

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

Mailed: July 29, 2009

Opposition No. 91177463

Opposition No. 91181566

Opposition No. 91181734¹

Promgirl, Inc.

v.

Promgirl, LLC

Frances S. Wolfson, Interlocutory Attorney:

Opposer's consented motion to extend discovery and trial dates in Opposition No. 91177463, and to suspend the case, is granted. Opposer has shown excusable neglect for the delay, in that the parties have been engaged in settlement negotiations and applicant consents to the motion.

¹ 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). Inasmuch as the cases involve the same parties and similar marks, these cases are hereby consolidated.

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. 91177463 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).

Accordingly, proceedings herein are suspended until three months from the mailing date of this action, subject to the right of either party to request resumption at any time prior thereto. See Trademark Rule 2.117(c).

In the event that there is no word from either party concerning the progress of their negotiations, upon conclusion of the suspension period, proceedings shall resume without further notice or order from the Board, upon the schedule set out below, including applicant's time to file its answer in Opposition Nos. 91181566 and 91181734.

Proceedings Resume	10/30/09
Time to Answer	11/10/09
Deadline for Discovery Conference	12/10/09
Discovery Opens	12/10/09
Initial Disclosures Due	1/9/10
Expert Disclosures Due	5/9/10
Discovery Closes	6/8/10
Plaintiff's Pretrial Disclosures Due	7/23/10
Plaintiff's 30-day Trial Period Ends	9/6/10
Defendant's Pretrial Disclosures Due	9/21/10
Defendant's 30-day Trial Period Ends	11/5/10
Plaintiff's Rebuttal Disclosures Due	11/20/10
Plaintiff's 15-day Rebuttal Period Ends	12/20/10

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.

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

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