

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

Baxley

Mailed: February 2, 2011

Opposition No. 91195442
Cancellation No. 92052985

Watermill Express, LLC

v.

Gwynne 5 Beverage, LLC

Andrew P. Baxley, Interlocutory Attorney:

Defendant's consented motions (filed January 14, 2011) to consolidate the above-referenced proceedings are granted. The proceedings are hereby consolidated. See Fed. R. Civ. P. 42(a); *Regatta Sport Ltd. v. Telux-Pioneer Inc.*, 20 USPQ2d 1154 (TTAB 1991); *Estate of Biro v. Bic Corp.*, 18 USPQ2d 1382 (TTAB 1991); TBMP Section 511 (2d ed. rev. 2004).

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

The Board file will be maintained in Opposition No. 91195442 as the "parent" case. As a general rule, from this point onward, only a single copy of any submission should be

Opposition No. 91195442; Cancellation No. 92052985

filed herein. That copy, however, should include both consolidated proceeding numbers in the caption thereof.

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.

In keeping with Board practice, the Board will adopt the discovery and trial schedule for Cancellation No. 92052985, the most recently instituted of the consolidated proceedings. See TBMP Section 511 (2d ed. rev. 2004). For the parties' and the Board's convenience, that schedule is as follows.

Expert Disclosures Due	4/16/11
Discovery Closes	5/16/11
Plaintiff's Pretrial Disclosures	6/30/11
Plaintiff's 30-day Trial Period Ends	8/14/11
Defendant's Pretrial Disclosures	8/29/11
Defendant's 30-day Trial Period Ends	10/13/11
Plaintiff's Rebuttal Disclosures	10/28/11
Plaintiff's 15-day Rebuttal Period Ends	11/27/11

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.

Opposition No. 91195442; Cancellation No. 92052985

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.

If either of the parties or their attorneys should have a change of address, the Board should be so informed promptly.