

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

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Mailed: January 7, 2009

Opposition No. 91186148

Opposition No. 91186863

Publix Asset Management
Company

v.

The Great Atlantic & Pacific
Tea Company, Inc.

Elizabeth A. Dunn, Attorney (571-272-4267):

Applicant's consented motion filed November 7, 2008 to consolidate Opposition Nos. 91186148 and 91186863, in which the same party opposes applicant's two GREEN WAY marks for various goods, is granted. Trademark Rule 2.127(a).

Because the parties are the same, and the two proceedings involve common issues of law and fact, the Board believes that the interest of judicial economy will be served by consolidation. See Fed. R. Civ. P. 42(a) and TBMP §511 (2nd ed. rev. 2004).

Opposition No. 91186148 and 91186863

Opposition Nos. 91186148 and 91186863 are consolidated, and may be presented on the same record and briefs.¹

Dates for this consolidated opposition are reset below:

Initial Disclosures Due	1/16/09
Expert Disclosures Due	5/16/09
Discovery Closes	6/15/09
Plaintiff's Pretrial Disclosures	7/30/09
Plaintiff's 30-day Trial Period Ends	9/13/09
Defendant's Pretrial Disclosures	9/28/09
Defendant's 30-day Trial Period Ends	11/12/09
Plaintiff's Rebuttal Disclosures	11/27/09
Plaintiff's 15-day Rebuttal Period Ends	12/27/09

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.

The USPTO published a notice of final rulemaking in the Federal Register on August 1, 2007, at 72 F.R. 42242. By this notice, various rules governing Trademark Trial and Appeal Board inter partes proceedings are amended. Certain amendments have an effective date of August 31, 2007, while most have an effective date of November 1, 2007. For further information, the parties are referred to a reprint

¹ The Board file will be maintained in Opposition No. 91186148 as the "parent" case, but all papers filed herein must include the proceeding numbers of all consolidated cases in ascending order.

Opposition No. 91186148 and 91186863

of the final rule and a chart summarizing the affected rules, their changes, and effective dates, both viewable on the USPTO website via these web addresses:

<http://www.uspto.gov/web/offices/com/sol/notices/72fr42242.pdf>

http://www.uspto.gov/web/offices/com/sol/notices/72fr42242_FinalRuleChart.pdf

By one rule change effective August 31, 2007, the Board's standard protective order is made applicable to all TTAB inter partes cases, whether already pending or commenced on or after that date. However, as explained in the final rule and chart, this change will not affect any case in which any protective order has already been approved or imposed by the Board. Further, as explained in the final rule, parties are free to agree to a substitute protective order or to supplement or amend the standard order even after August 31, 2007, subject to Board approval. The standard protective order can be viewed using the following web address:

<http://www.uspto.gov/web/offices/dcom/ttab/tbmp/stndagmnt.htm>