

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

Mailed: August 18, 2008

Opposition No. 91118482  
(parent)  
Opposition No. 91118950  
Opposition No. 91155075  
Opposition No. 91182937

GENERAL MILLS, INC. and  
GENERAL MILLS IP HOLDINGS II,  
LLC

v.

FAGE DAIRY PROCESSING INDUSTRY  
S.A.

**Ann Linnehan, Interlocutory Attorney**

The parties' stipulated motion (filed July 8, 2008) captioned "Stipulation Regarding Pleadings and Amendments" is noted and accepted into the record.

On July 8, 2008, applicant filed a proposed amendment to its application Serial Nos. 76016810, 76016811, 76016812, and 76016813, in accordance with the above stipulated motion.

By the proposed amendment applicant seeks to delete the identification of goods in International Class 29 in its entirety and substitute the following:

*Dairy products, namely, yogurt, in International Class 29.*

Inasmuch as the amendment is clearly limiting in nature as required by Trademark Rule 2.71(b), and because opposers consent thereto, it is approved and entered. See Trademark Rule 2.133(a).

On July 8, 2008, applicant also filed a proposed amendment to its application Serial No. 76016809, in accordance with the above stipulated motion.

By the proposed amendment applicant seeks to delete the identification of goods in International Classes 29 and 30 in their entirety and substitute the following:

*Tzatziki, made of cucumbers, yogurt, garlic, herbs and spices; and dairy products, namely, yogurt, in International Class 29; and*

*Sauces, spices and food flavorings, not of essential oils, in International Class 30.*

Inasmuch as the amendment is clearly limiting in nature as required by Trademark Rule 2.71(b), and because opposers consent thereto, it is approved and entered. See Trademark Rule 2.133(a).

The parties' stipulated motion (filed July 8, 2008) to consolidate Opposition No. 91182937 with the previously-consolidated opposition proceedings under parent Opposition No. 91118482 is hereby granted. Trademark Rule 1.127(a). Opposition Nos. 91118482, 91118950, 91155075, and 91182937 are hereby consolidated. The consolidated cases may be presented on the same record and briefs. See *Helene Curtis*

*Industries Inc. v. Suave Shoe Corp.*, 13 USPQ2d 1618 (TTAB 1989) and *Hilson Research Inc. v. Society for Human Resource Management*, 26 USPQ2d 1423 (TTAB 1993).

The Board file will be maintained in Opposition No. 91118482 as the "parent" case. As a general rule, from this point on, only a single copy of any submission should be filed herein, but each submission should include all the proceeding numbers in the caption thereof.

Despite being consolidated, each proceeding retains its separate character. The decision on the consolidated cases shall take into account any differences in the issues raised by the respective pleading; a copy of the decision shall be placed in each proceeding file.

The discovery and trial schedule set forth in the parties' stipulated motion of July 8, 2008 is also approved.<sup>1</sup> For the convenience of the parties, that schedule follows.

Expert Disclosures Due	10/2/2008
Discovery Closes	11/1/2008
Plaintiffs' Pretrial Disclosures	12/15/2008
Plaintiffs' 30-day Trial Period Ends	1/30/2009
Defendant's Pretrial Disclosures	2/14/2009
Defendant's 30-day Trial Period Ends	3/31/2009
Plaintiffs' Rebuttal Disclosures	4/15/2009
Plaintiffs' 15-day Rebuttal Period Ends	5/15/2009

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<sup>1</sup> The due dates for briefs are also reset in accordance with the parties' stipulated motion. The parties' stipulated motion filed on June 30, 2008, to extend dates, as well as opposers' motion to extend filed on the same day, are hereby moot.

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.