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

In the Matter of Serial No. 75/831,328
For the Mark: Miscellaneous Design



07-16-2003

U.S. Patent & TMO/TM Mail Rcpt Dt. #2:

HILTI, INC.,

Opposer,

v.

MILWAUKEE ELECTRIC TOOL
CORPORATION,

Applicant.

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Opposition No. 154,063

**STIPULATED REQUEST FOR CONSOLIDATION
AND SUSPENSION OF OPPOSITION PROCEEDINGS**

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Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3514

Opposer Hilti, Inc. ("Opposer") and Applicant Milwaukee Electric Tool Corporation ("Applicant") hereby jointly request the Board to consolidate, and to suspend

pending consolidation, the following opposition proceedings, all of which involve the same or related parties:

1. Opposition No. 153,266 to Application No. 75/830,887;
2. Opposition No. 154,360 to Application No. 75/831,346;
3. Opposition No. 153,450 to Application No. 75/830,888;
4. Opposition No. 154,063 to Application No. 75/831,328;
5. Opposition No. 153,732 to Application No. 75/830,879;
6. Opposition No. 153,265 to Application No. 75/830,887;
7. Opposition No. 154,887 to Application No. 75/831,346;
8. Opposition No. 153,451 to Application No. 75/830,888;
9. Opposition No. 154,330 to Application No. 75/831,337;
10. Opposition No. 153,234 to Application No. 75/830,880;
11. Opposition No. 153,287 to Application No. 75/831,361;
12. Opposition No. 154,064 to Application No. 75/831,328; and
13. Opposition No. 155,456 to Application No. 75/831,360.

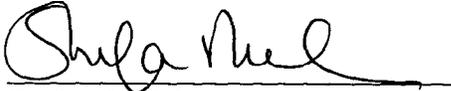
Each of the above-listed proceeding involves the same (or closely-related) parties and common questions of law and fact. Specifically, Applicant has nine (9) pending applications to register designs consisting of a predominantly red with gray and/or black accents color scheme for electrical power tools. One of these applications is the application at issue in this proceeding. Opposer and Hilti Aktiengesellschaft, a related company, have filed a Notice of Opposition against each of these applications, which led to the commencement of the above-listed proceedings. Applicant has filed its Answer in each proceeding. As these proceedings will involve common questions of law or fact, consolidation is proper. *See* T.B.M.P. § 511. Opposer and Applicant agree that in the

consolidated actions, Hilti Inc. and Hilti Aktiengesellschaft will be considered separate parties for the purposes of the discovery limitations set forth in the Trademark Rules and the TBMP.

Additionally, Opposer and Applicant hereby jointly request the Board to suspend the above-captioned opposition proceeding until such time as all proceedings are instituted and consolidated, pursuant to 37 C.F.R. § 2.117(c) and T.B.M.P. § 510. This will ensure that the consolidated action will proceed in a uniform manner. Opposer and Hilti Aktiengesellschaft, a related company, have filed a Notice of Opposition against each of Applicant's nine (9) pending applications to register designs consisting of a predominantly red with gray and/or black accents color scheme for electrical power tools. Five of these oppositions have not yet been instituted. In the proceedings that have not yet been instituted by the Board, Applicant and Opposer will file a stipulated request to consolidate the remaining proceedings after Applicant has answered each Notice of Opposition and as soon as permissible under the rules. The parties hereby request the Board to suspend the above-captioned proceeding until such time as the additional proceedings are commenced and may be consolidated.

This stipulation is submitted in triplicate.

SO STIPULATED:


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Date: July 9, 2003