

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

Mailed: September 26, 2013

Opposition Nos. 91184524 (parent)  
91185285  
91190423  
91194327  
91195766

The Pep Boys Manny, Moe &  
Jack of California

v.

Kent G. Anderson

**Robert H. Coggins,  
Interlocutory Attorney:**

Further Consolidation

Opposer's motion (filed July 25, 2013, in Opposition Nos. 91184524, 91194327, and 91195766) to consolidate Opposition Nos. 91194327 and 91195766 into previously consolidated parent Opposition No. 91184524 is granted as conceded and as well-taken.<sup>1</sup> Fed. R. Civ. P. 42(a); Trademark Rule 2.127(a). Accordingly, Opposition Nos. 91194327 and 91195766 are consolidated into previously consolidated Opposition No.

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<sup>1</sup> Inasmuch as applicant did not contest the motion as filed in Opposition Nos. 91194327 and 91195766, the motion appears to be conceded. Notwithstanding this treatment, it is noted that the motion filed in Opposition No. 91184524 fails to include proof of service upon applicant's counsel in that proceeding. Applicant is represented by a different attorney in Opposition No. 91184524 than in Opposition Nos. 91194327 and 91195766.

Opposition No. 91184524

91184524 (as the parent) and may be presented on the same record and brief.

The Board file will be maintained in Opposition No. 91184524 as the "parent" case. The parties should no longer file separate papers in connection with each proceeding. Only a single copy of each paper should be filed by the parties and each paper should bear the case caption as set forth above.

Opposer's Change of Address

Opposer's change of correspondence address (filed July 25, 2013, in Opposition Nos. 91184524, 91194327, and 91195766) is noted and entered.

Applicant's Counsel

It is noted that two Board orders addressed to Dwayne L. Bentley, as applicant's counsel in now-child Opposition No. 91194327, were returned to the Board as undeliverable. See Board orders dated July 10 and August 15, 2013, at TTABVUE entry numbers 40 and 44 in Opposition No. 91194327. In view of the returned mail, and in view of the consolidation ordered herein, the Board has updated applicant's correspondent and correspondence address in "child" Opposition Nos. 91194327 and 91195766 to applicant's counsel of record in parent Opposition No. 91184524. That is, the Board presumes that applicant's counsel Daniel Kirshner, as counsel in the parent case, will be lead counsel

Opposition No. 91184524

for these further consolidated proceedings. If applicant wishes to appoint another attorney as lead counsel for these consolidated proceedings, applicant is free to do so. See TBMP § 117.02 (3d ed. rev.2 2013).

Applicant's July 30, 2013 Filing in Opposition No. 91194327

On July 30, 2013, applicant filed in Opposition No. 91194327 a letter addressed to the President of the United States. The letter contains a statement indicating that the letter was filed with, *inter alia*, the Board. Inasmuch as the letter makes no request for any action by the Board, and it otherwise appears procedurally inappropriate, the letter will be give no consideration. Moreover, the letter appears to have been filed by applicant himself - not by applicant's counsel. See Trademark Rule 2.18(a)(7) ("Once the Office has recognized a practitioner ... as the representative of an applicant ... the Office will communicate and conduct business only with that practitioner ... [and] will not conduct business directly with the applicant...").

Schedule

In view of the further consolidation, and in view of opposer's request in the motion to consolidate, the parties are to follow the trial schedule as set forth in Opposition No. 91195766; that schedule gives the parties the benefit of the latest dates. For the convenience of the parties, that

Opposition No. 91184524

scheduled is provided below. Opposer's testimony period is open.

Opposer's 30-day Trial Period Ends	10/14/2013
Applicant's Pretrial Disclosures	10/29/2013
Applicant's 30-day Trial Period Ends	12/13/2013
Opposer's Rebuttal Disclosures	12/28/2013
Opposer's 15-day Rebuttal Period Ends	1/27/2014

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.

#### Report Requirement

The requirement (imposed in the Board's June 18, 2013 order in parent Opposition No. 91184524) that the parties provide a detailed status report regarding the progress of the parties' settlement negotiations is withdrawn. However, in view of the considerable number of extensions and suspensions granted in these consolidated proceedings, the requirement that the parties establish good cause by means of a detailed motion for any future motion to extend or suspend time -even when the parties consent to the extension or suspension- is maintained.

Opposition No. 91184524

A copy of this order has been sent to each address  
below:

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