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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91171281
Party	Defendant Jarrow Formulas, Inc. Jarrow Formulas, Inc. 1824 South Robertson Blvd. Los Angeles, CA 900354317
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Submission	Motion to Consolidate
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Date	11/13/2006
Attachments	POMJAR APPLICANT'S CONSENTED TO MOTION TO CONSOLIDATE.pdf ( 5 pages )(92211 bytes )

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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POMWONDERFUL, LLC	)	OPPOSITION NO. 91171281
	)	91171283
Opposer,	)	91171284
	)	91173117
	)	91173118
	)	
	)	
	)	
v.	)	APPLICATION NO. 78/751,860
	)	78/635,298
JARROW FORMULAS, INC.	)	78/727,050
	)	78/829,152
	)	78/829,128
Applicant.	)	

**APPLICANT’S CONSENTED TO MOTION TO CONSOLIDATE**

Applicant Jarrow Formulas, Inc. (“JFI”) hereby moves to consolidate Oppositions Nos. 91171281, 91171283, 91171284, 91173117, and 91173118 pursuant to Federal Rule of Civil Procedure 42(a), Trademark Rules 2.116 and 2.104(b) and Section 511 of the Trademark Trial and Appeal Board Manual of Procedure (“TBMP”).

JFI further moves to schedule all dates in the consolidated proceeding to conform to those currently set in Opposition No. 91173118.

**Consolidation**

On June 7, 2006, PomWonderful, LLC (“PomWonderful”) filed a Notice of Opposition against the registration of Application No. 78/751,860 for POMAMAZING filed by

JFI for the goods “dietary and nutritional supplements; powdered nutritional supplement drink mixes; powdered meal replacements” in International Class 005 and “dietary and nutritional supplements; powdered nutritional supplement drink mixes; powdered meal replacements” in International Class 032. JFI filed its Answer on July 17, 2006.

On June 7, 2006, Opposer PomWonderful filed a Notice of Opposition against the registration of Application No. 78/635,298 for POME GREAT filed by JFI for the goods “dietary and nutritional supplements; powdered nutritional supplement drink mixes; powdered meal replacements” in International Class 005 and “dietary and nutritional supplements, powdered nutritional supplement drink mixes, powdered meal replacements” in International Class 032. JFI filed its Answer on July 17, 2006.

On June 7, 2006, Opposer PomWonderful filed a Notice of Opposition against the registration of Application No. 78/727,050 for POMESYNERGY filed by JFI for the goods “dietary and nutritional supplements; powdered nutritional supplement drink mixes; powdered meal replacements” in International Class 005 and “dietary and nutritional supplements; powdered nutritional supplement drink mixes; powdered meal replacements” in International Class 032.” JFI filed its Answer on July 17, 2006.

On September 27, 2006, Opposer PomWonderful filed a Notice of Opposition against the registration of Application 78/829,152 for POMOPTIMIZER filed by JFI for the goods “dietary supplements, nutritional supplements, vitamin supplements, vitamins” in International Class 005. JFI filed its Answer on November 6, 2006.

On September 27, 2006, Opposer PomWonderful filed a Notice of Opposition against the registration of Application 78/829,128 for POMGUARD filed by JFI for the goods “dietary supplements, nutritional supplements, vitamin supplements, vitamins” in International Class 005. JFI filed its Answer on November 6, 2006.

These opposition proceedings involve the same parties. Additionally, the marks in each opposed application identify certain overlapping goods in Class 5. Finally, PomWonderful opposes each mark on the same grounds and cites the same marks in all three of its Notices of Opposition. Therefore, there are common questions of law and fact and consolidation of these proceedings will facilitate judicial economy without prejudice to either party.

**Dates**

JFI requests that under the instant proceedings be consolidated under the earliest filed matter, Opposition Proceeding No. 91171281 and that trial dates be rescheduled for the new consolidated matter consistent with the most recently instituted matter, Opposition Proceeding No. 91173118 as follows:

Discovery Period to Close:	April 15, 2007
30-day testimony period for party in position of plaintiff to close:	July 14, 2007
30-day testimony period for party in position of defendant to close:	September 12, 2007
15-day rebuttal testimony period for plaintiff to close:	October 27, 2007

PomWonderful's attorney, Christine L. Lofgren, has stipulated to all the relief requested in this motion.

WHEREFORE, it is respectfully requested that the five Oppositions cited above be consolidated.

Respectfully submitted,

Date: November 13, 2006

By: 

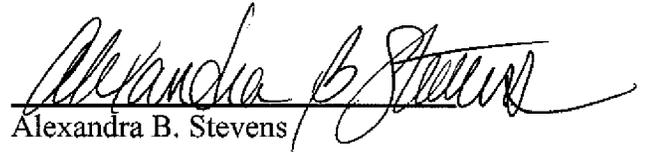
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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing APPLICANT'S CONSENTED TO MOTION TO CONSOLIDATE was sent via first-class mail, postage prepaid, on this 13<sup>th</sup> day of November, 2006, to:

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Alexandra B. Stevens