

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

Am

Mailed: March 28, 2012

Opposition No. 91197762
Cancellation No. 92055153

Embarcadero Technologies,
Inc.

v.

Delphix Corp.

Ann Linnehan, Attorney

Applicant/Registrant's motion (filed February 24, 2012) to consolidate proceedings is hereby granted as conceded. See Fed. R. Civ. P. 42(a); and Trademark Trial and Appeal Board Manual of Procedure (TBMP) § 511 (3d ed. 2011).

Opposition No. 91197762 and Cancellation No. 92055153 are hereby consolidated and may be presented on the same record and briefs. Papers should bear the number of each of the consolidated cases, although Opposition No. 91197762 is treated as the "parent" case, and most of the papers filed by the parties, or issued by the Board, will be placed only in the file of the parent case. The parties need not file a copy for each consolidated case; a single copy, bearing the number of each consolidated case, normally is sufficient.

Opposition No. 91197762
Cancellation No. 92055153

Consolidated cases do not lose their separate identity because of consolidation. Each proceeding retains its separate character and requires entry of a separate judgment. See Wright & Miller, Federal Practice and Procedure: Civil §2382 (1971).

Trial dates for these now consolidated proceedings is reset such that the schedule for the more recently instituted Cancellation No. 92055153 is adopted for both proceedings (these consolidated proceedings). The stipulated motion filed on February 15, 2012 in Cancellation No. 92055153 is granted.

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.