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

Mailed: December 6, 2011

Opposition No. 91194218 (parent)
Opposition No. 91194219
Cancellation No. 92053479
Cancellation No. 92053482

Illumina, Inc.

v.

Meridian Bioscience, Inc.

Robert H. Coggins,
Interlocutory Attorney:

These cases come up on Illumina, Inc.'s motion (filed December 8, 2010, in Opposition No. 91194218) to amend the notices of opposition, and stipulated motion (filed July 22, 2011, in Cancellation Nos. 92053479 and 92053482) to further consolidate the opposition proceedings with the late-filed cancellation proceedings.

Motion to Amend

The motion to amend the notices of opposition in Opposition Nos. 91194218 and 91194219 is granted as conceded. Trademark Rule 2.127(a). Accordingly the respective amended notices of opposition are Illumina, Inc.'s operative pleadings in the respective opposition

proceedings. The Board notes that Meridian Bioscience, Inc. filed answers to the amended notices on December 22, 2010.

Motion to Further Consolidate

By the stipulated motion, the parties seek to consolidate Cancellation Nos. 92053479 and 92053482 with previously consolidated Opposition Nos. 91194218 and 91194219.

Consolidation is discretionary with the Board, and may be ordered upon motion granted by the Board, 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); *Helene Curtis Industries Inc. v. Suave Shoe Corp.*, 13 USPQ2d 1618 (TTAB 1989)(stipulation).

The Board has reviewed the records in each case and concludes that Opposition Nos. 91194218 and 91194219 and Cancellation Nos. 92053479 and 92053482 involve the same parties and common questions of law and fact. It would therefore be appropriate to consolidate these proceedings for all matters pursuant to Fed. R. Civ. P. 42(a). Accordingly, Cancellation Nos. 92053479 and 92053482 are consolidated with previously consolidated Opposition Nos. 91194218 and 91194219, all of which may be presented on the same record and briefs.

The Board file will continue to be maintained in Opposition No. 91194218 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 parties should promptly inform the Board of any other related cases within the meaning of Fed. R. Civ. P. 42.

Schedule

In view of the consolidation herein, the schedule for the consolidated cases will be that of the previously consolidated cases. This schedule gives the parties the benefit of the longest remaining discovery period. For the parties' convenience, the schedule is as follows.

Expert Disclosures Due	**12/19/2011**
Discovery Closes	**1/18/2012**
Plaintiff's Pretrial Disclosures	**3/3/2012**
Plaintiff's 30-day Trial Period Ends	**4/17/2012**
Defendant's Pretrial Disclosures	**5/2/2012**
Defendant's 30-day Trial Period Ends	**6/16/2012**
Plaintiff's Rebuttal Disclosures	**7/1/2012**
Plaintiff's 15-day Rebuttal Period Ends	**7/31/2012**

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 Rules 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.