TTAB

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

Mailed: January 24, 2008

Opposition Nos. 91180684 (parent)
91180685

77/046,033

Ingram Micro Inc.

v.

Super Talent Technology, Corp.

Robert H. Coggins,
Interlocutory Attorney:

It has come to the Board's attention that the institution orders for Opposition Nos. 91180684 and 91180685 contemplate oppositions under the amended Trademark Rules which were effective November 1, 2007.[1] However, because the deadline for filing the involved oppositions was October 31, 2007,[2] and the notices of opposition filed with the Board against each involved application herein contain a certificate of mailing under Trademark Rule 2.197 showing the date of mailing as October 31, 2007, the Board should

[1] 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. These rule changes are more fully explained at the end of this order.

[2] On August 3, 2007, the Board granted extensions of time to oppose each of the involved applications until October 31, 2007.

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have instituted these oppositions under the rules in effect for oppositions filed on October 31, 2007. In view thereof, the Board herein below clarifies and resets the dates in these proceedings and advises the parties that these oppositions are instituted under the Trademark Rules in effect for oppositions filed on October 31, 2007. Before clarifying and resetting the dates, however, the Board addresses the issues of consolidation and the changes of address filed by counsel for applicant.

Consolidation

It has come to the attention of the Board that Opposition Nos. 91180684 and 91180685 involve the same parties and common questions of law and fact. It would therefore be appropriate to consolidate these proceedings pursuant to Fed. R. Civ. P. 42(a).

Consolidation is discretionary with the Board, and may be ordered upon motion granted by the Board, or upon stipulation of the parties approved by the Board, or upon the Board's own initiative. *See, for example*, Wright & Miller, Federal Practice and Procedure: Civil §2383 (2004); *Regatta Sport Ltd. v. Telux-Pioneer Inc.*, 20 USPQ2d 1154 (TTAB 1991) (Board's initiative).

Accordingly, the above-noted opposition proceedings are hereby consolidated and 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 1432 (TTAB 1993).

The Board file will be maintained in Opposition No. 91180684 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 filed by the parties and each paper should bear the case caption as set forth above.

Changes of Address

On January 16, 2008, counsel for applicant filed changes of correspondence address with the Trademark Examining Operation via the USPTO's electronic TEAS filing system. Insofar as the involved applications are subject to the Board's jurisdiction within the context of the current opposition proceeding, counsel for applicant should have filed the changes of correspondence with the Board. The Board permits electronic filing of papers via the Board's electronic system, ESTTA, available at http://estta.uspto.gov. The Board notes the changes of correspondence address and has made them of record in these consolidated opposition proceedings.

The Board also notes that the changes of address fail to indicate proof of service on opposer as required by Trademark Rule 2.119. Strict compliance with Trademark Rule

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 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

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