

ESTTA Tracking number: **ESTTA250878**

Filing date: **11/24/2008**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91183677
Party	Plaintiff Foodarama Incorporated
Correspondence Address	Scott W. Johnston Merchant & Gould P.C. P.O. Box 2910 Minneapolis, MN 55402-0910 UNITED STATES sjohnston@merchantgould.com, slindemeier@merchantgould.com
Submission	Motion to Consolidate
Filer's Name	Scott W. Johnston
Filer's e-mail	sjohnston@merchantgould.com, slindemeier@merchantgould.com
Signature	/SWJ/
Date	11/24/2008
Attachments	2008 11 24 Stipulated Motion to Consolidate, Reset Dates and Substitute Party.PDF ( 8 pages )(84467 bytes )



Assuming the motion to substitute party below, the cancellation and opposition proceedings will involve the identical parties. The attorneys for the parties in each of the proceedings are identical. The Petitioner and the Opposer have the same, or virtually the same, causes of action against the marks at issue based upon the same series of marks. The marks at issue also involve virtually identical services.

The parties request that the Board reset the trial dates beginning with the due date for initial disclosures 60 days after it rules on the motion to consolidate.

Counsel for Petitioner/Applicant consented to this consolidation and extension of the trial dates by telephone.

**Motion to Substitute Party**

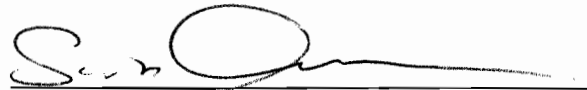
On February 22, 2003, Registrant/Opposer, Foodarama Incorporated, converted from a corporation to a limited liability company and assigned U.S. Registration No. 2,791,341 for METRO & Design to Foodarama LLC. Said Assignment was recorded with the U.S. Patent and Trademark Office on November 7, 2008, at Reel 3884, Frame 292. A copy of the Notice of Recordation of Assignment Document is attached hereto as Exhibit A.

Accordingly, it is requested that the caption for the consolidated proceeding be reformed to reflect Foodarama LLC as the Registrant/Opposer.

Respectfully submitted,

FOODARAMA LLC

By its Attorneys,



Scott W. Johnston  
MERCHANT & GOULD P.C.  
80 South Eighth Street, Suite 3200  
Minneapolis, Minnesota 55402-2215  
(612) 332-5300

Date: 11-24-08

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing MOTION TO CONSOLIDATE AND RESET TRIAL DATES AND MOTION TO SUBSTITUTE PARTY was served upon the following attorney of record for Petitioner/Applicant by First Class Mail, postage prepaid, this 24th day of November, 2008:

Mark H. Tidman  
Baker & Hostetler LLP  
Washington Square, Suite 1100  
1050 Connecticut Avenue, N.W.  
Washington, D.C. 20036-5300

  
\_\_\_\_\_  
Scott W. Johnston

# **EXHIBIT A**

:FOODARAMA LLC COMPANY:11840 VALLEY VIEW ROAD

**UNITED STATES PATENT AND TRADEMARK OFFICE**

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE



NOVEMBER 07, 2008

\*900120231A\*

PTAS

FOODARAMA LLC  
11840 VALLEY VIEW ROAD  
EDEN PRAIRIE, MN 55344

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 571-272-3350. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, MAIL STOP: ASSIGNMENT SERVICES BRANCH, P.O. BOX 1450, ALEXANDRIA, VA 22313.

RECORDATION DATE: 11/07/2008

REEL/FRAME: 003884/0292

NUMBER OF PAGES: 8

BRIEF: NUNC PRO TUNC ASSIGNMENT  
EFFECTIVE 02182003

## ASSIGNOR:

FOODARAMA INCORPORATED

DOC DATE: 11/07/2008

CITIZENSHIP: DELAWARE

ENTITY: CORPORATION

## ASSIGNEE:

FOODARAMA LLC  
11840 VALLEY VIEW ROAD  
EDEN PRAIRIE, MINNESOTA 55344

CITIZENSHIP: DELAWARE

ENTITY: CORPORATION

APPLICATION NUMBER: 78188644

FILING DATE: 11/25/2002

REGISTRATION NUMBER: 2791341

ISSUE DATE: 12/09/2003

MARK: METRO

DRAWING TYPE: WORDS, LETTERS, OR NUMBERS AND DESIGN

:FOODARAMA LLC COMPANY:11840 VALLEY VIEW ROAD

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ASSIGNMENT SERVICES BRANCH  
PUBLIC RECORDS DIVISION

:FOODARAMA LLC COMPANY:11840 VALLEY VIEW ROAD

## TRADEMARK ASSIGNMENT

Electronic Version v1.1  
Stylesheet Version v1.111/07/2008  
900120231

SUBMISSION TYPE:	NEW ASSIGNMENT		
NATURE OF CONVEYANCE:	NUNC PRO TUNC ASSIGNMENT		
EFFECTIVE DATE:	02/18/2003		
<b>CONVEYING PARTY DATA</b>			
	<b>Name</b>	<b>Formerly</b>	<b>Execution Date</b>
	Foodarama Incorporated		11/07/2008
			<b>Entity Type</b>
			CORPORATION: DELAWARE
<b>RECEIVING PARTY DATA</b>			
<b>Name:</b>	Foodarama LLC		
<b>Street Address:</b>	11840 Valley View Road		
<b>City:</b>	Eden Prairie		
<b>State/Country:</b>	MINNESOTA		
<b>Postal Code:</b>	55344		
<b>Entity Type:</b>	CORPORATION: DELAWARE		
<b>PROPERTY NUMBERS Total: 1</b>			
	<b>Property Type</b>	<b>Number</b>	<b>Word Mark</b>
	Registration Number:	2791341	METRO
<b>CORRESPONDENCE DATA</b>			
<b>Fax Number:</b>	(952)828-4403		
	<i>Correspondence will be sent via US Mail when the fax attempt is unsuccessful.</i>		
<b>Phone:</b>	(952) 996-8034		
<b>Email:</b>	IPLegalTeam@Supervalu.com		
<b>Correspondent Name:</b>	Foodarama LLC		
<b>Address Line 1:</b>	11840 Valley View Road		
<b>Address Line 4:</b>	Eden Prairie, MINNESOTA 55344		
<b>NAME OF SUBMITTER:</b>	Jennifer Otto		
<b>Signature:</b>	/Jennifer Otto/		
<b>Date:</b>	11/07/2008		

OP \$40.00 2791341

:FOODARAMA LLC COMPANY:11840 VALLEY VIEW ROAD

**Total Attachments: 6**

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