

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

Mailed: February 24, 2009

Opposition No. 91178464

Opposition No. 91186116

Head Technology GmbH

v.

MBL/TIGI PRODUCTS, LP

George C. Pologeorgis, Interlocutory Attorney:

Opposer's motion (filed January 5, 2009) to consolidate Opposition Nos. 91178464 and 91186116 is hereby granted as conceded. See Trademark Rule 2.127(a); see also Fed. R. Civ. P. 42(a) and TBMP § 511 (2d ed. rev. 2004). Accordingly, Opposition Nos. 91178464 and 91186116 are hereby consolidated to the extent indicated below and may be presented on the same record and briefs.

The Board file will be maintained in Opposition No. 91178464 as the "parent" case. The parties should no longer file separate papers in connection with each proceeding. Only a single copy of each paper should be

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filed by the parties and each paper should bear the case captions as set forth above.¹

In accordance with Board practice, discovery, disclosure deadlines and trial dates are reset to conform to the dates latest set in the opposition proceedings that are being consolidated. In this instance, those dates are those set forth in Opposition No. 91186116. However, inasmuch as the parent case, i.e., Opposition No. 91178464, was instituted prior to November 1, 2007, the effective date of the Board's new rules regarding trial schedules, Opposition No. 91178464 is deemed suspended until the parties exchange their respective initial disclosures in Opposition No. 91186116 by the deadline set forth below. Once initial disclosures are exchanged in Opposition No. 91186116, the two opposition proceedings consolidated herein will proceed on the trial schedule found below starting with the expert disclosure deadline.

Moreover, in light of the slight delay in consolidating these proceedings, conferencing and disclosure deadlines, as well as discovery and trial dates,

¹ The parties should promptly inform the Board in writing of any other related *inter partes* proceedings. See Fed. R. Civ. P. 42(a).

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for these now consolidated opposition proceedings are reset
as follows:²

Initial Disclosures Due	4/10/2009
Expert Disclosures Due	8/8/2009
Discovery Closes	9/7/2009
Plaintiff's Pretrial Disclosures	10/22/2009
Plaintiff's 30-day Trial Period Ends	12/6/2009
Defendant's Pretrial Disclosures	12/21/2009
Defendant's 30-day Trial Period Ends	2/4/2010
Plaintiff's Rebuttal Disclosures	2/19/2010
Plaintiff's 15-day Rebuttal Period Ends	3/21/2010

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.

NEWS FROM THE TTAB:

The USPTO published a notice of final rulemaking in the
Federal Register on August 1, 2007, at 72 F.R. 42242. By
this notice, various rules governing Trademark Trial and
Appeal Board inter partes proceedings are amended. Certain
amendments have an effective date of August 31, 2007, while
most have an effective date of November 1, 2007. For
further information, the parties are referred to a reprint

² In light of the instant order, the parties' stipulated motions
to extend (filed on February 9, 2009) in both Opposition Nos.
91178464 and Opposition No. 91186116 are deemed moot and will be
given no further consideration.

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of the final rule and a chart summarizing the affected rules, their changes, and effective dates, both viewable on the USPTO website via these web addresses:

<http://www.uspto.gov/web/offices/com/sol/notices/72fr42242.pdf>

http://www.uspto.gov/web/offices/com/sol/notices/72fr42242_FinalRuleChart.pdf

By one rule change effective August 31, 2007, the Board's standard protective order is made applicable to all TTAB inter partes cases, whether already pending or commenced on or after that date. However, as explained in the final rule and chart, this change will not affect any case in which any protective order has already been approved or imposed by the Board. Further, as explained in the final rule, parties are free to agree to a substitute protective order or to supplement or amend the standard order even after August 31, 2007, subject to Board approval. The standard protective order can be viewed using the following web address:

<http://www.uspto.gov/web/offices/dcom/ttab/tbmp/stndagmnt.htm>