

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

mt

Mailed: December 14, 2010

Opposition No. 91191476
Opposition No. 91193525

Qwest Communications
International, Inc.

v.

Inquest Technologies

Andrew P. Baxley, Interlocutory Attorney:

On December 7, 2010,¹ applicant filed the parties' stipulation to consolidate the above-captioned proceedings and to amend the identification of goods in involved application Serial Nos. 77632395 and 77637264.

Because the above-captioned proceedings involve the same parties and common questions of law or fact, the Board hereby orders their consolidation. See Fed. R. Civ. P. 42(a); *Regatta Sport Ltd. v. Telux-Pioneer Inc.*, 20 USPQ2d 1154 (TTAB 1991); *Estate of Biro v. Bic Corp.*, 18 USPQ2d 1382 (TTAB 1991); and TBMP Section 511 (2d ed. rev. 2004).

¹ The stipulation does not include proof of service upon opposer, as required by Trademark Rule 2.119. If opposer has not received a copy of the stipulation, it may obtain one online at <http://ttabvueint.uspto.gov/ttabvue/>. Nonetheless, the Board expects all parties to comply with the service requirements of Trademark Rule 2.119(a) when filing submissions with the Board.

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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*, 26 USPQ2d 1423 (TTAB 1993).

The Board file will be maintained in Opposition No. 91191476 as the "parent" case. Once applicant files an answer in Opposition No. 91193525,² the parties should file only a single copy of any submission in the Board file for the parent case with both consolidated proceeding numbers set forth in the caption thereof.

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

The Board will now consider the proposed amendments to the involved applications. By the proposed amendments, applicant seeks to change the identification of goods in both involved applications **from** "computer hardware and computer software for use in network protocol analysis and measuring" **to** "computer hardware and software for use in

² If necessary, applicant's time to file an answer in Opposition No. 91193525 will be reset upon resumption of proceedings herein.

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analyzing and measuring computer network standards related to video signals."

The amendments are limiting in nature, as required by Trademark Rule 2.71(a). Because opposer consents thereto, they are approved and entered. See Trademark Rule 2.133(a).

Proceedings herein remain suspended. If entry of the amendments resolves this case, opposer should withdraw its oppositions within thirty days of the mailing date set forth in this order, failing which the oppositions will go forward on the applications as amended. See Trademark Rule 2.106(c).