

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

Baxley

Mailed: April 12, 2004

Opposition No. 91158224

Opposition No. 91159448

Scientific Drilling
International, Inc.

v.

Gyrodata, Inc.

(as consolidated)

Andrew P. Baxley, Interlocutory Attorney:

The Board, by its own initiative, 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. 91158224 and 91159448 are hereby consolidated.²

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).

² Inasmuch as an answer has been filed in each of the above-referenced proceedings, consolidation thereof is appropriate. See TBMP section 511. The Board may consolidate proceedings by its own initiative. See *World Hockey Ass'n v. Tudor Metal Products Corp.*, 185 USPQ 246 (TTAB 1975). Accordingly, opposer's motion (filed March 29, 2004) to consolidate the above-captioned proceedings is moot.

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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. 91158224 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 three 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 for the consolidated proceedings are hereby reset in accordance with the schedule set forth in Opposition No. 91159448, the most junior of the consolidated proceedings. Those dates are as follows:

DISCOVERY PERIOD TO CLOSE: **8/31/04**

Plaintiff's thirty-day testimony period to close: **11/29/04**

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Defendant's thirty-day testimony period to close: **1/28/05**

Plaintiff's fifteen-day rebuttal period to close **3/14/05**

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.