

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

AM

Mailed: December 12, 2011

Opposition No. 91198561
Opposition No. 91199943
Cancellation No. 92052259
Cancellation No. 92052333
Cancellation No. 92053604

Excelsior-Henderson
Motorcycles

v.

John's Repair, Inc.

Andrew P. Baxley, Interlocutory Attorney:

Plaintiff's consented motion (filed November 30, 2011) to consolidate Opposition No. 91199943 with previously consolidated Opposition No. 91198561 and Cancellation Nos. 92052259, 92052333, and 92053604 is granted. 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); and TBMP Section 511 (3d ed. 2011). 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).

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The Board file will be maintained in Opposition No. 91198561 as the "parent" case. As a general rule, from this point onward, only a single copy of any submission should be filed herein. That copy, however, should include all of the 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.

The discovery period in Opposition No. 91198561 and Cancellation Nos. 92052259, 92052333, and 92053604 remains closed. Remaining dates herein are otherwise reset as follows.¹

Expert Disclosures in Opposition No. 91199943 Due	12/30/11
Discovery in Opposition No. 91199943 Closes	1/29/12
Plaintiff's Pretrial Disclosures Due	3/14/12
Plaintiff's 30-day Trial Period Ends	4/28/12
Defendant's Pretrial Disclosures Due	5/13/12
Defendant's 30-day Trial Period Ends	6/27/12
Plaintiff's Rebuttal Disclosures Due	7/12/12
Plaintiff's 15-day Rebuttal Period Ends	8/11/12

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

¹ Except as noted, this schedule applies to all of the consolidated proceedings.

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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.

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