

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

Mailed: November 22, 2013

Cancellation No. 92057799

Cancellation No. 92057800

Heartland Payment Systems,  
Inc.

v.

The Bancorp Bank

**Andrew P. Baxley, Interlocutory Attorney:**

The Board's November 19, 2013 order in Cancellation No. 92057799 and its November 20, 2013 order in Cancellation No. 92057800 are both vacated.

Because the above-captioned proceedings involve the same parties and common questions of law or fact, the Board hereby orders their consolidation. 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) and *Hilson Research Inc. v. Society for Human Resource Management*, 26 USPQ2d 1423 (TTAB 1993).

**Cancellation Nos. 92057799 and 92057800**

The Board file will be maintained in Cancellation No. 92057799 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 should include both consolidated proceeding numbers in the caption thereof. However, respondent should file an answer in each of the consolidated proceedings before commencing the practice of filing a single submission.

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 notices instituting this proceeding that the Board sent to respondent were returned by the Postal Service as undeliverable. It is the responsibility of a party to a Board proceeding to maintain its current address in USPTO records. Petitioner informed the Board in September 17, 2013 submissions that the service copies of the petitioner to cancel that it sent to respondent were returned by the Postal Service as undeliverable. Board personnel conducted an online search and found the following updated address for registrant.

Thomas G. Pariegat,  
Senior Vice President and General Counsel  
The Bancorp Bank  
409 Silverside Rd., Suite 105  
Wilmington, DE 19809

Accordingly, the above notices are remailed herewith to respondent at that address.<sup>1</sup>

Respondent is allowed until January 1, 2014 to inform the Board of this Office of its correct address in order that all records may be amended. Compliance with Trademark Rule 2.193(b) and Trademark 2.119(a) is required.

If there has been any transfer of interest in the involved registration, respondent must advise the Board and must submit copies of the appropriate documents. See Section 10 of the Trademark Act and Patent and Trademark Rules 3.71 and 3.73.

In view of the circumstances, dates herein are reset as follows.

Answer Due	1/1/2014
Deadline for Discovery Conference	1/31/2014
Discovery Opens	1/31/2014
Initial Disclosures Due	3/2/2014
Expert Disclosures Due	6/30/2014
Discovery Closes	7/30/2014
Plaintiff's Pretrial Disclosures Due	9/13/2014
Plaintiff's 30-day Trial Period Ends	10/28/2014
Defendant's Pretrial Disclosures Due	11/12/2014
Defendant's 30-day Trial Period Ends	12/27/2014

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<sup>1</sup> If respondent did not receive copies of the institution notices and/or the petitions to cancel, the Board files for the above-captioned proceedings are online at <http://ttabvueint.uspto.gov/ttabvue/>.

**Cancellation Nos. 92057799 and 92057800**

Plaintiff's Rebuttal Disclosures Due	1/11/2015
Plaintiff's 15-day Rebuttal Period Ends	2/10/2015

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 days 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.