

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

vb

Mailed: February 10, 2011

Opposition No. 91197652

Opposition No. 91198131

Jarritos, Inc.

v.

Carlos Garciarce Ramirez

**M. Catherine Faint,
Interlocutory Attorney:**

Opposer filed (on January 14, 2011) a motion to consolidate Opposition Nos. 91197652 and 91198131. No response to the motion is of record.

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); *Regatta Sport Ltd. v. Telux-Pioneer Inc.*, 20 USPQ2d 1154 (TTAB 1991); and *Estate of Biro v. Bic Corp.*, 18 USPQ2d 1382 (TTAB 1991).

Inasmuch as the parties to the instant proceedings are essentially identical and the issues are substantially the same, Opposition Nos. 91197652 and 91198131 are **hereby consolidated.**

The consolidated cases may be presented on the same record and briefs. See *Hilson Research Inc. v. Society for*

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Human Resource Management, 26 USPQ2d 1423 (TTAB 1993); and *Helene Curtis Industries Inc. v. Suave Shoe Corp.*, 13 USPQ2d 1618 (TTAB 1989).

The Board file will be maintained in Opposition No. **91197652 as the "parent" case**. As a general rule, from this point on the parties should no longer file separate papers in connection with each proceeding, but file only a single copy of each paper in the parent case. Each paper filed should bear the numbers of all consolidated proceedings in ascending order. Opposer's motion to extend the time to answer to March 11, 2011 in Opposition No. 91198131 is granted. Because the involved proceedings, however, were consolidated prior to joinder of the issues in either proceeding, once proceedings herein are resumed, applicant should file **a separate answer for each opposition** before commencing the practice of filing a single copy of any paper in the parent case.

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.

Proceedings are suspended for settlement negotiations, and will resume February 22, 2011. In accordance with Board procedure, the trial schedule for the consolidated case is the one with the latest dates and is copied below for ease of reference.

Opposition Nos. 91197652 & 91198131

Time to Answer	3/11/2011
Deadline for Discovery Conference	4/10/2011
Discovery Opens	4/10/2011
Initial Disclosures Due	5/10/2011
Expert Disclosures Due	9/7/2011
Discovery Closes	10/7/2011
Plaintiff's Pretrial Disclosures	11/21/2011
Plaintiff's 30-day Trial Period Ends	1/5/2012
Defendant's Pretrial Disclosures	1/20/2012
Defendant's 30-day Trial Period Ends	3/5/2012
Plaintiff's Rebuttal Disclosures	3/20/2012
Plaintiff's 15-day Rebuttal Period Ends	4/19/2012

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.
