

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
General Email: TTABInfo@uspto.gov

November 22, 2019

Opposition No. 91251028 (parent case)
Cancellation No. 92068036

Techbridge Girls

v.

TechBridge, Inc.

Lalita Webb, Paralegal Specialist:

On October 3, 2019, Techbridge Girls filed a motion to consolidate Opposition No. 91251028 and Cancellation No. 92068036, and suspend proceedings for 30-days (filed November 4, 2019). The Board notes initially that TechBridge, Inc. has filed its answer in each proceeding for which consolidation is sought.

Consolidation

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**. Opposition No. 91251028 and Cancellation No. 92068036 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. 91251028 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.

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.

Schedule

Techbridge Girls' consented request that this consolidated proceeding be suspended for 30-days so that the parties may engage in settlement discussions is granted. In view thereof, this consolidated case is suspended up to, and including **December 4, 2019**, subject to the right of either party to request resumption at any time. *See* Trademark Rule 2.117(c).

In the event that there is no word from either party concerning the progress of their negotiations, upon conclusion of the suspension period, proceedings shall resume December 5, 2019 without further notice or order from the Board, upon the schedule set forth below.

Deadline for Discovery Conference	12/28/2019
Discovery Opens	12/28/2019
Initial Disclosures Due	1/27/2020
Expert Disclosures Due	5/26/2020
Discovery Closes	6/25/2020
Plaintiff's Pretrial Disclosures Due	8/9/2020
Plaintiff's 30-day Trial Period Ends	9/23/2020
Defendant's Pretrial Disclosures Due	10/8/2020
Defendant's 30-day Trial Period Ends	11/22/2020
Plaintiff's Rebuttal Disclosures Due	12/7/2020
Plaintiff's 15-day Rebuttal Period Ends	1/6/2021
Plaintiff's Opening Brief Due	3/7/2021
Defendant's Brief Due	4/6/2021
Plaintiff's Reply Brief Due	4/21/2021
Request for Oral Hearing (optional) Due	5/1/2021

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).

TIPS FOR FILING EVIDENCE, TESTIMONY, OR LARGE DOCUMENTS

The Board requires each submission to meet the following criteria before it will be considered: 1) pages must be legible and easily read on a computer screen; 2) page orientation should be determined by its ease of viewing relevant text or evidence, for example, there should be no sideways or upside-down pages; 3) pages must appear in their proper order; 4) depositions and exhibits must be clearly labeled and numbered – use separator pages between exhibits and clearly label each exhibit using sequential letters or numbers; and 5) the entire submission should be text-searchable. Additionally, submissions must be compliant with Trademark Rules 2.119 and 2.126. Submissions failing to meet all of the criteria above may require re-filing. **Note:** Parties are strongly encouraged to check the entire document before filing.² The Board will not extend or reset proceeding schedule dates or other deadlines to allow

² To facilitate accuracy, ESTTA provides thumbnails to view each page before submitting.

time to re-file documents. For more tips and helpful filing information, please visit the [ESTTA help](#) webpage.