

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

gcp/RR

Mailed: August 3, 2007

Opposition No. 91177688

Opposition No. 91177689

Dr.'s Own, Inc.

v.

Brown Shoe Company, Inc.

George C. Pologeorgis, Interlocutory Attorney:

It has come to the attention of the Board that Opposition Nos. 91177688 and 9177689 involve the same parties and common questions of law and fact.¹ It would therefore be appropriate to consolidate these proceedings pursuant to Fed. R. Civ. P. 42(a).

Consolidation is discretionary with the Board, and may be ordered upon motion granted by the Board, or upon stipulation of the parties approved by the Board, or upon the Board's own initiative. See, for example, Wright & Miller, Federal Practice and Procedure: Civil §2383 (2004);

¹ The Board notes applicant's motion to consolidate opposition proceeding nos. 91177688 and 91177689 filed on July 13, 2007.

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Regatta Sport Ltd. v. Telux-Pioneer Inc., 20 USPQ2d 1154

(TTAB 1991) (Board's initiative).

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

The Board file will be maintained in Opposition No. 91177688 as the "parent" case. The parties should no longer file separate papers in connection with each 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.²

In accordance with Board practice, discovery and trial dates are reset to conform to the dates latest set in the proceedings that are being consolidated, i.e., Opposition No. 91177689. Accordingly, discovery and trial dates for the consolidated proceeding are reset as follows:

DISCOVERY TO CLOSE:	December 23, 2007
Thirty-day testimony period for party in position of plaintiff to close:	March 22, 2008
Thirty-day testimony period for party in position of defendant to close:	May 21, 2008
Fifteen-day rebuttal testimony period for plaintiff to close:	July 5, 2008

² 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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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.