

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Hassan

Mailed: June 28, 2002

Opposition No. 91125014
Opposition No. 91150923

MIRAMAX FILM CORP.

v.

SPYKISS, INC.

Cindy B. Greenbaum, Attorney:

The Board hereby orders the consolidation of the above-referenced proceedings inasmuch as the parties are the same and the two proceedings involve common questions of law or fact.¹ In view thereof, Opposition Nos. 91125014 and 91150923 are hereby consolidated.

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*, 26 USPQ2d 1423 (TTAB 1993).

¹ 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) and *Estate of Biro v. Bic Corp.*, 18 USPQ2d 1382 (TTAB 1991).

The Board file will be maintained in Opposition No. 91125014 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 two proceeding numbers in its caption. Exceptions to the general rule involve stipulated extensions of the trial dates, see Trademark Rule 2.121(d), and briefs on the case, see Trademark Rule 2.128.

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.

In keeping with Board practice, discovery and trial dates remain as set in Opposition No. 91150923, the "youngest" of the consolidated proceedings. Such dates are as follows.

THE PERIOD FOR DISCOVERY TO CLOSE:	September 14, 2002
30-day testimony period for party in position of plaintiff to close:	December 13, 2002
30-day testimony period for party in position of defendant to close:	February 11, 2003
15-day rebuttal testimony period for plaintiff to close:	March 28, 2003

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.