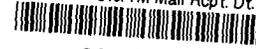


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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application S.N. 75/192,631 in Class 41
Published September 29, 1998

U.S. Patent & TMO/c/TM Mail Rcpt. Dt. #57



09-13-2002

VIACOM INTERNATIONAL INC.,

Opposer,

-against-

MINATAUR PROMOTIONS
ENTERPRISES, INC.,

Applicant.

Opposition No. 112,851

TRADEMARK TRIAL AND
APPEAL BOARD
02 SEP 19 PM 9:44

In the Matter of Application S.N. 75/192,629 in Class 35
Published July 27, 1999

VIACOM INTERNATIONAL INC.,

Opposer,

-against-

MINATAUR PROMOTIONS
ENTERPRISES, INC.,

Applicant.

Opposition No. 112,850

**STIPULATED MOTION TO CONSOLIDATE PROCEEDINGS AND TO SUSPEND
PROCEEDINGS PENDING DETERMINATION OF MOTION TO CONSOLIDATE**

Opposer Viacom International Inc. ("Viacom") and Applicant Minataur Productions, Inc. ("Minataur"),¹ by and through their undersigned attorneys, respectfully request that the Board consolidate the above-captioned proceedings for the following reasons:

¹ Minataur Promotions Enterprises, Inc. has assigned all rights and interest in Applications Serial Nos. 75/192,631 and 75/192,629 to Minataur Productions, Inc. The assignment was recorded at the Patent and Trademark Office on June 20, 2001.

1. On January 27, 1999, Viacom filed Opposition No. 112,850 opposing Minataur's application Serial No. 75-192629 for the mark CHANNEL M in Class 35 for "dissemination of advertising matter; providing television advertising for others; advertising for others via an on-line electronic communication network dissemination of; business management planning; production and distribution of radio and television commercials; services relating to promotional campaigns and events, namely, development and dissemination of advertising matter, samples or promotional products" and Opposition No. 112,851 opposing Minataur's application Serial No. 75-192630 for the CHANNEL M mark in Class 41 for "production and distribution of motion pictures; and television scheduling (programming)." Both of these opposition proceedings (the "Oppositions") are active and the discovery periods remain open. Minataur has not yet filed an Answer to Viacom's Notice of Opposition in Opposition No. 112,850. Pursuant to the Board's order of August 27, 2002, Minataur must do so by September 26, 2002.

2. The parties to the Oppositions are the same; the marks covered by Minataur's opposed applications are identical; the marks relied on by Viacom in both proceedings are identical; and the grounds for challenging both of Minataur's opposed applications are identical. Where, as here, the cases involve common questions of law and fact, consolidation is appropriate. Regatta Sport Ltd. v. Telux-Pioneer Inc., 20 U.S.P.Q.2d 1154 (TTAB 1991). Moreover, consolidation will save both the Board and the parties time, effort and expense. World Hockey Ass'n v. Tudor Metal Products Corp., 211 U.S.P.Q. 724 (TTAB 1981). Finally, as evidenced by the fact that this motion is submitted with the consent of all parties, the parties do not believe that consolidation will cause prejudice or inconvenience.

3. Further, the parties hereby request that the Board temporarily suspend the Oppositions until the Board rules on this stipulated motion to consolidate the Oppositions.

4. The parties hereby stipulate that the time for Minataur to file an Answer or otherwise plead to Viacom's Notice of Opposition in Opposition No. 112,850 is suspended. Upon resumption of Opposition No. 112,850 as a consolidated action or as a separate proceeding, Minataur shall have forty (40) days from the mailing date of the Board's Order resuming proceedings to file an Answer or otherwise plead to Viacom's Notice of Opposition in Opposition No. 112,850.

5. If the Board grants the stipulated motion to consolidate, the parties hereby request that the deadlines in the consolidated proceeding be set as follows:

- (a) The Discovery Period for the consolidated proceeding shall close sixty (60) days from the mailing date of the Board's Order resuming proceedings; and
- (b) All other dates are to be reset accordingly.

6. If the Board denies the stipulated motion to consolidate, the parties hereby request that, upon denial of the motion to consolidate, the Board resume the Oppositions and reschedule all dates accordingly, allowing at least sixty (60) days in each of the Oppositions for the parties to conduct further discovery.

7. The parties further stipulate that all obligations to respond to outstanding discovery are hereby suspended. Upon resumption, whether as a consolidated action or as separate proceedings:

- (a) Viacom shall have fifteen (15) days from the mailing date of the Board's Order resuming the proceedings to provide its written responses and objections to Minataur's First Set of Interrogatories and Document Requests served in Opposition No. 112,851;

- (b) Minataur shall have thirty (30) days from the mailing date of the Board's Order resuming the proceedings to provide its written responses and objections to Viacom's First Set of Interrogatories, Document Requests and Requests for Admission served in Opposition No. 112,851; and
- (c) The deposition of Minataur noticed with respect to Opposition No. 112,851 shall be rescheduled at a mutually agreed upon time and place.

8. Good cause for the forgoing extension requests exists as Viacom and Minataur are attempting to resolve their differences amicably. The additional time is needed to afford counsel for the parties an opportunity to discuss settlement of the Oppositions.

Dated: New York, New York
September ~~12~~¹³, 2002 *(ML)*

"Express Mail" mailing label No. EL

Date of Deposit ¹³ *(ML)* September ~~12~~¹³, 2002
I hereby certify that this paper or fee is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513.

Valerie Mason

Printed name of person mailing paper or fee)

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(Signature)

EL865411228US

Respectfully submitted,

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