

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

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Mailed: January 23, 2008

Opposition No. 91178524

Opposition No. 91180628

Oasis Stores Limited

v.

Food Pantry, Ltd.

Cheryl Butler, Attorney, Trademark Trial and Appeal Board:

The Board has reviewed each of the above-identified oppositions which involve the same parties and at least some of the same questions of law and fact. The present status of each proceeding is discussed below:

Opposition No. 91178524

No answer having been timely received, the Board issued notice of default to applicant, on December 8, 2007, allowing it time in which to show cause why judgment should not be entered against it. Now before the Board are applicant's December 26, 2007 responses to the notice of default and request for extension of time.

By its response, applicant indicates that the parties are exploring settlement and that, by inadvertence, it did not file a further motion to extend time. Applicant

Opposition No. 91178524 and 91180628

indicates, too, that opposer has consented to the extension of time to answer. Applicant seeks to have the answer due the same date that its answer is due in Opposition No. 91180628.

In view thereof, the Board finds good cause to discharge applicant's default. Accordingly, the notice of default is set aside and applicant's request to extend its time to answer is granted. See Fed. R. Civ. P. 55(c).

Opposition No. 91180628

Pending now is applicant's consented motion to extend its time to answer until February 16, 2008 because the parties are discussing settlement. Applicant's motion is granted.

Proceedings consolidated

When the parties are involved in cases concerning common questions of law or fact pending before the Board, consolidation of such cases may be appropriate. Proceedings may be consolidated upon the Board's own initiative. See Fed. R. Civ. P. 42(a); and TBMP §511 (2d ed. rev 2004). The Board, in its discretion, may order cases consolidated prior to joinder of issue (i.e., before an answer has been filed in each case)

The Board finds it appropriate to consolidate the above-identified proceedings for purposes of judicial economy. Accordingly, Opposition 91178524 and 91180628 are

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hereby consolidated and may be presented on the same records and briefs (except as noted later in this order with respect to the answers for each proceeding). The record will be maintained in Opposition No. **91178524** as the "parent" case, but all papers filed in these cases should include both proceeding numbers in ascending order.

Proceedings suspended for settlement

Because the parties are negotiating for a possible settlement of this case, proceedings herein are suspended until **six months** from the mailing date of this action, subject to the right of either party to request resumption at any time. See Trademark Rule 2.117(c).

In the event that there is no word from either party concerning the progress of their negotiations within the next **six months**, the Board will issue an order resuming proceedings and resetting the time for applicant to file an answer or other response to the notice of opposition.

If, during the suspension period, either of the parties or their attorneys should have a change of address, the Board should be so informed.

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