

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Baxley

Mailed: April 15, 2005

Opposition No. 91162366

Opposition No. 91162746

Monster Cable Products, Inc.

v.

Hansen Beverage Company

(as consolidated)

Andrew P. Baxley, Interlocutory Attorney:

Inasmuch as the above-captioned proceedings involve common issues of law and fact, applicant's motion (filed April 13, 2005) to consolidate them is hereby granted as well-taken.¹ Opposition Nos. 91162346 and 91162746 are hereby consolidated.

The newly consolidated proceedings 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).

Opposition Nos. 91162366 and 91162746

The Board file will be maintained in Opposition No. 91162346 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.

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 procedure, the discovery and trial dates for the consolidated proceeding remain as set forth in the institution order for Opposition No. 91162746, the most recently instituted of the consolidated proceedings. Those dates are as follows:

DISCOVERY PERIOD TO CLOSE:	05/20/05
Plaintiff's 30-day testimony period to close:	08/18/05
Defendant's 30-day testimony period to close:	10/17/05
15-day rebuttal testimony period to close:	12/01/05

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.

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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.