

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

MBA

Mailed: March 25, 2009

Opposition No. 91183799

Cancellation No. 92049767

Pure Entertainment, LLC

v.

Butter Licensing, LLC

Michael B. Adlin, Interlocutory Attorney:

Opposer's stipulated motion for consolidation of the above-referenced proceedings, filed March 13, 2009 in Opposition No. 91183799, is granted. Trademark Rule 2.127(a).¹ Accordingly, Opposition No. 91183799 and Cancellation No. 92049767 are hereby consolidated.²

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*, 27 USPQ2d 1423 (TTAB 1993).

¹ Opposer incorrectly identified the cancellation proceeding by the subject registration number, 3380349. The proceeding is properly identified instead by its cancellation number, 92049767.

² When cases involving common questions of law or fact are pending before the Board, the Board may order the consolidation of the cases. See Fed. R. Civ. P. 42(a); see also, *Regatta Sport Ltd. v. Telux-Pioneer Inc.*, 20 USPQ2d 1154 (TTAB 1991).

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The Board file will be maintained in Opposition No. 91183799 as the "parent" case. As a general rule, from this point on only a single copy of any paper or motion should be filed herein; but that copy should bear both proceeding numbers in its caption.

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 pleadings; a copy of the decision shall be placed in each proceeding file.

Pursuant to the stipulated motion, disclosure, discovery, trial and other dates are hereby reset as follows:

Expert Disclosures Due	April 29, 2009
Discovery Closes	May 29, 2009
Plaintiff's Pretrial Disclosures	July 13, 2009
Plaintiff's 30-day Trial Period Ends	August 27, 2009
Defendant's Pretrial Disclosures	September 11, 2009
Defendant's 30-day Trial Period Ends	October 26, 2009
Plaintiff's Rebuttal Disclosures	November 10, 2009
Plaintiff's 15-day Rebuttal Period Ends	December 10, 2009

In each instance, a copy of the transcript of testimony together with copies of documentary exhibits, must be served

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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.
