

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

vb

Mailed: February 10, 2011

Opposition No. 91197652

Opposition No. 91198131

Jarritos, Inc.

v.

Carlos Garciarce Ramirez

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

Opposer filed (on January 14, 2011) a motion to consolidate Opposition Nos. 91197652 and 91198131. No response to the motion is of record.

When cases involving common questions of law or fact are pending before the Board, the Board may order the consolidation of the cases. See Fed. R. Civ. P. 42(a); *Regatta Sport Ltd. v. Telux-Pioneer Inc.*, 20 USPQ2d 1154 (TTAB 1991); and *Estate of Biro v. Bic Corp.*, 18 USPQ2d 1382 (TTAB 1991).

Inasmuch as the parties to the instant proceedings are essentially identical and the issues are substantially the same, Opposition Nos. 91197652 and 91198131 are **hereby consolidated.**

The consolidated cases may be presented on the same record and briefs. See *Hilson Research Inc. v. Society for*

Opposition Nos. 91197652 & 91198131

Human Resource Management, 26 USPQ2d 1423 (TTAB 1993); and *Helene Curtis Industries Inc. v. Suave Shoe Corp.*, 13 USPQ2d 1618 (TTAB 1989).

The Board file will be maintained in Opposition No. **91197652 as the "parent" case**. As a general rule, from this point on the parties should no longer file separate papers in connection with each proceeding, but file only a single copy of each paper in the parent case. Each paper filed should bear the numbers of all consolidated proceedings in ascending order. Opposer's motion to extend the time to answer to March 11, 2011 in Opposition No. 91198131 is granted. Because the involved proceedings, however, were consolidated prior to joinder of the issues in either proceeding, once proceedings herein are resumed, applicant should file **a separate answer for each opposition** before commencing the practice of filing a single copy of any paper 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 pleading; a copy of the decision shall be placed in each proceeding file.

Proceedings are suspended for settlement negotiations, and will resume February 22, 2011. In accordance with Board procedure, the trial schedule for the consolidated case is the one with the latest dates and is copied below for ease of reference.

Opposition Nos. 91197652 & 91198131

| | |
|---|------------|
| Time to Answer | 3/11/2011 |
| Deadline for Discovery Conference | 4/10/2011 |
| Discovery Opens | 4/10/2011 |
| Initial Disclosures Due | 5/10/2011 |
| Expert Disclosures Due | 9/7/2011 |
| Discovery Closes | 10/7/2011 |
| Plaintiff's Pretrial Disclosures | 11/21/2011 |
| Plaintiff's 30-day Trial Period Ends | 1/5/2012 |
| Defendant's Pretrial Disclosures | 1/20/2012 |
| Defendant's 30-day Trial Period Ends | 3/5/2012 |
| Plaintiff's Rebuttal Disclosures | 3/20/2012 |
| Plaintiff's 15-day Rebuttal Period Ends | 4/19/2012 |

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.

☼☼☼