

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

Mailed: October 3, 2013

Cancellation No. 92057091

Cancellation No. 92057107

Nanette Carley dba  
Bioceuticals

v.

Pure Vitamins and Natural  
Supplements DBA Vigor-25

**Millicent Canady, Paralegal Specialist:**

It is noted that the above-captioned cases involve the same parties and similar marks, giving rise to common questions of law and fact. When cases involving common questions of law or fact are pending before the Board, the Board may order the consolidation of the cases. Such consolidation may be ordered on the Board's own initiative. See Fed. R. Civ. P. 42(a); and TBMP § 511 (3d ed. rev. 2 June 2013).

Accordingly, these cases are hereby consolidated.

The cases may now be presented on the same records and briefs. Papers should bear the number of each of the consolidated cases, although Cancellation No. 92057091 is treated as the "parent" case, and most of the papers filed

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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).

The Board also notes registrant's consented July 1, 2013, motion for leave to file its answer late.

Good cause shown technical default is hereby set aside and registrants answer is **ACCEPTED**.<sup>1</sup>

Accordingly, trial dates, including conferencing and disclosure dates, are reset as indicated below:

Deadline for Discovery Conference	11/3/2013
Discovery Opens	11/3/2013
Initial Disclosures Due	12/3/2013
Expert Disclosures Due	4/2/2014
Discovery Closes	5/2/2014
Plaintiff's Pretrial Disclosures	6/16/2014
Plaintiff's 30-day Trial Period Ends	7/31/2014
Defendant's Pretrial Disclosures	8/15/2014
Defendant's 30-day Trial Period Ends	9/29/2014
Plaintiff's Rebuttal Disclosures	10/14/2014
Plaintiff's 15-day Rebuttal Period Ends	11/13/2014

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<sup>1</sup> Registrants appearance of counsel is noted and the Office records updated accordingly.

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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 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.