

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Baxley

Mailed: September 24, 2010

Opposition No. 91190506

United Parcel Service of
America, Inc.

v.

URS Corporation

Cancellation No. 92052973

URS Corporation

v.

United Parcel Service of
America, Inc.

Andrew P. Baxley, Interlocutory Attorney:

On September 2, 2010, URS Corporation ("URS") filed a motion for leave to file an amended answer in the above-captioned opposition proceeding wherein URS seeks to add a counterclaim to cancel United Parcel Service of America, Inc.'s ("UPS") pleaded Registration No. 2845351. On September 3, 2010, URS filed a motion to consolidate the above-captioned proceedings in the above-captioned opposition proceeding. On September 7, 2010, URS filed a motion to consolidate the above-captioned proceedings in the above-captioned cancellation proceeding.

Opposition No. 91190506 and Cancellation No. 92052973

In the interest of resolving the pending motions without undue delay, the Board determined that they should be resolved through a telephone conference. On the afternoon of September 22, 2010, such conference was held between UPS's attorney Stephen A. Schaetzel, URS's attorney Mark A. Steiner, and Board attorney Andrew P. Baxley. During the telephone conference, UPS's attorney provided UPS's consent to URS's motions. In view thereof, the motion for leave to file an amended answer and counterclaim in Opposition No. 91190506 and the motion to consolidate Opposition No. 91190506 and Cancellation No. 92052973 are both granted.

The consolidated proceedings may be presented on the same record and briefs. The record for these proceedings will be maintained in the Board file for Opposition No. 91190506 as the "parent" case. Once UPS has filed a separate answer to the counterclaim in the Board file for the opposition and a separate answer to the petition to cancel in the Board file for the cancellation proceeding, the parties should file only a single copy of each submission in these consolidated proceedings. However, each submission should include both case 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 pleadings; a copy of the decision shall be placed in each proceeding file.

The discovery period in the opposition in Opposition No. 91190506 is suspended until November 22, 2010 to allow the counterclaim and cancellation to catch up procedurally with the opposition. The parties are allowed until December 22, 2010 to serve responses to any outstanding written discovery requests in the opposition. Dates herein are reset as follows.

Answer or other response to counterclaim and petition to cancel due:	October 23, 2010
Deadline for discovery conference for counterclaim and cancellation: ¹	November 22, 2010
Discovery in counterclaim and cancellation opens:	November 22, 2010
Initial disclosures in counterclaim and cancellation due:	December 22, 2010
Expert disclosures due:	April 21, 2011
Discovery closes:	May 21, 2011
UPS's pretrial disclosures due:	July 5, 2011

¹ The discovery conference and initial disclosures for the counterclaim and cancellation need only address issues related to the counterclaim and cancellation.

Opposition No. 91190506 and Cancellation No. 92052973

UPS's 30-day testimony period as plaintiff in the opposition to close: August 19, 2011

URS's pretrial disclosures due: September 3, 2011

URS's 30-day testimony period as defendant in the opposition and as plaintiff in the counterclaim and cancellation to close: October 18, 2011

UPS's pretrial disclosures for rebuttal in the opposition and as defendant in the counterclaim and cancellation due: November 2, 2011

UPS's 30-day testimony period as defendant in the counterclaim and cancellation and for rebuttal as plaintiff in the opposition to close: December 17, 2011

URS's rebuttal disclosures as plaintiff in the counterclaim and cancellation due: January 1, 2012

URS's 15-day rebutal testimony period as plaintiff in the counterclaim and cancellation to close: January 31, 2012

Brief for UPS as plaintiff in the opposition due: March 31, 2012

Brief for URS as defendant in the opposition and as plaintiff in the counterclaim and cancellation due: April 30, 2012

Brief for UPS as defendant in the counterclaim and cancellation and reply brief, if any, as plaintiff in the opposition due: May 30, 2012

Reply brief, if any, for URS as plaintiff in the counterclaim and cancellation due: June 14, 2012

If the parties stipulate to any extension of these dates, the filing should set forth the dates in the format shown in this order. See Trademark Rule 2.121(d). In each instance, a copy of the transcript of testimony together with copies of documentary exhibits, must be served on the adverse party

Opposition No. 91190506 and Cancellation No. 92052973

within thirty days after completion of the taking of testimony. Trademark Rule 2.125. An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

If either of the parties or their attorneys should have a change of address, the Board should be so informed promptly.