

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

Mailed: March 3, 2014

Opposition No. 91212680

Opposition No. 91213587

Frito-Lay North America, Inc.

v.

Real Foods Pty Ltd

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

The parties' stipulation (filed December 4, 2013) to consolidate the above-captioned opposition proceedings is **GRANTED**. See Fed. R. Civ. P. 42 and Trademark Rule 2.127.

Accordingly, Opposition Nos. 91212680 and 91213587 are hereby consolidated and may be presented on the same record and briefs. The record will be maintained in Opposition No. 91212680 as the "parent" case. The parties should no longer file separate papers in connection with each proceeding. Instead, only a single copy of each paper should be filed by the parties in the parent case, and each paper should bear the case caption as set forth above. The parties should promptly inform the Board of any other related cases within the meaning of Fed. R. Civ. P. 42.

Opposition No. 91212680
Opposition No. 91213587

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.

Discovery, disclosure and trial dates are generally reset to conform to the dates latest set in the proceedings that are being consolidated. In this case, the latest dates are set forth in Opposition No. 91213587. Accordingly, trial dates for these now consolidated proceedings are set forth below:

Discovery is open.

Initial Disclosures Due ¹	3/30/2014
Expert Disclosures Due	7/28/2014
Discovery Closes	8/27/2014
Plaintiff's Pretrial Disclosures	10/11/2014
Plaintiff's 30-day Trial Period Ends	11/25/2014
Defendant's Pretrial Disclosures	12/10/2014
Defendant's 30-day Trial Period Ends	1/24/2015
Plaintiff's Rebuttal Disclosures	2/8/2015
Plaintiff's 15-day Rebuttal Period Ends	3/10/2015

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.

¹ To the extent the parties file a consented motion to extend the trial dates when the next deadline is for initial disclosures, **the parties should not employ the "consented motions" form in ESTTA.** Instead, the parties should use the "general filings" form and include a proposed trial schedule with their consented motion to extend.

Opposition No. 91212680
Opposition No. 91213587

Briefs shall be filed in accordance with Trademarks Rules 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

As a final matter, the Board notes that a notice of irregularity was issued in Opposition No. 91213587 which was eventually withdrawn on February 21, 2014. Accordingly, opposer's response to the notice of irregularity filed on January 27, 2014 is deemed moot and will be given no further consideration.