

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

Mailed: September 28, 2011

Cancellation No. 92054194
(PARENT CASE)

Cancellation No. 92054196

Medtronic, Inc.

v.

Snow/Wood LLC

Jennifer Krisp, Interlocutory Attorney:

Respondent's answer, filed August 12, 2011, is noted and is of record.

Petitioner's motion (filed August 23, 2011) to strike respondent's second defense is hereby granted as conceded, and as well-taken. See Trademark Rule 2.127(a).

Accordingly, said defense is hereby stricken.¹

The Board's file has been updated to reflect respondent's counsel's correspondence information, as filed herein on July 12, 2011.

CONSOLIDATION

The Board may consolidate pending cases that involve common questions of law or fact. See Fed. R. Civ. P. 42(a); *Regatta Sport Ltd. v. Telux-Pioneer Inc.*, 20 USPQ2d 1154

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(TTAB 1991); *Estate of Biro v. Bic Corp.*, 18 USPQ2d 1382 (TTAB 1991). Inasmuch as the parties to the proceedings are the same, and the proceedings involve common questions of law and/or fact, the Board finds that consolidation of the above-referenced proceedings is appropriate.

In view thereof, Cancellation Nos. 92054194 and 92054196 are hereby consolidated and may be presented on the same record and briefs. The record will be maintained in Cancellation No. 92054194 as the "PARENT CASE." (see caption above). The parties should no longer file separate motions and papers in each proceeding, but file only a single copy of each motion or paper in the parent case. Each motion or paper filed must caption all consolidated proceedings in ascending order, listing and identifying the parent case first, as in the caption set forth above.

Consolidated cases do not lose their separate identity because of consolidation. Each proceeding retains its separate character and requires entry of a separate judgment. The decision on the consolidated cases shall take into account any differences in the issues raised by the respective pleadings, and a copy of the final decision shall be placed in each proceeding file.

¹ However, petitioner must still prove its standing at trial.

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The parties are directed to promptly inform the Board of any other related cases within the meaning of Fed. R. Civ. P. 42.

Conferencing, discovery and trial dates remain as reset on September 26, 2011 in parent case Cancellation No. 92054194.

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 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.