

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

Mailed: October 19, 2006

Opposition No. 91169773

Opposition No. 91172878

INTER-TEL, INC.

v.

AIRCELL, INC.

Frances S. Wolfson, Interlocutory Attorney:

Applicant's motion (filed September 18, 2006 with opposer's consent) to consolidate Opposition Nos. 91169773 and 91172878 is granted.

Accordingly, Opposition Nos. 91169773 and 91172878 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. 91169773 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).

Applicant's answer in Opposition No. 91172878 is due within TWENTY DAYS from the mailing date of this order. Trial dates, including the close of discovery, are reset as indicated below.

DISCOVERY PERIOD TO CLOSE: **April 20, 2007**

30-day testimony period for party in the position of plaintiff to close: **July 19, 2007**

30-day testimony period for party in the position of the defendant to close: **September 17, 2007**

15-day rebuttal period for party in the position of the plaintiff to close: **November 1, 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.