

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500

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Mailed: August 3, 2017

Opposition No. 91216538

Opposition No. 91216605

Opposition No. 91216672

Derek A. Lopez

v.

Ted Wong JKD, LLC

(as consolidated)

Andrew P. Baxley, Interlocutory Attorney:

On June 22, 2017, the Board issued an order to show cause in Opposition No. 91216605 under Trademark Rule 2.128(a)(3) in view of Opposer's failure to file a brief on the case. Also on June 22, 2017, Opposer filed separate stipulations to reopen trial dates in each of the above-captioned proceedings. In view of those stipulations, the order to show cause is moot.

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 § 511 (June 2017). 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); *Hilson*

Research Inc. v. Society for Human Resource Management, 26 USPQ2d 1423 (TTAB 1993).

The Board file will be maintained in Opposition No. 91216538 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.

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 stipulations to reopen trial dates are granted, to the extent modified below.

Trial dates are reset as follows:

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| Plaintiff's Pretrial Disclosures Due | 8/17/2017 |
| Plaintiff's 30-day Trial Period Ends | 10/1/2017 |
| Defendant's Pretrial Disclosures Due | 10/8/2017 |
| Defendant's 30-day Trial Period Ends | 12/6/2017 |
| Plaintiff's Rebuttal Disclosures Due | 12/15/2017 |
| Plaintiff's 15-day Rebuttal Period Ends | 1/14/2018 |
| Plaintiff's Opening Brief Due | 3/15/2018 |
| Defendant's Brief Due | 4/14/2018 |
| Plaintiff's Reply Brief Due | 4/29/2018 |
| Request for Oral Hearing (optional) Due | 5/9/2018 |

Generally, the Federal Rules of Evidence apply to Board trials. Trial testimony is taken and introduced out of the presence of the Board during the assigned testimony periods. The parties may stipulate to a wide variety of matters, and many requirements relevant to the trial phase of Board proceedings are set forth in Trademark

Rules 2.121 through 2.125. These include pretrial disclosures, matters in evidence, the manner and timing of taking testimony, and the procedures for submitting and serving testimony and other evidence, including affidavits, declarations, deposition transcripts and stipulated evidence. Trial briefs shall be submitted in accordance with Trademark Rules 2.128(a) and (b). Oral argument at final hearing will be scheduled only upon the timely submission of a separate notice as allowed by Trademark Rule 2.129(a).