UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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November 19, 2024

Opposition No. 91291564
(parent case)
Opposition No. 91293532
Opposition No. 91293820
Opposition No. 91293822
Opposition No. 91293823

Scientia Vascular, Inc.

v.

Imperative Care, Inc.

Amy Matelski, Paralegal Specialist:

On October 22, 2024, Opposer filed a motion to consolidate Opposition Nos. 91291564, 91293532, 91293820, 91293822 and 91293823. The Board notes initially that Applicant has filed its answer in each proceeding for which consolidation is sought.

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 Nos. 91291564, 91293532, 91293820, 91293822 and 91293823 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. **91291564** 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.

Trial dates are set as set forth below.

Initial Disclosures Due	12/15/2024
Expert Disclosures Due	4/14/2025
Discovery Closes	5/14/2025
Plaintiff's Pretrial Disclosures Due	6/28/2025
Plaintiff's 30-day Trial Period Ends	8/12/2025
Defendant's Pretrial Disclosures Due	8/27/2025
Defendant's 30-day Trial Period Ends	10/11/2025
Plaintiff's Rebuttal Disclosures Due	10/26/2025
Plaintiff's 15-day Rebuttal Period Ends	11/25/2025
Plaintiff's Opening Brief Due	1/24/2026
Defendant's Brief Due	2/23/2026
Plaintiff's Reply Brief Due	3/10/2026
Request for Oral Hearing (optional) Due	3/20/2026

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).