

ESTTA Tracking number: **ESTTA189268**

Filing date: **01/28/2008**

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

Proceeding	91181476
Party	Defendant Spinal Elements, Inc.
Correspondence Address	CATHERINE HOLLAND KNOBBE, MARTENS, OLSON & BEAR LLP 2040 MAIN ST FL 14 IRVINE, CA 92614-7216 efiling@kmob.com
Submission	Motion to Consolidate
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Date	01/28/2008
Attachments	QORTHOT.036M.pdf (4 pages)(131992 bytes)

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

Spinal Elements, Inc.

Opposer/Applicant,

v.

Integra LifeSciences Corporation,

Applicant/Opposer.

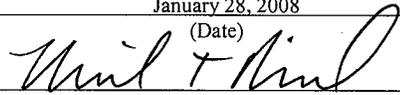
Opposition Nos. 91178126 and
91181476

Serial Nos. 77/033,256 and
77/010,060

I hereby certify that this correspondence is being
transmitted by electronic mail to the Trademark Trial
and Appeal Board through its web site located at
<http://estta.uspto.gov>

January 28, 2008

(Date)



Michael T. Richmond

STIPULATED MOTION TO CONSOLIDATE OPPOSITION PROCEEDINGS

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Dear Sir or Madam:

Pursuant to Fed. R. Civ. P. 42(a) and T.B.M.P. §511, the parties to the above-referenced Oppositions, hereby move the Trademark Trial and Appeal Board ("TTAB") to consolidate Opposition Numbers 91178126 and 91181476 into one proceeding.

The current Opposition proceedings before the Board involve common questions of law and fact, similar marks and the same parties. To avoid duplicative litigation and promote judicial economy, while preserving the interest of the parties in the Oppositions, the above Oppositions should be consolidated and treated as one proceeding.

On September 28, 2006, Spinal Elements, Inc. (“Spinal Elements”) filed its Application Ser. No. 77/010,060 MOSAIC for “spinal implants comprising artificial materials; surgical instruments for use in spinal surgery; medical devices, namely vertebral body replacements, spinal prosthetics, spinal fusion implants and polymer orthopedic implants” in International Class 010. On October 31, 2006, Integra LifeSciences Corporation (“Integra”) filed its Application Ser. No. 77/033,256 INTEGRA MOZAIK for “bone regeneration matrices, namely, bone graft substitutes of collagen ceramic matrices in a moldable and compression resistant forms” in International Class 010.

On June 29, 2007, Spinal Elements filed Notice of Opposition to registration of Integra’s INTEGRA MOZAIK mark (Proceeding No. 91178126) on the grounds of priority and likelihood of confusion with its MOSAIC mark. On December 21, 2007, Integra filed Notice of Opposition to registration of Spinal Elements MOSAIC mark (Proceeding No. 91181476) on the grounds the mark is either merely descriptive or deceptively misdescriptive.

These two proceedings involve the same parties and the same applications. Further, Integra’s Amended Answer to Spinal Element’s Notice of Opposition to registration of Integra’s INTEGRA MOZAIK mark pleads as alternative affirmative defenses that Spinal Element’s mark MOSAIC is merely descriptive or deceptively misdescriptive. These affirmative defenses present the identical issue as Integra’s Notice of Opposition to registration of Spinal Elements MOSAIC mark.

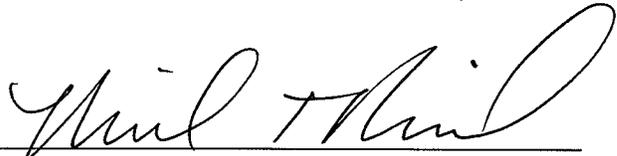
Consolidation will save the TTAB and the parties time, effort and expense that would be required in four separate opposition proceedings. This Motion is sought for purposes of judicial economy and not for reasons of delay. Integra LifeScience’s counsel consented to this Motion in a telephone conversation on January 11, 2008.

Accordingly, Spinal Elements, Inc. respectfully requests that the Board grant this Stipulated Motion and consolidate Opposition Numbers 91178126 and 91181476.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 1-28-2008

By: 

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CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing **STIPULATED MOTION TO CONSOLIDATE OPPOSITION PROCEEDINGS** upon Applicant's counsel by depositing one copy thereof in the United States Mail, first-class postage prepaid, on January 14, 2008, addressed as follows:

Peter D. Vogl
JONES DAY
222 East 41st Street
New York, NY 10017


Debbie Battani