

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

WINTER

Mailed: August 7, 2007

Opposition No. 91175445

Opposition No. 91175447

Coherix, Inc.

v.

Coherex Medical, Inc.

Cheryl Butler, Attorney, Trademark Trial and Appeal Board:

These cases now come up for consideration of the parties' stipulated motion (filed June 3, 2007 in Opposition No. 91175447) to consolidate the above-referenced proceedings and applicant's consented motions (filed July 2, 2007 in each opposition proceeding) for a sixty-day suspension because the parties are negotiating for possible settlement of both cases.

On review of the notices of opposition, the Board notes that in each proceeding listed above, opposer brings the same claims of likelihood of confusion connection with its pleaded registered mark COHERIX (U.S. Reg. No. 2615937) and common law usage of the trademark and service mark COHERIX, against applicant's pending trademark applications, Serial Nos. 78898624 and 77016092, for the marks COHEREX MEDICAL and COHEREX MEDICAL (and design), respectively. In

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each case applicant has filed an answer denying the salient allegations of the notice of opposition.

Because the parties are the same and the two proceedings involve common issues of law and fact, the Board believes that the interest of judicial economy will be served by consolidation of Opposition Nos. 91175445 and 91175447. See Fed. R. Civ. P. 42(a) and TBMP §511 (2nd ed. rev. 2004).

Accordingly, the parties' stipulated motion to consolidate is granted. Opposition Nos. 91175445 and 91175447 may be presented on the same records and briefs. The record will be maintained in Opposition No. **91175445** as the "parent" case, but all papers filed in these cases should include both proceeding numbers in ascending order. *Id.*

Applicant's consented motions for suspension are also granted. Proceedings herein are suspended as requested, subject to the right of either party to request resumption at any time. See Trademark Rule 2.117(c), 37 C.F.R. §2.117(c).

In the event that there is no word from either party concerning the progress of their negotiations, upon conclusion of the suspension period, proceedings shall resume without further notice or order from the Board, upon the schedule set out below.

The parties are allowed **THIRTY DAYS** from resumption in which to serve responses to any outstanding discovery

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requests.¹ Trial dates, including the close of discovery, are reset as follows:

Proceedings Resume:	October 8, 2007
Discovery period to close:	December 7, 2007
Thirty-day testimony period for party in position of plaintiff to close:	March 6, 2008
Thirty-day testimony period for party in position of defendant to close:	May 5, 2008
Fifteen-day rebuttal testimony period to close:	June 19, 2008

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. See Trademark Rule 2.125, 37 C.F.R. §2.125.

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b), 37 C.F.R. §§2.125(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129, 37 C.F.R. §2.129.

¹ This is simply a scheduling order, not an order compelling discovery.