

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: December 17, 2014

Opposition No. 91215035¹ (Parent)

Opposition No. 91218760

Vertex Pharmaceuticals Incorporated

v.

CHD Bioscience, Inc.

Monique Tyson, Paralegal Specialist:

On November 18, 2014, applicant filed an answer to the opposition and a counterclaim to cancel opposer's pleaded registration(s). Applicant submitted the required fee. On November 18, 2014 opposer's filed a consented motion to consolidate the above proceedings, both are noted.

Consolidation

Turning to the motion for consolidation filed November 18, 2014 applicant wishes to consolidate the above-referenced proceedings which is hereby granted as conceded, the cases involve the same parties and common issues of law and fact. Trademark Rule 2.127(a). Opposition No. 91215035 and Opposition No. 91218760 are hereby consolidated and may be presented on the same record and briefs. Papers should bear the number of each of the consolidated cases, although Opposition No. 91215035 is treated as the "parent" case, and most of

¹ Answer filed November 3, 2014 in Opposition No. 91215035 is noted.

the papers filed by the parties, or issued by the Board, will be placed only in the file of the parent case. The parties need not file a copy for each consolidated case; a single copy, bearing the number of each consolidated case, normally is sufficient. Consolidated cases do not lose their separate identity because of consolidation. Each proceeding retains its separate character and requires entry of a separate judgment. *See* Wright & Miller, Federal Practice and Procedure: Civil §2382 (1971).

Counterclaims

Opposer and counterclaim defendant, Vertex Pharmaceuticals Incorporated, is allowed until thirty days from the mailing date of this order to file an answer to the counterclaim. *See* Trademark Rule 2.106(b)(2)(iii). In accordance with the Trademark Rules of Practice, conferencing, disclosure, discovery and testimony periods are reset as indicated below. *See* Trademark Rule 2.121(b)(2). 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. *See* Trademark Rule 2.125.

Answer to Counterclaim Due	January 16, 2015
Deadline for Discovery Conference	February 15, 2015
Discovery Opens	February 15, 2015
Initial Disclosures Due	March 17, 2015
Expert Disclosures Due	July 15, 2015
Discovery Closes	August 14, 2015
Plaintiff's Pretrial Disclosures	September 28, 2015

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30-day testimony period for plaintiff's testimony to close	November 12, 2015
Defendant/Counterclaim Plaintiff's Pretrial Disclosures	November 27, 2015
30-day testimony period for defendant and plaintiff in the counterclaim to close	January 11, 2016
Counterclaim Defendant's and Plaintiff's Rebuttal Disclosures Due	January 26, 2016
30-day testimony period for defendant in the counterclaim and rebuttal testimony for plaintiff to close	March 11, 2016
Counterclaim Plaintiff's Rebuttal Disclosures Due	March 26, 2016
15-day rebuttal period for plaintiff in the counterclaim to close	April 25, 2016
Brief for plaintiff due	June 24, 2016
Brief for defendant and plaintiff in the counterclaim due	July 24, 2016
Brief for defendant in the counterclaim and reply brief, if any, for plaintiff due	August 23, 2016
Reply brief, if any, for plaintiff in the counterclaim due	September 7, 2016

If the parties file a motion to suspend or extend these dates, the motion should set forth the proposed dates in the format shown in this order. *See* Trademark Rule 2.121(d).

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.