

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

tdc/dmd

March 7, 2022

Opposition No. 91273875 (parent case)

Hassan A. Khreis and Golden Bakery and Grill LLC

v.

14526 Golden Bakery, LLC

Opposition No. 91273877

Golden Bakery, Inc.

v.

14526 Golden Bakery, LLC

By the Trademark Trial and Appeal Board:

It has come to the Board's attention that the Board's February 23, 2022 order, dismissing Opposition No. 91273877 was issued in error. In view thereof, the Board's February 23, 2022 order is hereby **VACATED** and Opposition No. 91273877 will be returned to a pending status.¹

¹ The Board notes when Opposer filed both notice of oppositions, Opposer paid a total of \$2400, however, the required fee is \$1800. A refund of \$600 will be issued in due course.

CONSOLIDATION

The Board notes initially that Applicant has filed its answer in Opposition Nos. 91273875 and 91273877. 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, Opposition Nos. 91273875 and 91273877 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. 91273875 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.²

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.

SCHEDULE

In view of the consolidation, trial dates are reset to coincide with the trial schedule from the child case as follows:

Deadline for Discovery Conference	4/6/2022
Discovery Opens	3/21/2022
Initial Disclosures Due	4/20/2022
Expert Disclosures Due	8/18/2022
Discovery Closes	9/17/2022
Plaintiff's Pretrial Disclosures Due	11/1/2022
Plaintiff's 30-day Trial Period Ends	12/16/2022
Defendant's Pretrial Disclosures Due	12/31/2022
Defendant's 30-day Trial Period Ends	2/14/2023
Plaintiff's Rebuttal Disclosures Due	3/1/2023
Plaintiff's 15-day Rebuttal Period Ends	3/31/2023
Plaintiff's Opening Brief Due	5/30/2023
Defendant's Brief Due	6/29/2023
Plaintiff's Reply Brief Due	7/14/2023
Request for Oral Hearing (optional) Due	7/24/2023

² 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.

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).