

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

VV

Mailed: March 25, 2015

Opposition No. 91218431 (Parent)
Cancellation No. 92059996

Double Down, Inc.

v.

IGT

Cancellation No. 92060105

IGT

v.

Double Down, Inc.

Eric McWilliams, Supervisory Paralegal:

On January 29, 2015, opposer/petitioners filed a stipulated motion to consolidate. The Board notes initially that applicant/respondent has filed its answer in each proceeding for which consolidation is sought.

When cases involving common questions of law or fact are pending before the Board, the Board may order consolidation of the cases. *See* Fed. R. Civ. P. 42(a); *Regatta Sport Ltd. v. Telux-Pioneer Inc.*, 20 USPQ2d 1154 (TTAB 1991); and *Estate of Biro v. Bic Corp.*, 18 USPQ2d 1382 (TTAB 1991).

Opposition No. 91218431 (Parent), 92059996, and 92060105

In determining whether to consolidate proceedings, the Board will weigh the savings in time, effort, and expense which may be gained from consolidation, against any prejudice or inconvenience which may be caused thereby.

Consolidation is discretionary with the Board, and may be ordered upon motion granted by the Board, or upon stipulation of the parties approved by the Board, or upon the Board's own initiative. *See, e.g., Hilson Research Inc. v. Society for Human Resource Management*, 27 USPQ2d 1423 (TTAB 1993).

It is noted that the parties to these proceedings are identical, and the issues are similar or related. Accordingly, the motion to consolidate is granted and 91218431, 92059996 and 92060105 are hereby consolidated and may be presented on the same record and briefs. *See Hilson Research Inc. v. Society for Human Resource Management, supra*; and *Helene Curtis Industries Inc. v. Suave Shoe Corp.*, 13 USPQ2d 1618 (TTAB 1989).

The Board file will be maintained in Opposition No. 91218431 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 as indicated above, listing the “parent case” first.¹

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.

Upon consolidation, the Board will reset dates for the consolidated proceeding, usually by adopting the dates as set in the most recently instituted of the cases being consolidated. However, in view of the delay in the Board turning its attention to this matter, and inasmuch as the parties are in reversed position in Cancellation No. 92060105, the disclosure, discovery, and trial dates are reset below.

Initial Disclosures Due	April 20, 2015
Expert Disclosures Due	August 18, 2015
Discovery Closes	September 17, 2015
Double Down's Pretrial Disclosures as Plaintiff in Opposition No. 91218431 and Cancellation No. 92059996	November 1, 2015
30-day testimony period ends for Double Down as Plaintiff in Opposition No. 91218431 and Cancellation No. 92059996	December 16, 2015
IGT's Pretrial Disclosures as Defendant in Opposition No. 91218431 and Cancellation No. 92059996 and Plaintiff in Cancellation No. 92060105	December 31, 2015
30-day testimony period for IGT as Defendant in Opposition No. 91218431 and Cancellation No. 92059996 and Plaintiff in Cancellation No. 92060105	February 14, 2016

¹ 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.

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Double Down's Rebuttal Disclosures as Plaintiff in Opposition No. 91218431 and Cancellation No. 92059996 and Defendant in Cancellation No. 92060105 February 29, 2016

30-day testimony period for Double Down as Defendant in Cancellation No. 92060105 and Rebuttal Testimony as Plaintiff in Opposition No. 91218431 and Cancellation No. 92059996 April 14, 2016

IGT 's Rebuttal Disclosures Due April 29, 2016

15-day rebuttal period for IGT to close as Defendant in Opposition No. 91218431 and Cancellation No. 92059996 May 29, 2016

Brief for Double Down as Plaintiff in Opposition No. 91218431 and Cancellation No. 92059996 due July 28, 2016

Brief for IGT as Defendant in Opposition No. 91218431 and Cancellation No. 92059996 and Plaintiff in Cancellation No. 92060105 due August 27, 2016

Brief for Double Down as Defendant in Cancellation No. 92060105 and reply brief, if any, as Plaintiff in Opposition No. 91218431 and Cancellation No. 91218431 due September 26, 2016

Reply brief, if any, for IGT as Plaintiff in Cancellation No. 92060105 due October 11, 2016

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.

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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.