

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

Mailed: August 5, 2009

Opposition No. 91179021
Opposition No. 91179022
Opposition No. 91179023
Opposition No. 91179024
Opposition No. 91179025

DUB PUBLISHING, INC.

v.

JADA TOYS, INC.

Cheryl Butler, Attorney, Trademark Trial and Appeal Board:

On June 19, 2009, the Board issued notices of default in Opposition Nos. 91179021 and 91179022. On June 23, 2009, the Board issued notices of default in Opposition Nos. 91179024 and 91179025. On June 24, 2009, the Board issued notice of default in Opposition No. 91179023. Applicant, on July 17, 2009, filed responses to the notices of default in each case, including a request to extend its time to answer until September 18, 2009. In order dated July 26, 2009, the Board deferred a decision on the notice of default issued in Opposition No. 91179024.

In its responses, applicant states that good cause exists for its failure to file its answers in that the parties have reached a preliminary settlement; that the parties, on April 23, 2008, signed a short form settlement agreement; and that the

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parties have been working to prepare and finalize a long form settlement agreement. Applicant states that the negotiations are complex; that the fluctuations in the global economy have required extended and complicated discussions, as additional issues have arisen; and that opposer supports applicant's motion to set aside notice of default and to extend time to answer.

For good cause shown, and in view of opposer's consent, to the extent applicant was in technical default, such default is discharged. See Fed. R. Civ. P. 55(c); and TBMP §312.02 (2d ed. rev. 2004).

Applicant's requests to extend its time until September 18, 2009 are granted. All dates are reset later in this order.

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. As noted, answers have not yet been filed.

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.

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Accordingly, Opposition Nos. 91179021; 91179022; 91179023; 91179024; and 91179025 are hereby consolidated and may be presented on the same records and briefs (except that the answers for each proceeding are to be filed in the corresponding proceeding). The record will be maintained in Opposition No. 91179021 as the "parent" case, but all papers filed in these cases should include all proceeding numbers in ascending order.

The operative dates for this consolidated proceeding are set forth below:

Time to Answer: ¹	September 18, 2009
THE PERIOD FOR DISCOVERY TO CLOSE:	December 3, 2009
30-day testimony period for party in position of plaintiff to close	March 3, 2010
30-day testimony period for party in position of defendant to close:	May 2, 2010
15-day rebuttal testimony period to close:	June 16, 2010

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.

¹ In an exception to the procedure that all papers are to be filed in only the "parent" case in a consolidated proceeding, applicant is to file its answers to each case in the appropriate case.

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