

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

Mail date: February 25, 2004

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

Opposition No. 158,716
Opposition No. 158,765
Opposition No. 158,792

**Hilti Aktiengesellschaft and
Hilti, Inc.**

v.

**Milwaukee Electric Tool
Corporation**

Cheryl Butler, Interlocutory Attorney

In an order dated August 16, 2003, the Board consolidated the first fourteen oppositions listed above. The parties, on January 23, 2004, filed a motion to consolidate Opposition Nos. 158,716; 158,765; and 158,792 with the remaining oppositions. Answers are of record for the three additional oppositions.

The parties' motion to consolidate is granted, and Opposition Nos. 158,716; 158,765; and 158,792 are consolidated

Opposition Nos. 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; 158,716; 158,765; and 158,792

with the other listed oppositions. Opposition No. 153,234 is the "parent."¹

The parties' request that proceedings be suspended pending consolidation is granted, and proceedings are considered as having been so suspended.

Moreover, it has come to the Board's attention that Milwaukee Electric Tool is a party to a civil action involving the marks which are the subject matter of the applications at issue in this consolidated proceeding.²

Whenever it comes to the attention of the Board that the parties (or a party) to a case pending before it are involved in a civil action which may be dispositive of the Board case, proceedings before the Board may be suspended until final determination of the civil action. *See, for example, 37 CFR §2.117(a); and TBMP Section 510.02(a).*

The Board has carefully reviewed the pleadings in the civil action and finds that the civil action may be dispositive of, or at least have a strong bearing on, the present opposition. The court may make factual and legal determinations with respect to Milwaukee Electric Tool's marks that may be binding on the Board in this case, as well as other cases pending before the Board involving applicant's marks.

¹ Hilti, Inc. (opposer in Opposition Nos. 158,716; 158,765; and 158,792) and Hilti Aktiengesellschaft (opposer in the remaining fourteen oppositions) are now both named in the captioning of this consolidated proceeding.

² *Milwaukee Electric Tool Corporation v. Robert Bosch Tool Corporation*, Case No. 4:04CV001-PB in the United States District Court for the Northern District of Mississippi Greenville Division.

Opposition Nos. 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; 158,716; 158,765; and 158,792

Accordingly, proceedings herein are suspended pending disposition of the referenced civil action.

Within twenty days after the final determination of the civil action, the interested party should notify the Board so that this case may be called up for appropriate action. During the suspension period the Board should be notified of any address changes for the parties or their attorneys.

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