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

Baxley

Mailed: December 29, 2009

Opposition No. **91190791**
Opposition No. **91192828**
Cancellation No. **92049013**

Contessa Premium Foods, Inc.

v.

Ina Garten, LLC

Andrew P. Baxley, Interlocutory Attorney:

Applicant's consented motion (filed December 28, 2009) to consolidate the above-captioned proceedings is granted to the extent modified by this order. See Fed. R. Civ. P. 42(a); *Regatta Sport Ltd. v. Telux-Pioneer Inc.*, 20 USPQ2d 1154 (TTAB 1991); *Estate of Biro v. Bic Corp.*, 18 USPQ2d 1382 (TTAB 1991); and TBMP Section 511 (2d ed. rev. 2004). The consolidated cases may be presented on the same record and briefs. See *Helene Curtis Industries Inc. v. Suave Shoe Corp.*, 13 USPQ2d 1618 (TTAB 1989) and *Hilson Research Inc. v. Society for Human Resource Management*, 26 USPQ2d 1423 (TTAB 1993).

The Board file will be maintained in Opposition No. 91190791 as the "parent" case. As a general rule, from this point onward, only a single copy of any submission should be

filed herein. That copy, however, should include all of the consolidated proceeding numbers in the caption thereof.

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 pleading; a copy of the decision shall be placed in each proceeding file.

In accordance with applicant's motion, the discovery period in these consolidated proceedings is deemed open in Opposition No. 91190791 and Cancellation No. 92049013. The deadline for the parties' discovery conference and the opening date of the discovery period in Opposition No. 91192828 remains as set in the Board notice instituting that proceeding.[1] All remaining dates are reset in accordance with the schedule set forth in that motion.

[1] In such discovery conference, the parties need only discuss issues not already covered in their earlier discovery conferences in these consolidated proceedings.