

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

mc

Mailed: January 23, 2016

Opposition No. 91221493 (parent case)
Opposition No. 91223820
Opposition No. 91223821

Shaklee Corporation

v.

Mannatech, Incorporated

Jennifer Krisp, Interlocutory Attorney:

On January 4, 2016, Applicant filed a joint motion to consolidate Opposition Nos. 91221493, 91223820 and 91223821. Applicant has filed its answer and counterclaim, and Opposer has filed its answer to the counterclaim, in each proceeding for which consolidation is sought.

When cases involving common questions of law or fact are pending before the Board, the Board may order consolidation of the cases. 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, 1384 n.3 (TTAB 1991). In determining whether to consolidate proceedings, the Board will weigh the savings in time, effort and expense that may be gained from consolidation against any prejudice or inconvenience that may be caused thereby. Consolidation is discretionary with the Board, and may be ordered upon motion granted by the Board, or upon stipulation of the parties ap-

proved by the Board, or upon the Board's own initiative. *World Hockey Ass'n v. Tudor Metal Prods. Corp.*, 185 USPQ 246, 248 (TTAB 1975); TBMP § 511 (2015).

The parties to these proceedings are identical, and the issues are similar or related. Accordingly, the motion to consolidate is granted. Opposition Nos. 91221493, 91223820 and 91223821 are hereby consolidated and may be presented on the same record and briefs. *See Hilson Research Inc. v. Society for Human Resource Management*, 27 USPQ2d 1423 (TTAB 1993); *Helene Curtis Industries Inc. v. Suave Shoe Corp.*, 13 USPQ2d 1618 (TTAB 1989).

The Board file will be maintained in Opposition No. **91221493** as the “parent case.” From this point on, only a single copy of all motions, briefs and papers should be filed, and each shall be filed in the parent case only, and caption all consolidated proceeding numbers, listing the “parent case” first.¹

Despite being consolidated, 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; a copy of the decision shall be placed in each proceeding file.

Upon consolidation, the Board will reset dates for the consolidated proceeding, usually by adopting the dates as set in the most-recently instituted of the proceed-

¹ The parties should promptly inform the Board of any other Board proceedings or related cases within the meaning of Fed. R. Civ. P. 42, so that the Board can consider whether further consolidation is appropriate.

ings being consolidated. To maintain order in the consolidated proceeding, trial dates are as set forth below.²

Deadline for Discovery Conference	February 26, 2016
Discovery Opens	February 26, 2016
Initial Disclosures Due	March 27, 2016
Expert Disclosures Due	July 25, 2016
Discovery Closes	August 24, 2016
Plaintiff's Pretrial Disclosures	October 8, 2016
30-day testimony period for plaintiff's testimony to close	November 22, 2016
Defendant/Counterclaim Plaintiff's Pretrial Disclosures	December 7, 2016
30-day testimony period for defendant and plaintiff in the counterclaim to close	January 21, 2017
Counterclaim Defendant's and Plaintiff's Rebuttal Disclosures Due	February 5, 2017
30-day testimony period for defendant in the counterclaim and rebuttal testimony for plaintiff to close	March 22, 2017
Counterclaim Plaintiff's Rebuttal Disclosures Due	April 6, 2017
15-day rebuttal period for plaintiff in the counterclaim to close	May 6, 2017
Brief for plaintiff due	July 5, 2017
Brief for defendant and plaintiff in the counterclaim due	August 4, 2017
Brief for defendant in the counterclaim and reply brief, if any, for plaintiff due	September 3, 2017
Reply brief, if any, for plaintiff in the counterclaim due	September 18, 2017

² If the parties file any motion to suspend or extend these dates, the motion must set forth a new proposed schedule in the same manner as the schedule set forth herein.

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.