

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

mc/gcp

Mailed: February 5, 2014

Opposition No. 91214091
(Parent Case)
Opposition No. 91214147

Villanueva Holding Company LLC

v.

David Reynozo

**George C. Pologeorgis,
Interlocutory Attorney:**

On January 9, 2014, applicant filed a motion to consolidate the above-captioned proceedings in Opposition No. 91214147.

It is noted that Opposition Nos. 91214091 and 91214147 have the same parties and involve common questions of law or fact. The Board may consolidate pending cases that involve common questions of law or fact since consolidation will avoid duplication of effort concerning the factual issues and will thereby avoid unnecessary costs and delays. *See* Fed. R. Civ. P. 42(a); *see also, Regatta Sport Ltd. v. Telux-Pioneer Inc.*, 20 USPQ2d 1154 (TTAB 1991) and *Estate of Biro v. Bic Corp.*, 18 USPQ2d 1382 (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

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that consolidation of the above-referenced proceedings is appropriate. In view thereof, applicant's motion to consolidate is **GRANTED** as well taken, as well as conceded. Trademark Rule 2.127.

Accordingly, Opposition Nos. 91214091 and 91214147 are hereby consolidated and may be presented on the same record and briefs.¹ The record will be maintained in Opposition No. 91214091 as the "parent" case. The parties should no longer file separate papers in connection with each proceeding.² Instead, 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. The parties should promptly inform the Board of any other related cases within the meaning of Fed. R. Civ. P. 42.

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 pleadings; a copy of the decision shall be placed in each proceeding file.

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, those dates are set forth in Opposition No. 91214147.

¹ Applicant's change of correspondence address filed on December 23, 2013 in Opposition No. 91214091 and on December 28, 2013 in Opposition No. 91214147 are noted. Board records for each proceeding have been updated accordingly.

² The Board notes that applicant has filed its answer to each notices of opposition consolidated herein.

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The Board notes, however, that the deadline for the parties' discovery conference as set forth in Opposition No. 91214147 has already expired. In light of the time it has taken for the Board to consider applicant's motion to consolidate and as not to prejudice the parties, trial dates for these now consolidated proceedings are reset as follows:³

Deadline for Discovery Conference	2/21/2014
Discovery Opens	2/21/2014
Initial Disclosures Due	3/23/2014
Expert Disclosures Due	7/21/2014
Discovery Closes	8/20/2014
Plaintiff's Pretrial Disclosures Due	10/4/2014
Plaintiff's 30-day Trial Period Ends	11/18/2014
Defendant's Pretrial Disclosures Due	12/3/2014
Defendant's 30-day Trial Period Ends	1/17/2015
Plaintiff's Rebuttal Disclosures Due	2/1/2015
Plaintiff's 15-day Rebuttal Period Ends	3/3/2015

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 (30) days** after completion of 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.

³ In light of this order, applicant's motion to consolidate filed on February 4, 2014 in Opposition No. 91214091 is deemed moot and will be given no further consideration.