

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

Mailed: February 9, 2011

Opposition No. 91190897  
Opposition No. 91192533  
Opposition No. 91192535  
Opposition No. 91197723

Hershey Chocolate &  
Confectionery Corporation and  
The Hershey Company

v.

The Allan Candy Company  
Limited

**George C. Pologeorgis,  
Interlocutory Attorney:**

Applicant's consented motion (filed December 31, 2010 in Opposition No. 91197723) to consolidate Opposition No. 91197773 with the already-consolidated Opposition Nos. 91190897, 91192533 and 91192535 is granted. See Fed. R. Civ. P. 42(a) and Trademark Rule 2.127(a).

Accordingly, the above-captioned opposition proceedings are hereby consolidated and may be presented on the same record and briefs.

The Board file will continue to be maintained in Opposition No. 91190897 as the "parent" case. The parties should no longer file separate papers in connection with

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each proceeding, except for the answers to the respective notices of opposition which should be filed in the respective corresponding proceeding. Only a single copy of each paper should be filed by the parties and each paper should bear the case captions as set forth above.<sup>1</sup>

In accordance with Board practice, discovery, disclosure deadlines and trial dates are reset to conform to the dates latest set in the proceedings that are being consolidated. In this instance, however, the parties have requested that the consolidated proceedings remain suspended until March 2, 2011 per the Board's order granted on January 31, 2011 in Opposition No. 91190897 and that, upon resumption, trial dates, and the due date for the answer to each of the notices of opposition, be reset on the same schedule.

Accordingly, these now consolidated proceedings remain suspended up to, and including, **March 2, 2011**, subject to the right of either party to request resumption.

In the event that there is no word from either party concerning the progress of their negotiations, upon conclusion of the suspension period, proceedings shall

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<sup>1</sup>The parties should promptly inform the Board in writing of any other related *inter partes* proceedings. See Fed. R. Civ. P. 42(a).

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resume without further notice or order from the Board, upon  
the schedule set out below.

Applicant is allowed the time set forth below from  
resumption in which to file and serve its answer to each of  
the notices of opposition consolidated herein.

Conferencing, disclosure, discovery and trial dates are  
reset as follows:

Consolidated proceedings resume:	<b>March 3, 2011</b>
Time to Answer Each Notice of Opposition	<b>4/1/2011</b>
Deadline for Discovery Conference	<b>5/1/2011</b>
Discovery Opens	<b>5/1/2011</b>
Initial Disclosures Due	<b>5/31/2011</b>
Expert Disclosures Due	<b>9/28/2011</b>
Discovery Closes	<b>10/28/2011</b>
Plaintiff's Pretrial Disclosures	<b>12/12/2011</b>
Plaintiff's 30-day Trial Period Ends	<b>1/26/2012</b>
Defendant's Pretrial Disclosures	<b>2/10/2012</b>
Defendant's 30-day Trial Period Ends	<b>3/26/2012</b>
Plaintiff's Rebuttal Disclosures	<b>4/10/2012</b>
Plaintiff's 15-day Rebuttal Period Ends	<b>5/10/2012</b>

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.

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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.

If, during the suspension period, either of the parties or their attorneys should have a change of address, the Board should be so informed.

As a final matter, the Board notes that applicant's answer in Opposition No. 91197723 was due by January 15, 2010 but applicant did not file its answer by such deadline or request an extension to file its answer prior to the deadline. Accordingly, applicant is in technical default in Opposition No. 91197723. However, since the parties have agreed to suspend all these proceedings until March 2, 2011 and reset the time to answer each of the notices of opposition on the identical schedule upon resumption, applicant's technical default in Opposition No. 91197723 is hereby set aside.