

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

July 9, 2021

Opposition No. 91269722 (Parent Case)
Opposition No. 91269723
Opposition No. 91269724
Opposition No. 91269725
Opposition No. 91269726
Opposition No. 91269727
Opposition No. 91269728
Opposition No. 91269730
Opposition No. 91269731
Opposition No. 91269862
Opposition No. 91269863
Opposition No. 91269865
Opposition No. 91269866
Opposition No. 91269867
Opposition No. 91269868
Opposition No. 91269869
Opposition No. 91269871
Opposition No. 91269872
Opposition No. 91269873
Opposition No. 91269874
Opposition No. 91269875
Opposition No. 91269876
Opposition No. 91269877
Opposition No. 91269878
Opposition No. 91269879
Opposition No. 91269880
Opposition No. 91269881
Opposition No. 91269882
Opposition No. 91269883
Opposition No. 91269884

Gravy Keg, LLC

v.

Opposition No. 91269722, 91269723, 91269724, 91269725, 91269726, 91269727, 91269728, 91269730, 91269731, 91269862, 91269863, 91269865, 91269866, 91269867, 91269868, 91269869, 91269871, 91269872, 91269873, 91269874, 91269875, 91269876, 91269877, 91269878, 91269879, 91269880, 91269881, 91269882, 91269883, and 91269884

Sports Logos International, LLC

Lawrence T. Stanley, Jr., Interlocutory Attorney:

On June 28, 2021, Applicant filed a motion to consolidate the above-captioned thirty Board proceedings.¹ 5 TTABVUE.² On July 8, 2021, the Board contacted the parties by email to schedule a telephone conference to discuss Applicant's motion to consolidate. Later the same day, Opposer's counsel responded, copying Applicant's counsel, and stated that Opposer does not oppose the motion to consolidate.

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); *Wis. Cheese Grp., LLC v. Comercializadora de Lacteos y Derivados, S.A. de C.V.*, 118 USPQ2d 1262, 1264 (TTAB 2016); *Venture Out Props. LLC v. Wynn Resorts Holding LLC*, 81 USPQ2d 1887, 1889 (TTAB 2007); TRADEMARK TRIAL AND APPEAL BOARD MANUAL OF PROCEDURE (TBMP) § 511 (2021). Consolidation is discretionary with the Board. *See, e.g., Wis. Cheese Grp., LLC*, 118 USPQ2d at 1264. 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. *See World Hockey Ass'n v. Tudor Metal Prods. Corp.*, 185 USPQ 246, 248 (TTAB 1975); TBMP § 511.

¹ Applicant filed a substantially similar motion to consolidate in each of the thirty Board proceedings subject to the proposed consolidation.

² All record citations are to Opposition No. 91269722.

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In view of Opposer's statement that it does not oppose consolidation, and in view of the fact that the above-captioned proceedings involve the same parties represented by the same counsel and similar claims, Applicant's motion to consolidate is **granted**.

The following proceedings are consolidated and may be presented on the same record and briefs: Opposition No. 91269722, 91269723, 91269724, 91269725, 91269726, 91269727, 91269728, 91269730, 91269731, 91269862, 91269863, 91269865, 91269866, 91269867, 91269868, 91269869, 91269871, 91269872, 91269873, 91269874, 91269875, 91269876, 91269877, 91269878, 91269879, 91269880, 91269881, 91269882, 91269883, and 91269884. *See Hilson Research Inc. v. Soc'y for Human Res. Mgmt.*, 27 USPQ2d 1423 (TTAB 1993); *Helene Curtis Indus. Inc. v. Suave Shoe Corp.*, 13 USPQ2d 1618 (TTAB 1989).

The Board file will be maintained in Opposition No. 91269722 as the "parent case." From this point on, a single copy of submissions should be filed in the parent case only. Each submission should bear the case caption set forth above with the proceeding numbers listed in ascending order and the parent case designated as such by following the case number with "(parent)".

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. *Dating DNA LLC v. Imagini Holdings Ltd.*, 94 USPQ2d 1889, 1893 (TTAB 2010).

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Proceeding Dates

Upon consolidation, the Board will reset dates for the consolidated proceeding, usually by adopting the dates as set in the most recently instituted of the cases being consolidated.

Accordingly, dates are reset for the consolidated proceedings as follows:

Deadline for Discovery Conference	8/23/2021
Discovery Opens	8/23/2021
Initial Disclosures Due	9/22/2021
Expert Disclosures Due	1/20/2022
Discovery Closes	2/19/2022
Plaintiff's Pretrial Disclosures Due	4/5/2022
Plaintiff's 30-day Trial Period Ends	5/20/2022
Defendant's Pretrial Disclosures Due	6/4/2022
Defendant's 30-day Trial Period Ends	7/19/2022
Plaintiff's Rebuttal Disclosures Due	8/3/2022
Plaintiff's 15-day Rebuttal Period Ends	9/2/2022
Plaintiff's Opening Brief Due	11/1/2022
Defendant's Brief Due	12/1/2022
Plaintiff's Reply Brief Due	12/16/2022
Request for Oral Hearing (optional) Due	12/26/2022

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, matters in evidence, the manner and timing of taking testimony, and the procedures for

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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).