

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

Mailed: April 29, 2008

Opposition No. 91182937

General Mills IP Holdings II,
LLC, General Mills, Inc.

v.

Fage Dairy Processing Industry
S.A.

**M. Catherine Faint,
Interlocutory Attorney:**

On March 12, 2008 opposer, General Mills, filed its Notice of Opposition, embedded within which was a motion to suspend these proceedings.¹ General Mills notes that there are potentially related consolidated proceedings, Opposition Nos. 91118482, 91118950 and 91155075, involving the same parties. The consolidated proceedings are currently suspended by the Board for consideration of General Mills' motion for partial summary judgment, and General Mills requests that this proceeding also be suspended pending resolution of that motion for partial summary judgment.

¹ Opposer is reminded that Trademark Rule 2.127(a) requires that a motion "shall contain a full statement of the grounds, and shall embody or be accompanied by a brief." The better practice for submitting a motion to suspend is to file it separately from the Notice of Opposition.

On April 21, 2008 applicant, Fage Dairy, filed its Answer and Counterclaim for Cancellation, embedded within which was its response to General Mills motion to suspend.

Fage Dairy asks that the suspension be denied, arguing the pending motion for partial summary judgment has no bearing on any of the claims alleged or issues presented in the instant opposition. The Board agrees. The pending motion in the consolidated proceeding involves different issues, and different trademark applications, than those that are the subject of the instant proceeding.

Accordingly, General Mills motion to suspend is denied.

As noted above, Fage Dairy filed a counterclaim to cancel opposer's pleaded registrations. Fage Dairy filed the proper fee.

General Mills is allowed until **THIRTY DAYS** from the mailing date of this order to file an answer to the counterclaim. See Trademark Rules 2.106(b)(2)(iii) and 2.121(b)(2).

In accordance with the Trademark Rules of Practice, conferencing, disclosure, discovery and testimony period dates are reset as indicated below.

Deadline for Discovery Conference	7/7/2008
Discovery Opens	7/7/2008
Initial Disclosures Due	8/6/2008
Expert Disclosures Due	12/4/2008
Discovery Closes	1/3/2009
Plaintiff's Pretrial Disclosures	2/17/2009
Plaintiff's 30-day Trial Period Ends	4/3/2009

Defendant's Pretrial Disclosures	4/18/2009
Defendant's 30-day Trial Period Ends	6/2/2009
Plaintiff's Rebuttal Disclosures	6/17/2009
Plaintiff's 15-day Rebuttal Period Ends	7/17/2009

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 Rules 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.
