

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

Mailed: September 25, 2013

**Opposition No. 91212177
(parent case)**

Opposition No. 91212483

Ms. Teresa H. Earnhardt

v.

Bobby Dale Earnhardt LLC

Nicole Thier, Paralegal Specialist:

On September 23, 2013, applicant filed a motion to consolidate Opposition Nos. 91212177 and 91212483. The Board notes initially that applicant has filed its answer in each proceeding for which consolidation is sought. See TBMP § 511 (3d ed. rev.2 2013).

The Board may consolidate pending cases that involve common questions of law or fact. See Fed. R. Civ. P. 42(a); see also, *Regatta Sport Ltd. v. Telux-Pioneer Inc.*, 20 USPQ2d 1154 (TTAB 1991). Inasmuch as the parties to the respective proceedings are the same and the proceedings involve common questions of law or fact, the Board finds that consolidation of the above-referenced proceedings is appropriate. Consolidation will avoid duplication of

effort concerning the factual issues and will thereby avoid unnecessary costs and delays.

In view thereof, applicant's motion to consolidate is hereby granted. Opposition Nos. 91212177 and 91212483 may be presented on the same record and briefs. The record will continue to be maintained in Opposition No. 91212177 as the "parent" case. The parties should no longer file separate papers in connection with each proceeding, but file only a single copy of each paper in the parent case. Each paper should bear the numbers of all consolidated proceedings in ascending order, and the parent case should be designated as the parents case by following it with: "(parent)," as in the case caption set forth above.

Consolidated cases do not lose their separate identity because of consolidation. 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 and a copy of the final decision shall be placed in each proceeding file. See Wright & Miller, federal Practice and Procedure: Civil §2382 (1971).

In keeping with Board practice, dates for the most recently instituted case are adopted for the consolidated

case. Accordingly, discovery and trial dates are reset as indicated below.

Deadline for Discovery Conference	11/25/2013
Discovery Opens	11/25/2013
Initial Disclosures Due	12/25/2013
Expert Disclosures Due	4/24/2014
Discovery Closes	5/24/2014
Plaintiff's Pretrial Disclosures	7/8/2014
Plaintiff's 30-day Trial Period Ends	8/22/2014
Defendant's Pretrial Disclosures	9/6/2014
Defendant's 30-day Trial Period Ends	10/21/2014
Plaintiff's Rebuttal Disclosures	11/5/2014
Plaintiff's 15-day Rebuttal Period Ends	12/5/2014

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.