

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

Mailed: May 3, 2007

Opposition No. 91164959
Opposition No. 91165258
Opposition No. 91165854
Opposition No. 91166554
Opposition No. 91166738
Opposition No. 91166768
Opposition No. 91171468
Opposition No. 91174026
Cancellation No. 92044900

Big O Tires, Inc.

v.

Overstock.com, Inc.

Cheryl Goodman, Interlocutory Attorney:

Applicant's consented motion, filed May 2, 2007, to consolidate the above-identified proceedings is granted.

Accordingly, Opposition Nos. Opposition No. 91164959, 91165258, 91165854, 91166554, 91166738 91166768, 91171468, 91174026 and Cancellation No. 92044900 may be presented on the same records and briefs, although each retains its separate character.

The record will be maintained at the Board in Opposition No. 91164959 as the "parent" case. All papers should be filed in the parent case but all filings should include all proceeding numbers in ascending order as part of the style of the case.

The Board will adopt the trial schedule in the most junior proceeding, Opposition No. 91174026, which, as last reset, provides for a six month discovery period. In view thereof, the Board will suspend proceedings for three months for the parties' settlement negotiations, rather than extend, with proceedings to resume on the schedule set forth below.

Accordingly, proceedings herein are suspended for THREE MONTHS from the mailing date of this order in view of the parties' settlement negotiations, subject to the right of either party to request resumption at any time. During the suspension period, the parties shall notify the Board of any change of address for either the parties or their counsel.

Unless the parties sooner request resumption, upon conclusion of the suspension period, proceedings shall resume without further notice or order from the Board, upon the schedule set out below.

The parties are allowed THIRTY DAYS from resumption in which to serve responses to any outstanding discovery requests. Trial dates, including the close of discovery, are reset as follows:

Proceedings Resume: **August 4, 2007**
Discovery period to close: **January 31, 2008**
Thirty-day testimony period for party in position of plaintiff to close: **April 30, 2008**
Thirty-day testimony period for party in position of defendant to close: **June 29, 2008**
Fifteen-day rebuttal testimony period to close: **August 13, 2008**

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.