

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

VW

Mailed: September 9, 2017

Opposition No. 91226484 (**Parent**)
Opposition No. 91227693
Opposition No. 91233988 *

*Society for Worldwide Interbank Financial
Telecommunication SCRL*

v.

Apple Inc.

Benjamin U. Okeke, Interlocutory Attorney:

On July 17, 2017, Opposer filed a motion to add Opposition No. 91233988 (shown with an asterisk [*] in the caption) to the previously consolidated opposition.

Consolidation

The Board finds it appropriate to add Opposition No. 91233988 to previously consolidated Opposition Nos. 91226484 and 91227693, which involve the same parties and related marks. Accordingly, Opposition No. 91233988 is added to the already consolidated proceedings and may be presented on the same record and briefs. *Venture Out Properties LLC v. Wynn Resorts Holdings LLC*, 81 USPQ2d 1887, 1889 (TTAB 2007); *8440 LLC v. Midnight Oil Co.*, 59 USPQ2d 1541, 1541 n.1 (TTAB 2001); *Hilson Research Inc. v. Soc’y for Human Res. Mgmt.*, 27 USPQ2d 1423, 1424, n.1 (TTAB 1993); *Helene Curtis Indus. Inc. v. Suave Shoe Corp.*, 13 USPQ2d 1618, 1619, n.1 (TTAB 1989).

The record will continue to be maintained in Opposition No. 91226484 as the “parent” case. The parties should file all future submissions in the parent case only. Each submission should bear the case caption set forth above and the parent case should be designated as such by following the case number with: “(parent).”

Consolidated cases do not lose their separate identity because of consolidation. Each proceeding retains its separate character and requires entry of a separate judgment. The single 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. *See Dating DNA LLC v. Imagini Holdings Ltd.*, 94 USPQ2d 1889, 1893 (TTAB 2010).

Trial Schedule

As ordered above, Opposition Nos. 91226484, 91227693 and 91233988 are consolidated. In accordance with Board practice, discovery, disclosure and trial dates are reset to conform to the schedule of the latest instituted proceeding. In this instance, however, the Board notes that the deadline for the parties to serve their respective initial disclosures in Opposition No. 91233988 has already expired. The parties may stipulate that the initial disclosures previously served in Opposition Nos. 91226484 and 91227693 are sufficient and discharge the need to serve further initial disclosures in Opposition No. 91233988. Alternatively, the parties should promptly, and within

TEN DAYS of the issuance of this order, serve initial disclosures directed to Opposition No. 91233988 specifically. The consolidated proceeding will proceed on the trial schedule provided below.

Schedule

The trial schedule for the consolidated proceeding is reset as follows:

Expert Disclosures Due	February 9, 2018
Discovery Closes	March 11, 2018
Plaintiff's Pretrial Disclosures Due	April 25, 2018
Plaintiff's 30-day Trial Period Ends	June 9, 2018
Defendant's Pretrial Disclosures Due	June 24, 2018
Defendant's 30-day Trial Period Ends	August 8, 2018
Plaintiff's Rebuttal Disclosures Due	August 23, 2018
Plaintiff's 15-day Rebuttal Period Ends	September 22, 2018
BRIEFS SHALL BE DUE AS FOLLOWS:	
Plaintiff's Main Brief Due	November 21, 2018
Defendant's Main Brief Due	December 21, 2018
Plaintiff's Reply Brief Due	January 5, 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 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).