

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: October 31, 2017

Opposition No. 91233700 (Parent)  
Opposition No. 91235399  
Opposition No. 91235401  
Opposition No. 91235535  
Opposition No. 91235537  
Opposition No. 91235540  
Opposition No. 91235542  
Opposition No. 91235543

*NFL Properties LLC and Houston NFL  
Holdings, L.P.*  
*NFL Properties LLC and New York Football  
Giants, Inc.*  
*NFL Properties and Philadelphia Eagles  
LLC*  
*NFL Properties LLC and Chicago Bears  
Football club, Inc.*  
*NFL Properties LLC and New England  
Patriots LLC*  
*NFL Properties LLC and The Los Angeles  
Rams, LLC*  
*Arizona Cardinals Football Club LLC and  
NFL Properties LLC*  
*NFL Properties LLC and New York Jets LLC*

*v.*

*Joshua F Morell*

**Michael Webster, Interlocutory Attorney:**

It has come to the Board's attention that Opposition Nos. 91233700, 91235399, 91235401, 91235535, 91235537, 91235540, 91235542, and 91235543 involve some of the same parties, similar marks and the same claims.

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).

In view of the above, the Board finds it appropriate to consolidate these proceedings in order to consider the claims concurrently once all matters are briefed. Accordingly, Opposition Nos. 91233700, 91235399, 91235401, 91235535, 91235537, 91235540, 91235542, and 91235543 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. 91233700 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.<sup>1</sup>

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 resets dates for the consolidated proceeding, usually by adopting the dates as set in the most recently instituted of the cases being consolidated. Accordingly, trial dates are reset as set forth below.

Initial Disclosures Due	4/18/2018
Expert Disclosures Due	4/18/2018
Discovery Closes	5/18/2018
Plaintiff's Pretrial Disclosures Due	7/2/2018
Plaintiff's 30-day Trial Period Ends	8/16/2018
Defendant's Pretrial Disclosures Due	8/31/2018
Defendant's 30-day Trial Period Ends	10/15/2018
Plaintiff's Rebuttal Disclosures Due	10/30/2018
Plaintiff's 15-day Rebuttal Period Ends	11/29/2018
Plaintiff's Opening Brief Due	1/28/2019
Defendant's Brief Due	2/27/2019
Plaintiff's Reply Brief Due	3/14/2019
Request for Oral Hearing (optional) Due	5/13/2019

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

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<sup>1</sup> 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.

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).