

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

MBA

Mailed: February 4, 2008

Opposition No. 91178126

Opposition No. 91181476

Spinal Elements, Inc.

v.

Integra LifeSciences
Corporation

Michael B. Adlin, Interlocutory Attorney:

The parties' stipulated motion for consolidation of the above-referenced proceedings, filed January 28, 2008 in each proceeding, is hereby **GRANTED**. See Trademark Rule 2.127(a).¹ Accordingly, Opposition Nos. 91178126 and 91181476 are hereby consolidated.

The consolidated cases 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*, 27 USPQ2d 1423 (TTAB 1993).

¹ When cases involving common questions of law or fact are pending before the Board, the Board may order the consolidation of the cases. See Fed. R. Civ. P. 42(a); see also, *Regatta Sport Ltd. v. Telux-Pioneer Inc.*, 20 USPQ2d 1154 (TTAB 1991).

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The Board file will be maintained in Opposition No. 91178126 as the "parent" case. As a general rule, from this point on only a single copy of any paper or motion should be filed herein; but that copy should bear both proceeding numbers in its caption.

Despite being consolidated, each proceeding retains its separate character. The decision on the consolidated cases shall take into account any differences in the issues raised by the respective pleadings; a copy of the decision shall be placed in each proceeding file.

The discovery and trial schedule in these consolidated cases shall be coextensive with the schedule set in the later-filed case, Opposition No. 91181476. Accordingly, the discovery and trial schedule in these consolidated cases is as follows:

Deadline for Discovery Conference	February 29, 2008
Discovery Opens	February 29, 2008
Initial Disclosures Due	March 30, 2008
Expert Disclosures Due	July 28, 2008
Discovery Closes	August 27, 2008
Plaintiff's Pretrial Disclosures	October 11, 2008
Plaintiff's 30-day Trial Period Ends	November 25, 2008
Defendant's Pretrial Disclosures	December 10, 2008
Defendant's 30-day Trial Period Ends	January 24, 2009

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Plaintiff's Rebuttal Disclosures

February 8, 2009

Plaintiff's 15-day Rebuttal Period Ends

March 10, 2009

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. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rule 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 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>
