

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

Mailed: July 7, 2016

Opposition No. 91222424 (**Parent Case**)
Opposition No. 91222425
Opposition No. 91222426
Opposition No. 91222524
Opposition No. 91222525
Opposition No. 91222526
Opposition No. 91222527
Opposition No. 91222528
Opposition No. 91222529
Opposition No. 91222530
Opposition No. 91222626
Opposition No. 91222632
Opposition No. 91222638
Opposition No. 91222735
Opposition No. 91224298

The New School

v.

Parsons Xtreme Golf, LLC

George C. Pologeorgis,
Administrative Trademark Judge:

It has come to the Board's attention that the above-captioned opposition proceedings involve common questions of law and fact and the parties are the same. When cases involving common questions of law or fact are pending before the Board, the Board may order the consolidation of the cases. *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).

Accordingly, the Board, *sua sponte*, orders the consolidation of the above-captioned proceedings. In view thereof, the above-captioned opposition proceedings are hereby consolidated.

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

The Board file for these consolidated cases will be maintained in **Opposition No. 91222424** as the "**parent**" case. As a general rule, from this point on only a single copy of any paper or motion should be filed in the parent case of the consolidated proceedings, but that copy should bear each opposition proceeding number of the cases consolidated in its caption. **The only exception is that the answer to each notice of opposition or amended notice of opposition, if applicable, must be filed in the respective corresponding proceeding.**

The parties are further advised that 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 pleadings and a copy of the final decision shall be placed in each proceeding file.¹

In accordance with Board practice, discovery, disclosure and trial dates are reset to conform to the dates latest set in the proceedings that are being consolidated. In this instance, the Board notes that on July 1, 2016 Applicant filed a consented motion to

¹ The parties should promptly inform the Board in writing of any other related *inter partes* proceedings. *See* Fed. R. Civ. P. 42(a).

extend trial dates by sixty days, beginning with the deadline to file an answer or otherwise respond to the notice of opposition, in each of the opposition proceedings consolidated by this order on the ground that the parties are still pursuing settlement.

Applicant's consented motions to extend are **GRANTED** to the extent noted below.² Trademark Rule 2.127(a).

Applicant is allowed until **September 23, 2016** in which to file and serve an answer or otherwise respond to each notice of opposition or amended notice of opposition, if applicable.³ Remaining trial dates for this now consolidated case are reset as follows:

Deadline for Discovery Conference	10/23/2016
Discovery Opens	10/23/2016
Initial Disclosures Due	11/22/2016
Expert Disclosures Due	3/22/2017
Discovery Closes	4/21/2017
Plaintiff's Pretrial Disclosures Due	6/5/2017
Plaintiff's 30-day Trial Period Ends	7/20/2017
Defendant's Pretrial Disclosures Due	8/4/2017
Defendant's 30-day Trial Period Ends	9/18/2017
Plaintiff's Rebuttal Disclosures Due	10/3/2017
Plaintiff's 15-day Rebuttal Period Ends	11/2/2017

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.

² The Board notes that Applicant's July 1, 2016, consented motions to extend were already granted in Opposition Nos. 91222626, 91222632, 91222638, 91222735, and 91224298. This order, however, supersedes the orders granting Applicant's consented motions to extend in the aforementioned opposition proceedings.

³ Applicant is reminded that it must file its answer to each notice of opposition or amended notice of opposition in the corresponding proceeding.

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.

As a final matter, the Board notes that since August 2015, the parties have effected numerous stipulations to extend trial dates in most of the opposition proceedings consolidated herein to accommodate the parties' settlement negotiations, yet settlement has still not been reached nor have issues been joined in these consolidated proceedings. Accordingly, if the parties agree to another extension or suspension for settlement, they will be expected to report to the Board on the progress of their settlement negotiations. Such report **must** include (1) a recitation of issues that have been resolved; (2) identification of the settlement activities which have occurred **for each month since August 2015**, including (i) all dates on which the parties communicated, and the method of each communication (*e.g.* telephone, email, in person meeting), and (ii) the general nature of each communication;⁴ (3) issues that remain to be resolved; and (4) a firm timetable for resolution. Absent such a report, any future motion to extend or suspend for settlement, even though agreed to by the parties, **will not be granted**.

Because the parties must now supply a status report regarding their settlement activities if they seek another request to extend or suspend for settlement, they must employ the "general filings" option in ESTTA when filing such a consented request and include a proposed trial schedule. In other words, the parties are

⁴ If no settlement activity has occurred for any month of extension for settlement since August 2015, the parties must explain why no settlement activity occurred.

Opposition Nos. 91222424 et al.

precluded from utilizing the “consented motions” filing option if they intend to file another consented motion to extend or suspend for settlement.