

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

Lykos

Mailed: November 4, 2003

Opposition Nos. 91153718  
91153974

Colgate-Palmolive Company

v.

Marble Sportswear, Inc.

(as consolidated)

Angela Lykos, Interlocutory Attorney

On June 25, 2003, opposer filed a combined motion to consolidate the proceedings identified herein and to reset the discovery and testimony periods.

Consolidation

By this order, Opposition Nos. 91153718 and 91153974 are hereby consolidated. Consequently, the parties' future submissions should be captioned in the above manner.

When cases involving common questions of law or facts are pending before the Board, the Board may order, upon its own initiative or upon motion, the consolidation of the cases. See Fed. R. Civ. P. 42(a) and TBMP § 511 and authorities cited therein.

A review of the pleadings in the above identified opposition proceedings indicates that the parties are the

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same, and the proceedings involved substantially identical questions of fact and law. For these reasons, these proceedings may be presented on the same record without appreciable inconvenience or confusion. Moreover, the consolidation would be equally advantageous to those parties in the avoidance of duplication of effort, loss of time, and the extra expense involved in conducting the proceedings individually.

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). The Board file will be maintained in Opposition No. 91153718 as the "parent" case. As a general rule, only a single copy of any paper or motion should be filed herein; but that copy should bear all three proceeding numbers in its caption. Exceptions to the general rule involve stipulated extensions of the discovery and 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 pleadings; a copy of the decision shall be placed in each proceeding filed.

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The parties are further advised that they are to inform the Board in any subsequent oppositions or cancellations are instituted which involve the same parties in the same issues.

Motion to Reset the Discovery and Testimony Periods

Opposer's motion for resetting trial dates is granted as conceded. See Trademark Rule 2.127(a). In light of the Board's delay in acting on opposer's motion, trial dates, including the close of discovery, are reset as follows:

THE PERIOD FOR DISCOVERY TO CLOSE:	February 1, 2004
30-day testimony period for party in position of plaintiff to close:	May 1, 2004
30-day testimony period for party in position of defendant to close:	June 30, 2004
15-day rebuttal testimony period for plaintiff to close:	August 14, 2004

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.

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