

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

Mailed: February 20, 2014

Opposition No. 91208003
(Parent)
Opposition No. 91214448

Red Bull GmbH

v.

Michael F. Ball

Amy Matelski, Paralegal Specialist:

On January 15, 2014, opposer filed a motion to consolidate Opposition Nos. 91208003 and 91214448. The Board notes initially that applicant has not yet filed its answer in Opposition No. 91214448 for which consolidation is sought. See TBMP § 511.

The Board may consolidate pending cases that involve common questions of law or fact. See Fed. R. Civ. P. 42(a); see also, *Regatta Sport Ltd. v. Telux-Pioneer Inc.*, 20 USPQ2d 1154 (TTAB 1991) and *Estate of Biro v. Bic Corp.*, 18 USPQ2d 1382 (TTAB 1991). Inasmuch as the parties to the respective proceedings are the same and the proceedings involve common questions of law or fact, the Board finds that consolidation of the above-referenced proceedings is appropriate. Consolidation will avoid duplication of effort

concerning the factual issues and will thereby avoid unnecessary costs and delays.

In view thereof, opposer's motion to consolidate is hereby granted as conceded. Opposition Nos. 91208003 and 91214448 are hereby consolidated and may be presented on the same record and briefs. The record will be maintained in Opposition No. 91208003 as the "parent" case. The parties should no longer file separate papers in connection with each proceeding, but file only a single copy of each paper in the parent case. However, because these proceedings are being consolidated before the filing of the answer in Opposition No. 91214448 and to the counterclaim filed against Reg. No. 3939863 in Opposition No. 91208003, applicant and opposer must file its answers in each proceeding, following which subsequent filings should be filed only in the parent case.

Each paper filed should bear the numbers of all consolidated proceedings in ascending order, and the parent case should be designated as the parent case by following it with: "(parent)," as in the case caption set forth above.

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. See Wright & Miller, Federal Practice and Procedure: Civil §2382 (1971).

The parties are instructed to promptly inform the Board of any other related cases within the meaning of Fed. R. Civ. P. 42.

Opposer's consented motion, filed December 18, 2013, to suspend proceedings to continue settlement discussions is granted.¹ Trial dates are set as indicated below.

Answer is due in Opposition No. 91214448	February 22, 2014
Answer to Counterclaim in Opposition No. 91208003 Due	March 11, 2014
Deadline for Discovery Conference	April 10, 2014
Discovery Opens	April 10, 2014
Initial Disclosures Due	May 10, 2014
Expert Disclosures Due	September 7, 2014
Discovery Closes	October 7, 2014
Plaintiff's Pretrial Disclosures	November 21, 2014
30-day testimony period for plaintiff's testimony to close	January 5, 2015
Defendant/Counterclaim Plaintiff's Pretrial Disclosures	January 20, 2015
30-day testimony period for defendant and plaintiff in the counterclaim to close	March 6, 2015
Counterclaim Defendant's and Plaintiff's Rebuttal Disclosures Due	March 21, 2015
30-day testimony period for defendant in the counterclaim and rebuttal testimony for plaintiff to close	May 5, 2015
Counterclaim Plaintiff's Rebuttal Disclosures Due	May 20, 2015

¹Opposer's change of correspondence address, filed December 18, 2013 is noted and made of record.

15-day rebuttal period for plaintiff in the counterclaim to close	June 19, 2015
Brief for plaintiff due	August 18, 2015
Brief for defendant and plaintiff in the counterclaim due	September 17, 2015
Brief for defendant in the counterclaim and reply brief, if any, for plaintiff due	October 17, 2015
Reply brief, if any, for plaintiff in the counterclaim due	November 1, 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 Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.