

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

Baxley

Mailed: March 17, 2009

Opposition No. 91187990

Epiq Systems, Inc.

v.

Epic River, LLC

Opposition No. 91189100

Epic River, LLC

v.

Epiq Systems, Inc.

Andrew P. Baxley, Interlocutory Attorney:

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); 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) and *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. 91187990 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. However, because the involved proceedings were consolidated prior to joinder of the issues in Opposition No. 91189100, Epiq Systems, Inc. ("Epiq") should file an answer in that proceeding before the parties commence the practice of filing a single copy of any submission in the parent case.

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.

On March 13, 2009, Epiq filed motions to suspend these proceeding for one month in view of its attorney's departure from her law firm. On March 17, 2009, Epic River, LLC's ("Epic") attorney provided consent to those motions by telephone.

Accordingly, the motions to suspend are granted.¹
Proceedings herein are suspended until April 19, 2009 and

¹ Epiq does not seek suspension of Opposition No. 91187990 for settlement negotiations, arbitration or mediation. Therefore, the fact that the motion to suspend that proceeding was filed between the filing of Epic's answer and the deadline for the parties' discovery conference is not an obstacle to granting that

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will resume without further action by the Board on April 20, 2009 under the following schedule.

Epiq's answer in Opposition No. 91189100 due:	May 20, 2009
Deadline for discovery conference:	June 19, 2009
Discovery opens:	June 19, 2009
Initial disclosures due:	July 19, 2009
Expert disclosures due:	November 16, 2009
Discovery closes:	December 16, 2009
Epiq's pretrial disclosures due:	January 30, 2010
Epiq's 30-day testimony period as plaintiff in Opposition No. 91187900 to close:	March 16, 2010
Epic's pretrial disclosures due:	March 31, 2010
Epic's 30-day testimony period as defendant in Opposition No. 91187900 and as plaintiff in Opposition No. 91189100 to close:	May 15, 2010
Epiq's pretrial disclosures for rebuttal in Opposition No. 91187900 and as defendant in Opposition No. 91189100 due:	May 30, 2010
Epiq's 30-day testimony period as defendant in Opposition No. 91189100 and for rebuttal as plaintiff in Opposition No. 91187900 to close:	July 14, 2010
Epic's rebuttal disclosures as plaintiff in Opposition No. 91189100 due:	July 29, 2010

motion to suspend. See Miscellaneous Changes to Trademark Trial and Appeal Board Rules, 72 Fed. Reg. 42242, 42245 (August 1, 2007).

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Epic's 15-day rebuttal testimony period as plaintiff in
Opposition No. 91189100 to close: August 28, 2010

Brief for Epiq as plaintiff in Opposition No. 91187900 due: October 27, 2010

Brief for Epic as defendant in Opposition No. 91187900 and
as plaintiff in Opposition No. 91189100 due: November 26, 2010

Brief for Epiq as defendant in Opposition No. 91189100 and
reply brief, if any, as plaintiff in Opposition No. 91187900
due: December 26, 2010

Reply brief, if any, for Epic as plaintiff in Opposition No.
91189100 due: January 10, 2011

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. 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.