filed February 26, 2014).