

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

Mailed: August 23, 2006

Opposition No. **91164633**

Opposition No. **91167053**

WELLS FARGO & COMPANY

v.

Neteller Inc.

Frances S. Wolfson, Interlocutory Attorney:

On June 30, 2006, opposer filed a motion to consolidate proceedings and to extend the discovery and trial dates, with applicant's consent.

The Board may consolidate pending cases that involve common questions of law or fact. 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). Inasmuch as the parties to the respective proceedings are the same and the proceedings involve common questions of law or fact, the Board finds that consolidation of the above-referenced proceedings is appropriate.

In view thereof, opposer's motion to consolidate is hereby granted. Opposition Nos. 91164633 and 91167053 are hereby consolidated and may be presented on the same record

and briefs. Papers should bear the number of each of the consolidated cases, although Opposition No. 91164633 is treated as the "parent" case, and most of the papers filed by the parties, or issued by the Board, will be placed only in the file of the parent case. The parties need not file a copy for each consolidated case; a single copy, bearing the number of each consolidated case, normally is sufficient.

Consolidated cases do not lose their separate identity because of consolidation. Each proceeding retains its separate character and requires entry of a separate judgment. See Wright & Miller, Federal Practice and Procedure: Civil §2382 (1971).

Trial dates, including the close of discovery, are reset as indicated below.

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|------------------------------------------------------------------------------|------------------------|
| DISCOVERY PERIOD TO CLOSE: | October 6, 2006 |
| 30-day testimony period for party in the position of plaintiff to close: | January 4, 2007 |
| 30-day testimony period for party in the position of the defendant to close: | March 5, 2007 |
| 15-day rebuttal period for party in the position of the plaintiff to close: | April 19, 2007 |

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 Rules 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.