

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

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Mailed: December 22, 2009

Opposition No. 91192093

Pirelli Tyre S.p.A.

v.

Zero Motorcycles, Inc.

Opposition No. 91192475
Cancellation No. 92051520

Pirelli Tyre S.p.A. and
PIRELLA & C. S.p.A.

v.

Zero Motorcycles, Inc.

Cheryl Butler, Attorney, Trademark Trial and Appeal Board:

On December 15, 2009, the parties filed a stipulated motion to consolidate Opposition No. 91192093, Opposition No. 91192475 and Cancellation No. 92051520.

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);

Opposition No. 91192093, Opposition No. 91192475 and Cancellation No. 92051520

and *Helene Curtis Industries Inc. v. Suave Shoe Corp.*, 13 USPQ2d 1618 (TTAB 1989) (stipulation).

The Board has reviewed the records in all proceedings and concludes that Opposition No. 91192093, Opposition No. 91192475 and Cancellation No. 92051520 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).

Accordingly, the motion is granted, and the above-noted oppositions and cancellation proceedings are hereby consolidated and may be presented on the same record and briefs.

The Board file will be maintained in Opposition No. **91192093** 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.

The answers filed in each case are noted and entered. A counterclaim has been filed in Cancellation No. 92051520. The answer to the counterclaim is also noted and entered. The parties are to follow their agreed-upon schedule as copied below:

**Opposition No. 91192093, Opposition No. 91192475 and Cancellation
No. 92051520**

Deadline for Discovery Conference	January 10, 2010
Discovery Opens	January 10, 2010
Initial Disclosures Due	February 9, 2010
Expert Disclosures Due	June 9, 2010
Discovery Closes	July 9, 2010
Plaintiff's Pretrial Disclosures	August 23, 2010
30-day testimony period for Plaintiff's testimony to close	October 7, 2010
Defendant/Counterclaim Plaintiff's Pretrial Disclosures	October 22, 2010
30-day testimony period for Defendant and Plaintiff in the counterclaim to close	December 6, 2010
Counterclaim Defendant's and Plaintiff's Rebuttal Disclosures Due	December 21, 2010
30-day testimony period for defendant in the counterclaim and rebuttal testimony for plaintiff to close	February 4, 2011
Counterclaim Plaintiff's Rebuttal Disclosures Due	February 19, 2011
15-day rebuttal period for plaintiff in the counterclaim to close	March 21, 2011
Brief for plaintiff due	May 20, 2011
Brief for defendant and plaintiff in the counterclaim due	June 19, 2011
Brief for defendant in the counterclaim and reply brief, if any, for plaintiff due	July 19, 2011
Reply brief, if any, for plaintiff in the counterclaim due	August 3, 2011

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.

**Opposition No. 91192093, Opposition No. 91192475 and Cancellation
No. 92051520**

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.
