

ESTTA Tracking number: **ESTTA166247**

Filing date: **10/02/2007**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91177234
Party	Defendant Alaris Group, Inc., The
Correspondence Address	Kristine M. Boylan Merchant & Gould P.C. 80 South Eighth Street, Ste 3200 Minneapolis, MN 55402-2215 UNITED STATES kboylan@merchantgould.com, misaacson@merchantgould.com, dockmpls@merchantgould.com, kandresen@bssda.com
Submission	Other Motions/Papers
Filer's Name	Kristine Boylan
Filer's e-mail	kboylan@merchantgould.com, misaacson@merchantgould.com, dockmpls@merchantgould.com, kandresen@bssda.com
Signature	/Kristine Boylan/
Date	10/02/2007
Attachments	2007 10 02 Response to Consolidation.pdf (8 pages)(212652 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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|------------------------------|---|---------------------------|
| 1. CARDINAL HEALTH 303, INC. | : | |
| | : | |
| Opposer | : | |
| | : | |
| v. | : | Opposition No. 91-177,234 |
| | : | |
| THE ALARIS GROUP, INC. | : | |
| | : | |
| Applicant | : | |
| | : | |
| 2. CARDINAL HEALTH 303, INC. | : | |
| | : | |
| Opposer | : | |
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| v. | : | Opposition No. 91-177,365 |
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| THE ALARIS GROUP, INC. | : | |
| | : | |
| Applicant | : | |
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| 3. CARDINAL HEALTH 303, INC. | : | |
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| 4. CARDINAL HEALTH 303, INC. | : | |
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| v. | : | Opposition No. 91-177,367 |
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| THE ALARIS GROUP, INC. | : | |
| | : | |
| Applicant | : | |

5. CARDINAL HEALTH 303, INC.	:	
	:	
Petitioner	:	
	:	
v.	:	Cancellation No. 92-048,172
	:	
THE ALARIS GROUP, INC.	:	
	:	
Registrant	:	

RESPONSE TO MOTION FOR CONSOLIDATION

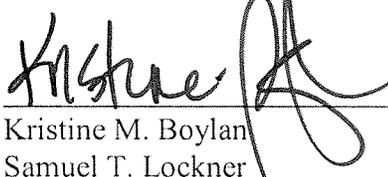
Applicant and Registrant, The Alaris Group, Inc., hereby consents to the consolidation requested by Opposer and Petitioner, Cardinal Health 303, Inc.

In addition, Alaris hereby requests a ruling that all outstanding discovery already served in the Oppositions remain due in the regular course. In other words, Alaris requests that Cardinal Health’s obligation to answer discovery – contrary to Cardinal Health 303, Inc’s assertion¹ – will not be stayed on the basis of the Motion for Consolidation or on the basis that a new scheduling order will be set by the Board to govern the consolidated actions. There is no reason for delay in discovery that has already been properly served. There is no reason why Cardinal Health cannot answer discovery by its due date, October 24, 2007. Alaris will consent to the consolidation, but should not be prejudiced by a delay in discovery.

Alaris respectfully requests entry of the attached Order (Exhibit B).

¹ See Exhibit A.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kristine M. Boylan", written over a horizontal line.

Kristine M. Boylan
Samuel T. Lockner
MERCHANT & GOULD P.C.
80 South Eighth Street, Suite 3200
Minneapolis, MN 55402-2215
Telephone: (612) 332-5300

Dated: October 2, 2007

*Attorneys for the Applicant and Registrant
The Alaris Group, Inc.*

Kristine M. Boylan

From: True, Mary [mtrue@bricker.com]
Sent: Monday, October 01, 2007 1:36 PM
To: Kristine M. Boylan
Cc: Dreitler, Joseph
Subject: Alaris Oppositions - discovery requests

Dear Ms. Boylan -

We are in receipt of your answers and discovery requests, which arrived on Monday of last week, and have forwarded them to our client. However, inasmuch as we have recently filed a Cancellation action and Motion to Consolidate that action with the four pending Oppositions, we will be responding to your discovery within the parameters that will be set by the Board once it has ruled on the Motion to Consolidate.

Please let me know if you have any questions.

Regards -

Mary R. True



Mary R. True

Direct Dial 614.227.4873
mtrue@bricker.com

V-CARD BIO

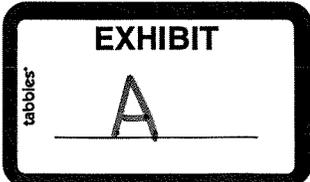
Bricker & Eckler LLP
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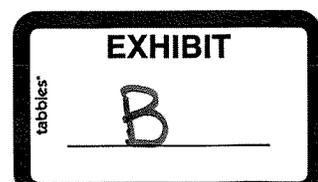
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5. CARDINAL HEALTH 303, INC. :
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 Petitioner :
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 v. : Cancellation No. 92-048,172
 :
 THE ALARIS GROUP, INC. :
 :
 Registrant :

ORDER

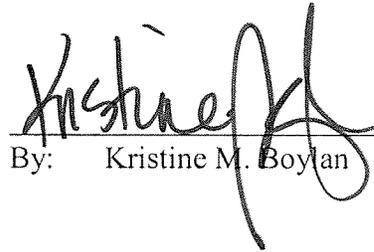
IT IS HEREBY ORDERED THAT:

- 1. The matters will be consolidated; and
- 2. Answers and Responses due to discovery already served in the Oppositions shall remain due as provided by 37 CFR § 2.120(a); TBMP § 403.03.

Dated: _____

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being filed electronically through on-line TTAB filing systems, ESTTA on October 2, 2007.


By: Kristine M. Boylan

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing RESPONSE TO MOTION FOR CONSOLIDATION has been served on counsel for Opposer via regular U.S. Mail this 2nd day of October, 2007 as follows:

Joseph R. Dreitler
Mary R. True
Bricker & Eckler LLP
100 S. Third Street
Columbus, OH 43215-4291
jdreitler@bricker.com

Date: 10/2/07


Miriam Isaacson