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

Mailed: November 7, 2006

Opposition No. **91171425**
Opposition No. **91171426**

PPC Marketing, Ltd. PPC Marketing, Ltd.

v.

Michael Foods, Inc.

Frances S. Wolfson, Interlocutory Attorney:

CONSOLIDATION

When cases involving common questions of law or fact are pending before the Board, the Board may order the consolidation of the cases. Such consolidation may be ordered on the Board's own initiative. See Fed. R. Civ. P. 42(a); and TBMP Section 511 (2d ed. June 2003). The captioned cases involved common questions of law and fact. In view thereof, these cases are hereby consolidated.[1]

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[1] The cases may now be presented on the same records and briefs. Papers should bear the number of each of the consolidated cases, although Opposition No. **91171425** is treated as the "parent" case, and most of the papers filed by the parties, or issued by the Board, will be placed only in the file of the parent case. The parties need not file a copy for each consolidated case; a single copy, bearing the number of each consolidated case, normally is sufficient.

Consolidated cases do not lose their separate identity because of consolidation. Each proceeding retains its separate character and requires entry of a separate judgment. See Wright & Miller, Federal Practice and Procedure: Civil §2382 (1971).

NOTICES OF DEFAULT SET ASIDE

On August 29, 2006 and September 1, 2006, notices of default issued for applicant's failure to timely answer the notices of opposition in Opposition Nos. 91171425 and 91171426. On September 18, 2006, applicant filed a response to the notices of default in both cases, together with its proposed answers.

The answer in Opposition No. 91171426 includes a counterclaim to cancel opposer's pleaded registrations Nos. 2975706, 2164616, and 2401500. On October 18, 2006, opposer answered applicant's counterclaim.

In view thereof, the notices of default are hereby set aside. Applicant's answers and counterclaim, and opposer's answer to applicant's counterclaim, are hereby entered into the record.

Trial dates, including the close of discovery, are reset as indicated below.

THE PERIOD FOR DISCOVERY TO CLOSE:	March 10, 2007
Testimony period for plaintiff in the opposition to close: (opening thirty days prior thereto)	June 8, 2007
Testimony period for defendant in the opposition and as plaintiff in the counterclaim to close: (opening thirty days prior thereto)	August 7, 2007
Testimony period for defendant in the counterclaim and its rebuttal testimony as plaintiff in the	

opposition to close: (opening thirty days prior thereto)	October 6, 2007
Rebuttal testimony period for plaintiff in the counterclaim to close: (opening fifteen days prior thereto)	November 20, 2007

Briefs shall be due as follows:
[See Trademark rule 2.128(a)(2)].

Brief for plaintiff in the opposition shall be due:	January 19, 2008
Brief for defendant in the opposition and as plaintiff in the counterclaim shall be due:	February 18, 2008
Brief for defendant in the counterclaim and its reply brief (if any) as plaintiff in the opposition shall be due:	March 19, 2008
Reply brief (if any) for plaintiff in the counterclaim shall be due:	April 3, 2008

IN EACH INSTANCE, a copy of the transcript of testimony, together with copies of documentary exhibits, must be served on the adverse party within **thirty days** after completion of the taking of testimony. Trademark Rule 2.125.