

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Mail date: August 16, 2003

Opposition No. 153,234
Opposition No. 153,265
Opposition No. 153,266
Opposition No. 153,287
Opposition No. 153,450
Opposition No. 153,451
Opposition No. 153,732
Opposition No. 154,063
Opposition No. 154,064
Opposition No. 154,330
Opposition No. 154,360
Opposition No. 154,887
Opposition No. 155,456
Opposition No. 157,004

Hilti Aktiengesellschaft

v.

**Milwaukee Electric Tool
Corporation**

Cheryl Butler, Interlocutory Attorney

In an order dated July 8, 2003, the Board consolidated the first thirteen opposition proceedings listed above.¹ Opposition No. 157,004 has now been instituted, and applicant's answer is due by August 20, 2003.

The Board has determined that Opposition No. 157,004 and this consolidated proceeding involve the same parties and at

¹ The copy of said consolidation order sent to opposer's counsel has been returned as undeliverable notwithstanding that the address on the label coincides with the address of record. The Board includes a copy herewith for opposer's records.

Opposition No. 153,234; 153,265; 153,266; 153,287; 153,450; 153,451; 153,732; 154,063; 154,064; 154,330; 154,360; 154,887; and 155,456

least some of the same questions of law and fact. The Board may order the consolidation of the cases. The Board, in its discretion, may order cases consolidated prior to joinder of issue (i.e., before an answer has been filed in each case). See TBMP Section 511.

Accordingly, the Opposition No. 157,004 is hereby consolidated with the other listed oppositions and may be presented on the same record and briefs. (The record will be maintained at the Board in Opposition No. **153,234** as the "parent" case, but all papers filed in these cases should include both proceeding numbers in ascending order.)

The parties' stipulated motion to consolidate proceedings, filed July 16, 2003, is granted, except that applicant's answer is due as set. Proceedings herein are suspended until **six months** from the mailing date of this action to allow additional institution of oppositions against additional pending applications, and anticipated consolidation of such oppositions with the instant consolidated opposition. See Trademark Rule 2.117(c). The parties may notify the Board as the oppositions become instituted.

If, during the suspension period, either of the parties or their attorneys should have a change of address, the Board should be so informed.

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The Board has reviewed each of the above-identified oppositions, and answers have been filed. Each proceeding involves the same parties and at least some of the same questions of law and fact.

When cases involving common questions of law or fact are pending before the Board, consolidation of such cases may be appropriate. Proceedings may be consolidated upon the Board's own initiative. See Fed. R. Civ. P. 42(a); and TBMP Section 511. The Board finds it appropriate to consolidate the above-identified proceedings.

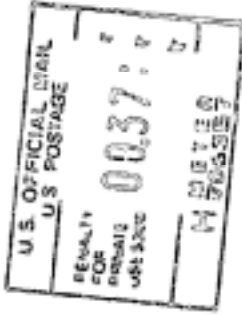
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Opposition No. 153,234; 153,265; 153,266; 153,287; 153,450; 153,451; 153,732;
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