

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

LEO STOLLER
P.O. Box 35189
Chicago, IL 60707

Opposer,

vs.

NORTHERN TELEPRESENCE
CORPORATION
(a Vermont corporation)
96 John Putnam Memorial Drive
Cambridge, VT 95444-0267

Applicant.

Opposition No. 91162195

Application SN: 76-308,975

TTAB

NORTHERN TELEPRESENCE
CORPORATION

Petitioner,

vs.

CENTRAL MFG. CO.

Respondent.

Cancellation No: 92043666

Registration No: 2,057,613

TTAB/FEE

MOTION TO CONSOLIDATE

NOW COMES the Opposer/Respondent and requests that the Board, pursuant to FRCP 42(a) and §511, consolidate petition for cancellation number 92043666 and Opposition No: 91162195.

Both cases involve common questions of law or fact and are pending before the Board. See FRCP 42(a). Leo Stoller filed an opposition to Application SN: 75,154,345 for the mark DARKSTAR. Leo Stoller and Central Mfg. Co. hold rights to thirteen (13) DARKSTAR Federal trademark registrations. Northern Telepresence Corporation has moved to cancel one of the Opposer/Respondent's registrations; No, 2,057,613. Northern Telepresence Corpora-



10-07-2004

U.S. Patent & TMO/TM Mail Rcpt Dt. #72

tion's standing for its petition to cancel is based on its alleged rights to Application SN: 75-154,345 which is the subject of Opposition No: 91162195.

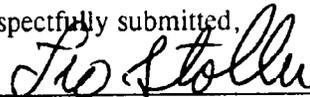
§511 - Motion to Consolidate:

... In determining whether to consolidate proceedings, the Board will weigh the savings in time, effort, and expense which may be gained from consolidation, against any prejudice or inconvenience which may be caused thereby. *See, for example, Wright & Miller, Federal Practice and Procedure: Civil §2383 (1971) ...*

The Board will note that Cancellation No. 92043666 and Opposition No: 91162195 were just initiated. Cancellation No. 92043666 was initiated by the Board on September 9, 2004 and Opposition No. 91162195 was initiated on September 22, 2004. The proceedings involve the same and/or related parties; the same mark; and are procedurally identical. Consolidation in cases like this should be granted by the Board because of the savings in time, efforts and expense which will be gained from the consolidation and neither party will be prejudiced or inconvenienced thereby.

WHEREFORE, the Opposer/Respondent prays that the Board consolidate Petition to Cancel No. 92043666 with Opposition No. 91162195. The Opposer/Respondent requests that the Board grant the Respondent thirty (30) days from the date of the Order of the Board to file its reply and/or otherwise plead to Petitioner's petition to cancel.

Respectfully submitted,



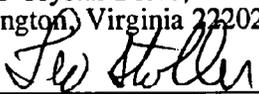
Leo Stoller d/b/a
CENTRAL MFG. Opposer
Trademark & Licensing Dept.
P.O. Box 35189
Chicago, Illinois 60707-0189
773 283-3880 FAX 708 453-0083

Date: October 1, 2004

Certificate of Mailing

I hereby certify that the foregoing document is being sent by first class mail with the United States Postal Service in an envelope addressed to:

Box TTAB/NO FEE
Assistant Commissioner of Patents and Trademarks,
2900 Crystal Drive,
Arlington, Virginia 22202-3513

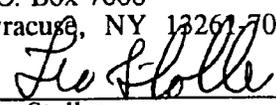


Leo Stoller
October 1, 2004

Certificate of Service

I hereby certify that the foregoing document is being sent by First Class U.S. Mail with the United States Postal Service in an envelope addressed to:

Steven W. Caldwell
BURR & BROWN
P.O. Box 7068
Syracuse, NY 13261-7068



Leo Stoller
Date: October 1, 2004

D:\MARKS34\NORTHERN.MOT

**UNITED STATES PATENT AND TRADEMARK
OFFICE**

Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Mailed: September 9, 2004

CENTRAL MFG. CO.
PO BOX 35189
CHICAGO, IL 607070189

Cancellation No. 92043666
Reg. No. 2057613

STEPHE W. CALDWELL
BURR & BROWN
PO BOX 7068
SYRACUSE, NY 13261-7068

Northern Telepresence Corporation

V.

CENTRAL MFG. CO.

HAROLD ROSS: LEGAL ASSISTANT

A petition, a copy of which is attached, has been filed to cancel the above-identified registration.

Proceedings will be conducted in accordance with the Trademark Rules of Practice.

ANSWER IS DUE FORTY DAYS after the mailing date hereof.
(See Trademark Rule 2.196 for expiration date falling on Saturday, Sunday or a holiday).

Proceedings will be conducted in accordance with the Trademark Rules of Practice, set forth in Title 37, part 2, of the Code of Federal Regulations. The parties are reminded of the recent amendments to the Trademark Rules that affect the rules of practice before the TTAB. See Rules of Practice for Trademark-Related Filings Under the Madrid Protocol Implementation Act, 68 Fed. R. 55,748 (September 26, 2003) (effective November 2, 2003); Reorganization of Correspondence and Other Provisions, 68 Fed. Reg. 48,286 (August 13, 2003) (effective September 12, 2003). Notices concerning the rules changes, as well as the

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

Mailed: September 22, 2004

Opposition No 91162195
Serial No. 76308975

STEPHEN P BURR
BURR & BROWN
PC BOX 7068
SYRACUSE, NY 13261-7068

LEO STOLLER

v.

Northern Telepresence Corporation

MR. LEO STOLLER
CENTRAL MFG. CO.
P.O. BOX 35189
CHICAGO, IL 60707-0189

George Woods, Legal Assistant:

A notice of opposition to the registration sought in the above-identified application has been filed. A copy of the notice is attached.

ANSWER IS DUE FORTY DAYS after the mailing date hereof.
(See Trademark Rule 2.196 for expiration date falling on Saturday, Sunday or a holiday).

Proceedings will be conducted in accordance with the Trademark Rules of Practice, set forth in Title 37, part 2, of the Code of Federal Regulations. The parties are reminded of the recent amendments to the Trademark Rules that affect the rules of practice before the TTAB. See Rules of Practice for Trademark-Related Filings Under the Madrid Protocol Implementation Act, 68 Fed. R. 55,748 (September 26, 2003) (effective November 2, 2003); Reorganization of Correspondence and Other Provisions, 68 Fed. Reg. 48,286 (August 13, 2003) (effective September 12,