

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

coggins

Mailed: January 23, 2007

Opposition Nos. 91171281 (parent)
91171283
91171284
91173117
91173118

PomWonderful LLC

v.

Jarrow Formulas, Inc.

**Thomas W. Wellington
Interlocutory Attorney,
Trademark Trial and Appeal Board:**

On November 13, 2006, applicant filed a consented motion to consolidate Opposition Nos. 91171281, 91171283, 91171284, 91173117, and 91173118.

Consolidation is discretionary with the Board, and may be ordered upon motion granted by the Board, upon stipulation of the parties approved by the Board, or upon the Board's own initiative. See, for example, *Wright & Miller*, Federal Practice and Procedure: Civil §2383 (2004); and *Helene Curtis Industries Inc. v. Suave Shoe Corp.*, 13 USPQ2d 1618 (TTAB 1989) (stipulation).

The Board has reviewed the records in each case and concludes that Opposition Nos. 91171281, 91171283, 91171284,

Opposition Nos. 91171281, 91171283, 91171284, 91173117, and 91173118

91173117, and 91173118 involve the same parties and common questions of law and fact. It would therefore be appropriate to consolidate these proceedings pursuant to Fed. R. Civ. P. 42(a).

Accordingly, the above-noted opposition proceedings are hereby consolidated and may be presented on the same record and briefs.

The Board file will be maintained in Opposition No. 91171281 as the "parent" case. The parties should no longer file separate papers in connection with each proceeding. Only a single copy of each paper should be filed by the parties and each paper should bear the case caption as set forth above.

The parties are to follow the discovery and trial schedule set forth in the Board's institution order for Opposition No. 91173118, as consented to by the parties in applicant's motion to consolidate. For the parties' convenience, those dates are as follows:

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|--|--------------------|
| 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 |

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