

TTAB

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

Mailed: April 16, 2007

Cancellation No. 92047319
Cancellation No. 92047319

73684172

Lauth, Edward J., III

v.

EASTERN AIR LINES, INC.

Cindy B. Greenbaum, Attorney:

This case now comes up on petitioner's motion (filed April 13, 2007) to consolidate Cancellation Nos. 92044619 and 92047319. The Board has reviewed the records in both proceedings, and concludes that the proceedings 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).

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); *Regatta Sport Ltd. V. Telux-Pioneer Inc.*, 20 USPQ2d 1154 (TTAB 1991) (Board's initiative).

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

The Board file will be maintained in Cancellation No. 92044619 as the "parent" case. The parties should no longer file separate papers (except for the answer in

04-30-2007

Cancellation No. 92047319

Cancellation No. 92047319) 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 captions as set forth above.

The parties are to follow the discovery and trial schedule set forth in the institution order in Cancellation No. 92047319 (i.e., the proceeding with the most current schedule). Respondent's answer in Cancellation No. 92047319 remains due in accordance with said institution order.

United States Patent and Trademark Office

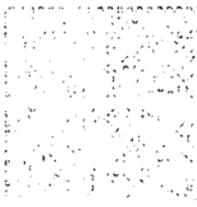
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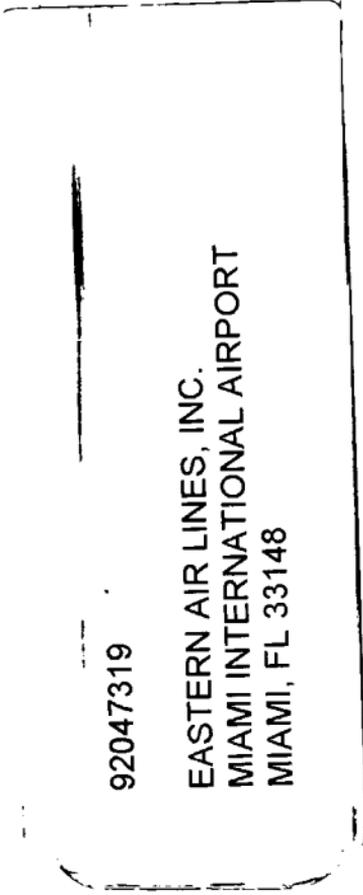


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