

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

Lykos

Mailed: October 18, 2006

Opposition Nos. 91170222  
91170262  
91170263  
91172299

Take-Two Interactive Software,  
Inc.

v.

JMPB, Inc.

(as consolidated)

Angela Lykos, Interlocutory Attorney

Applicant's consented motions to consolidate the above referenced proceedings and extend the discovery and testimony periods therefore are hereby granted. By this order, Opposition Nos. 91170222, 91170262, 91170263 and 91172299 are hereby consolidated. Consequently, the parties' future submissions should be captioned in the above manner.

When cases involving common questions of law or facts are pending before the Board, the Board may order, upon its own initiative or upon motion, the consolidation of the cases. See Fed. R. Civ. P. 42(a) and TBMP § 511 and authorities cited therein.

A review of the pleadings in the above identified opposition proceedings indicates that the parties are the same, and the proceedings involved substantially identical questions of fact and law. For these reasons, these proceedings may be presented on the same record without appreciable inconvenience or confusion. Moreover, the consolidation would be equally advantageous to those parties in the avoidance of duplication of effort, loss of time, and the extra expense involved in conducting the proceedings individually.

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. 91170222 as the "parent" case. As a general rule, only a single copy of any paper or motion should be filed herein; but that copy should bear all proceeding numbers in its caption. Exceptions to the general rule involve stipulated extensions of the discovery and 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 pleadings; a copy of the decision shall be placed in each proceeding filed.

The parties are further advised that they are to inform the Board if any subsequent oppositions or cancellations are instituted which involve the same parties in the same issues.

In accordance with the parties' agreement and consistent with standard Board practice, the schedule for these consolidated cases is reset to reflect the schedule of the youngest of the cases.

THE PERIOD FOR DISCOVERY TO CLOSE:	2/28/07
30-day testimony period for party in position of plaintiff to close:	5/29/07
30-day testimony period for party in position of defendant to close:	7/28/07
15-day rebuttal testimony period for plaintiff to close:	9/11/07

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.