

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

VW

Mailed: November 29, 2012

Opposition Nos. 91206491 (parent)  
91207202  
Cancellation No. 92055987

Geo G. Sandeman Sons & Co.,  
Limited

v.

Tequila Don Julio, S.A. de C.V.

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

On November 15, 2012, petitioner filed (in Cancellation No. 92055987) a consented motion to consolidate Opposition Nos. 91206491 and 91207202 and Cancellation No. 92055987.

Consolidation

Consolidation is discretionary with the Board, and may be ordered upon stipulation of the parties approved by the Board. *See, for example, Wright, Miller, Kane, and Marcus, 9A Fed. Prac. & Proc. Civ. § 2384 (3d ed. 2011); and Helene Curtis Industries Inc. v. Suave Shoe Corp., 13 USPQ2d 1618 (TTAB 1989) (stipulation).*

The Board has reviewed the records in all three cases, and concludes that Opposition Nos. 91206491 and 91207202

Opposition Nos. 91206491 & 91207202, Cancellation No. 92055987

and Cancellation No. 92055987 involve the same parties and common questions of law and fact. It would therefore be appropriate to consolidate these proceedings pursuant to Fed. R. Civ. P. 42(a).

Accordingly, petitioner's motion is granted. The above-noted proceedings are consolidated and may be presented on the same record and briefs.<sup>1</sup> The Board file will be maintained in Opposition No. 91206491 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. The parties should promptly inform the Board of any other related cases within the meaning of Fed. R. Civ. P. 42.

Schedule

Dates in the consolidated proceeding are reset on the schedule for the latest-filed case (i.e., Opposition No. 91207202). For the parties convenience, that schedule is reproduced below.

Deadline for Discovery Conference	<b>12/7/2012</b>
Discovery Opens	<b>12/7/2012</b>
Initial Disclosures Due	<b>1/6/2013</b>

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<sup>1</sup> Consolidated cases do not lose their separate identity because of consolidation. Each proceeding retains its separate character and requires entry of a separate judgment. The decision on the consolidated cases shall take into account any differences in the issues raised by the respective pleadings and a copy of the final decision shall be placed in each proceeding file.

Expert Disclosures Due	5/6/2013
Discovery Closes	6/5/2013
Plaintiff's Pretrial Disclosures	7/20/2013
Plaintiff's 30-day Trial Period Ends	9/3/2013
Defendant's Pretrial Disclosures	9/18/2013
Defendant's 30-day Trial Period Ends	11/2/2013
Plaintiff's Rebuttal Disclosures	11/17/2013
Plaintiff's 15-day Rebuttal Period Ends	12/17/2013

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.