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

MBA/mt

Mailed: April 8, 2010

Opposition No. 91193364
Cancellation No. 92051945

ChoiceStream, Inc.

v.

RichRelevance, Inc.

Michael B. Adlin, Interlocutory Attorney:

On February 22, 2010, applicant filed: (1) answers to the notice of opposition and petition for cancellation in the above-referenced cases, and counterclaims to cancel opposer's pleaded registrations; and (2) a motion to consolidate the above-referenced proceedings. Applicant filed the proper fee for its counterclaims.

Consolidation

Opposer failed to respond to applicant's motion to consolidate, which is accordingly hereby **GRANTED**. *See* Fed. R. Civ. P. 42(a); Trademark Rule 2.127(a); Trademark Trial and Appeal Board Manual of Procedure (TBMP) § 511 (2d ed. rev. 2004).

Opposition No. 91193364 and Cancellation No. 92051945 are hereby consolidated and may be presented on the same record and briefs. Papers should bear the proceeding

numbers of each of the consolidated cases, although Opposition No. 91193364 is treated as the "parent" case, and most of the papers filed by the parties, or issued by the Board, will be placed only in the file of the parent case. The parties need not file a copy for each consolidated case; a single copy, bearing the number of each consolidated case, normally is sufficient.

Consolidated cases do not lose their separate identity because of consolidation. Each proceeding retains its separate character and requires entry of a separate judgment. *See* Wright & Miller, Federal Practice and Procedure: Civil §2382 (1971).

Answer to Counterclaims Due

Opposer/petitioner and counterclaim defendant, ChoiceStream, Inc., is allowed until **MAY 16, 2010** to file an answer to the counterclaims. *See* Trademark Rules 2.106(b)(2)(iii) and 2.121(b)(2).

In accordance with the Trademark Rules of Practice, conferencing, disclosure, discovery and testimony period dates are reset as follows:

Answer to Counterclaim Due	May 16, 2010
Deadline for Discovery Conference	June 15, 2010
Discovery Opens	June 15, 2010
Initial Disclosures Due	July 15, 2010
Expert Disclosures Due	November 12, 2010
Discovery Closes	December 12, 2010
Plaintiff's Pretrial Disclosures	January 26, 2011

30-day testimony period for plaintiff's testimony to close	March 12, 2011
Defendant/Counterclaim Plaintiff's Pretrial Disclosures	March 27, 2011
30-day testimony period for defendant and plaintiff in the counterclaim to close	May 11, 2011
Counterclaim Defendant's and Plaintiff's Rebuttal Disclosures Due	May 26, 2011
30-day testimony period for defendant in the counterclaim and rebuttal testimony for plaintiff to close	July 10, 2011
Counterclaim Plaintiff's Rebuttal Disclosures Due	July 25, 2011
15-day rebuttal period for plaintiff in the counterclaim to close	August 24, 2011
Brief for plaintiff due	October 23, 2011
Brief for defendant and plaintiff in the counterclaim due	November 22, 2011
Brief for defendant in the counterclaim and reply brief, if any, for plaintiff due	December 22, 2011
Reply brief, if any, for plaintiff in the counterclaim due	January 6, 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 Rules 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

If the parties stipulate to any extension of these dates, the filing should set forth the dates in the format shown in this order. *See* Trademark Rule 2.121(d).

An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

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