

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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Baxley

June 5, 2019

Opposition No. 91243297

Opposition No. 91248487

Spotify AB

v.

U.S. Software, Inc.

Andrew P. Baxley, Interlocutory Attorney:

Opposer's consented motion (filed May 30, 2019) to consolidate the above-captioned proceedings is granted, as modified by this order. The Board hereby orders their consolidation. *See* 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 (TTAB 1991); TBMP § 511 (2017). 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); *Hilson Research Inc. v. Society for Human Resource Management*, 26 USPQ2d 1423 (TTAB 1993).

The Board file will be maintained in Opposition No. 91243297 as the "parent" case. As a general rule, from this point onward, parties should file only a single copy of any submission herein in the Board file for the parent case. That copy should include all of the consolidated proceeding numbers in the caption thereof. **Applicant, however,**

should file its answer for Opposition No. 91248487 in the Board file for that proceeding. 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 pleading; a copy of the decision shall be placed in each proceeding file.

In keeping with Board practice, the Board adopts the schedule for Opposition No. 91248487, the most recently instituted of the above-captioned proceedings, for these consolidated proceedings, as modified hereby. *See* TBMP § 511. That schedule is as follows.

Answer Due in 91248487	7/9/2019
Deadline for Discovery Conference in 91248487 ¹	8/8/2019
Discovery Opens in 91248487/Resumes in 91243297 ²	8/8/2019
Initial Disclosures Due in 91248487	9/7/2019
Expert Disclosures Due	1/5/2020
Discovery Closes	2/4/2020
Plaintiff's Pretrial Disclosures Due	3/20/2020
Plaintiff's 30-day Trial Period Ends	5/4/2020
Defendant's Pretrial Disclosures Due	5/19/2020
Defendant's 30-day Trial Period Ends	7/3/2020
Plaintiff's Rebuttal Disclosures Due	7/18/2020
Plaintiff's 15-day Rebuttal Period Ends	8/17/2020
Plaintiff's Opening Brief Due	10/16/2020
Defendant's Brief Due	11/15/2020
Plaintiff's Reply Brief Due	11/30/2020
Request for Oral Hearing (optional) Due	12/10/2020

¹ The Board presumes that the parties already convened a discovery conference in 91243397; therefore, they need only discuss issues unique to 91248487 in the scheduled discovery conference.

² The parties are allowed until September 7, 2019 to serve responses to any outstanding written discovery in 91243297.