

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

Baxley

Mailed: March 25, 2010

Opposition No. 91183677

Opposition No. 91183727

Foodarama LLC ("Foodarama")

v.

MIP METRO Group Intellectual
Property GmbH & Co. KG ("MIP
METRO")

Cancellation No. 92046932

MIP METRO

v.

Foodarama

Andrew P. Baxley, Interlocutory Attorney:

The schedule for these consolidated proceedings that was adopted by way of the Board's March 2, 2010 order does not account for the cancellation proceeding, which is the equivalent of a counterclaim.¹ Cf. TBMP Section 313.01 (2d ed. rev. 2004). Accordingly, that schedule is vacated and replaced by the following:

¹ A proceeding that includes a counterclaim has an extra testimony period and an extra final briefing period.

If the parties file an electronic form motion to extend dates herein, they should check the box which indicates that a counterclaim has been filed. So checking will automatically set up a schedule which includes the extra testimony period and the extra briefing period.

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Expert disclosures due:	May 24, 2010
Discovery closes:	June 23, 2010
Foodarama's pretrial disclosures due:	August 7, 2010
Foodarama's 30-day testimony period as plaintiff in the opposition to close:	September 21, 2010
MIP METRO's pretrial disclosures due:	October 6, 2010
MIP METRO's 30-day testimony period as defendant in the opposition and as plaintiff in the cancellation to close:	November 20, 2010
Foodarama's pretrial disclosures for rebuttal in the opposition and as defendant in the cancellation due:	December 5, 2010
Foodarama's 30-day testimony period as defendant in the cancellation and for rebuttal as plaintiff in the opposition to close:	January 19, 2011
MIP METRO's rebuttal disclosures as plaintiff in the cancellation due:	February 3, 2011
MIP METRO's 15-day rebutal testimony period as plaintiff in the cancellation to close:	March 5, 2011
Brief for Foodarama as plaintiff in the opposition due:	May 4, 2011
Brief for MIP METRO as defendant in the opposition and as plaintiff in the cancellation due:	June 3, 2011
Brief for Foodarama as defendant in the cancellation and reply brief, if any, as plaintiff in the opposition due:	July 3, 2011
Reply brief, if any, for MIP METRO as plaintiff in the cancellation due:	July 18, 2011

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. An oral

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hearing will be set only upon request filed as provided by Trademark Rule 2.129.

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