

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

November 30, 2020

Opposition No. 91249770

Opposition No. 91254089

American Airlines, Inc.

v.

Phoenix Intangibles Holding Company

(as consolidated)

Andrew P. Baxley, Interlocutory Attorney:

Opposer's consented motion (filed November 3, 2020) to consolidate the above-captioned proceedings is granted. 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 (2020). 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. 91249770 as the "parent" case. As a general rule, from this point onward, the parties should file only a single copy of

any submission in Board file for the parent case. That copy, however, should include both consolidated proceeding numbers in the caption thereof.

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 will adopt the discovery and trial schedule for Opposition No. 91254089, the most recently instituted of the consolidated proceedings. *See* TBMP § 511. That schedule is as follows.

Expert Disclosures Due	3/23/2021
Discovery Closes	4/22/2021
Plaintiff's Pretrial Disclosures Due	6/6/2021
Plaintiff's 30-day Trial Period Ends	7/21/2021
Defendant's Pretrial Disclosures Due	8/5/2021
Defendant's 30-day Trial Period Ends	9/19/2021
Plaintiff's Rebuttal Disclosures Due	10/4/2021
Plaintiff's 15-day Rebuttal Period Ends	11/3/2021
Plaintiff's Opening Brief Due	1/2/2022
Defendant's Brief Due	2/1/2022
Plaintiff's Reply Brief Due	2/16/2022

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, the manner and timing of taking testimony, matters in evidence, and the procedures for submitting and serving testimony and other evidence, including affidavits,

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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).