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: May 12, 2017

Opposition Nos. **91231632 (Parent)**
91231774, 91231777
91231778, 91231779
91231780, 91231852
91232232, 91232462
91232464

Mast-Jaegermeister SE

v.

Milwaukee Bucks, LLC

Victoria von Vistauxx, Paralegal Specialist:

Applicant's motion to accept its late filed answer to the above-captioned opposition proceedings and consolidate, filed on April 4, 2017, is noted.

Motion to Accept Late Filed Answer

Applicant's motion (filed April 4, 2017) to accept its late filed answer to the above-captioned opposition proceedings, is granted as conceded. Trademark Rule 2.127(a).

Applicant states that its "failure to file an answer in timely fashion was inadvertent and the result of docketing errors." Applicant, further states that the parties are actively engaged in settlement negotiations in an attempt to resolve their differences.

As a general rule, good cause exist where Applicant's delay has not been willful or in bad faith, when the prejudice to the Opposer is lacking, and where Applicant has a meritorious defense. Applicant in its motion has demonstrated to the satisfaction of

the Board that the late filing of its answer in each of the opposition proceedings was not the product of gross negligent, Opposer will not suffer prejudice given that this proceeding is in its early stages, and that Applicant's answer establishes that Applicant has a meritorious defense to the subject oppositions.

In view thereof, Applicant's answer to each of the above-captioned proceeding is accepted as its operative pleading in these proceedings.

Motion to Consolidate

Applicant's motion to consolidate Opposition Nos. 91231632, 91231774, 91231777, 91231778, 91231779, 91231780, 91231852, 91232232, 91232462, and 91232464, filed in conjunction with its motion to accept late filed answer, is uncontested. The Board notes initially that Applicant has filed its answer 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. *See* Fed. R. Civ. P. 42(a); *Regatta Sport Ltd. v. Telux-Pioneer Inc.*, 20 USPQ2d 1154 (TTAB 1991); and *Estate of Biro v. Bic Corp.*, 18 USPQ2d 1382 (TTAB 1991). In determining whether to consolidate proceedings, the Board will weigh the savings in time, effort, and expense which may be gained from consolidation, against any prejudice or inconvenience which 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 approved by the Board, or

upon the Board's own initiative. *See, e.g.*, *Hilson Research Inc. v. Society for Human Resource Management*, 27 USPQ2d 1423 (TTAB 1993).

The parties to these proceedings are identical, and the issues are similar or related. Accordingly, the motion to consolidate is **granted as conceded**. Opposition Nos. 91231632, 91231774, 91231777, 91231778, 91231779, 91231780, 91231852, 91232232, 91232462, and 91232464 are hereby consolidated and may be presented on the same record and briefs. *See Hilson Research Inc. v. Society for Human Resource Management*, *supra*; and *Helene Curtis Industries Inc. v. Suave Shoe Corp.*, 13 USPQ2d 1618 (TTAB 1989).

The Board file will be maintained in Opposition No. **91231632** as the "**parent case**." From this point on, only a single copy of all motions and submissions should be filed, and each submission should be filed in the parent case only, but caption all consolidated proceeding numbers, listing and identifying 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 cases being consolidated. Trial dates remain as set forth below.

Deadline for Discovery Conference **6/4/2017**

[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.

Discovery Opens	**6/4/2017**
Initial Disclosures Due	**7/4/2017**
Expert Disclosures Due	**11/1/2017**
Discovery Closes	**12/1/2017**
Plaintiff's Pretrial Disclosures Due	**1/15/2018**
Plaintiff's 30-day Trial Period Ends	**3/1/2018**
Defendant's Pretrial Disclosures Due	**3/16/2018**
Defendant's 30-day Trial Period Ends	**4/30/2018**
Plaintiff's Rebuttal Disclosures Due	**5/15/2018**
Plaintiff's 15-day Rebuttal Period Ends	**6/14/2018**
Plaintiff's Opening Brief Due	**8/13/2018**
Defendant's Brief Due	**9/12/2018**
Plaintiff's Reply Brief Due	**9/27/2018**

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).