

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

MBA

Mailed: September 25, 2008

Opposition No. 91182589

Opposition No. 91186552

Cancellation No. 92048912

Vinedos y Bodegas Corpora S.A.

v.

Bodegas Portia, S.L.

Michael B. Adlin, Interlocutory Attorney:

Pursuant to the Board's order of May 8, 2008, newly-filed Opposition No. 91186552 is hereby consolidated with previously-consolidated Opposition No. 91182589 and Cancellation No. 92048912. See Fed. R. Civ. P. 42(a); see also, Regatta Sport Ltd. v. Telux-Pioneer Inc., 20 USPQ2d 1154 (TTAB 1991). The consolidated cases may be tried and presented on the same record and briefs. See Helene Curtis Industries Inc. v. Suave Shoe Corp., 13 USPQ2d 1618 (TTAB 1989); Hilson Research Inc. v. Society for Human Resource Management, 27 USPQ2d 1423 (TTAB 1993).

The Board file will be maintained in Opposition No. 91182589 as the "parent" case. As a general rule, from this point on only a single copy of any paper or motion should be filed herein; but that copy should bear all three proceeding

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numbers in its caption. **Because these proceedings are being consolidated before the filing of an answer in Cancellation No. 92048912 or Opposition No. 91186552, applicant must file its answer in these two proceedings on or before NOVEMBER 2, 2008, following which subsequent filings may generally be filed only in the parent case.**

Despite being consolidated, each proceeding retains its separate character. The decision on the consolidated cases shall take into account any differences in the issues raised by the respective pleadings; a copy of the decision shall be placed in each proceeding file.

Proceedings are resumed, and discovery, trial and other dates are reset as follows:

Time to Answer in Opposition No. 91186552 and Cancellation No. 92048912	November 2, 2008
Deadline for Discovery Conference	December 2 2008
Discovery Opens	December 2, 2008
Initial Disclosures Due	January 1, 2009
Expert Disclosures Due	May 1, 2009
Discovery Closes	May 31, 2009
Plaintiff's Pretrial Disclosures	July 15, 2009
Plaintiff's 30-day Trial Period Ends	August 29, 2009
Defendant's Pretrial Disclosures	September 13, 2009
Defendant's 30-day Trial Period Ends	October 28, 2009 November 12, 2009

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Plaintiff's Rebuttal Disclosures

Plaintiff's 15-day Rebuttal Period Ends

December 12, 2009

News from the TTAB

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 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/stdagmnt.htm>
