

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: April 15, 2014

Opposition No. 91211505
(**Parent Case**)
Opposition No. 91213454

Monster Energy Company

v.

Disney Enterprises, Inc.

George C. Pologeorgis,
Interlocutory Attorney:

Applicant's motion (filed March 19, 2014 in both of the above-captioned proceedings) to consolidate Opposition Nos. 91211505 and 91213454 is **GRANTED** as conceded.¹ Fed. R. Civ. P. 42(a); Trademark Rule 2.127(a).

In view thereof, Opposition Nos. 91211505 and 91213454 are hereby consolidated.

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) and *Hilson Research Inc. v. Society for Human Resource Management*, 26 USPQ2d 1423 (TTAB 1993).

¹ Applicant's change of correspondence address filed on August 30, 2013 in Opposition No. 91211505 and on December 19, 2013 in Opposition No. 91213454 are noted. Board records have been updated accordingly.

The Board filed will be maintained in Opposition No. 91211505 as the “parent” case. As a general rule, from this point on only a single copy of any paper or motion should be filed in the designated parent case; but that copy should include both proceeding numbers in its caption.

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.²

In accordance with Board practice, discovery, disclosure and trial dates are reset to conform to the dates latest set in the proceedings that are being consolidated. In this instance, Opposition No. 91213454 has the latest dates set. However, in light of the slight delay in entertaining applicant’s motion to consolidate, trial dates for these now consolidated proceedings are reset as follows:

Discovery is open.

Initial Disclosures Due	4/30/2014
Expert Disclosures Due	8/28/2014
Discovery Closes	9/27/2014
Plaintiff's Pretrial Disclosures Due	11/11/2014
Plaintiff's 30-day Trial Period Ends	12/26/2014
Defendant's Pretrial Disclosures Due	1/10/2015
Defendant's 30-day Trial Period Ends	2/24/2015
Plaintiff's Rebuttal Disclosures Due	3/11/2015
Plaintiff's 15-day Rebuttal Period Ends	4/10/2015

² The parties should promptly inform the Board in writing of any other related *inter partes* proceedings. See Fed. R. Civ. P. 42(a).

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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.