

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

Mailed: February 1, 2016

Opposition No. 91205982 (**Parent Case**)
Opposition No. 91205984
Opposition No. 91210386

Fertitta Hospitality, LLC

v.

Fertitta Entertainment LLC

Veronica P. White, Paralegal Specialist:

The consented motion (filed by Applicant in each proceeding on January 25, 2016) to consolidate Opposition Nos. 91205982, 91205984 and 91210386 is granted. Fed. R. Civ. P. 42(a).¹ The Board file will be maintained in Opposition No. 91205982 as the “parent case.” From this point on, only a single copy of all motions and papers should be filed, and each such motion or paper should be filed in the parent case only, but caption all consolidated proceeding numbers, listing the parent case first. However, inasmuch as these proceedings are being consolidated prior to joinder of the issues in each proceeding, Applicant should file a separate answer in each opposition before commencing the practice of filing a single copy of all motions and papers in the parent case.

¹ The Board notes initially that Applicant has not yet filed its answer in each proceeding for which consolidation is sought.

Despite being consolidated, each proceeding retains its separate character and requires entry of a separate judgment. The decision on the consolidated cases shall take into account any differences in the issues raised by the respective pleadings; a copy of the decision shall be placed in each proceeding file.²

The schedule for this consolidated proceeding is reset as follows.

Time to Answer ³	3/2/2016
Deadline for Discovery Conference	4/1/2016
Discovery Opens	4/1/2016
Initial Disclosures Due	5/1/2016
Expert Disclosures Due	8/29/2016
Discovery Closes	9/28/2016
Plaintiff's Pretrial Disclosures	11/12/2016
Plaintiff's 30-day Trial Period Ends	12/27/2016
Defendant's Pretrial Disclosures	1/11/2017
Defendant's 30-day Trial Period Ends	2/25/2017
Plaintiff's Rebuttal Disclosures	3/12/2017
Plaintiff's 15-day Rebuttal Period Ends	4/11/2017

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.

² The parties should promptly inform the Board of any other Board proceedings or related cases within the meaning of Fed. R. Civ. P. 42, so that the Board can consider whether further consolidation is appropriate.

³ A separate answer must be filed in each proceedings.